



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Applicants Comments on Responses by Interested Parties to the Second
Written Questions

October 2024

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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1 This Document has been prepared for submission at Deadline 5 of the Examination by the Planning Inspectorate into an application by Oaklands Farm Solar Limited ("the Applicant") (a wholly owned subsidiary of BayWa r.e UK Ltd - "BayWa") under the Planning Act 2008 for a Development Consent Order (a "DCO") for the construction, operation, maintenance and decommissioning of ground mounted solar photovoltaic arrays and a Battery Energy Storage System ("BESS") on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire ("the Proposed Development").
- 1.1.1 This Document provides the comments at Deadline 5 by the Applicant on the responses by Interested Parties to the ExQ2 which were submitted at Deadline 4.
- 1.1.2 This document has been prepared as part of the DCO application ("the Application") and should be read in conjunction with the other documents submitted within the Application and by the Applicant at Deadline 5.

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1.4	Applicant, Derbyshire County Council (DCC), South Derbyshire District Council (SDDC), Environment Agency (EA)				
<p>Articles 11(7), 14(9), 16(6) - Guillotine</p> <p>Articles 11(7), 14(9), 16(6) confer deemed consent if the authority does not respond within 28 days (a “guillotine”).</p> <p>DCC [REP1-026] and SDDC [REP1-029] consider that 28 days is a tight timeframe to deal with a submission, particularly if consultation is required between authorities, with internal consultees, or the Applicant. They ask that provision is made for the authority’s attention to be drawn to the guillotine.</p> <p>The EA [REP1-032] does not support “deemed approval” for any consents, but ask that provision is made for attention to be drawn to the guillotine if the approach is taken.</p> <p>The Applicant [REP1-025, REP3-032] does not consider it necessary for any application for consent to contain a statement drawing the authority’s attention to the deemed consent period as it considers that this is clearly and properly provided for within the dDCO [REP3-008] and DCC, SDDC and the EA have been made aware of the “deemed consent” provisions through this examination process. The Applicant has revised Articles 11(7), 14(9) and 16(6) to allow the 28-day period to be extended if agreed in writing between the parties. It does not propose any further amendments.</p> <p>With reference to the Applicant’s updates, the ExA notes that if an extension to the 28-day period is not agreed in writing then the “deemed approval” provisions would remain. The ExA notes the likely benefits for applications for consent to be properly considered, and for the timescales to be reasonable. It would like to find the right balance between not unnecessarily delaying the Proposed Development and ensuring that appropriate regard is given to the interests and advice of parties involved in considering applications for consent. The ExA refers to the form of words adopted in Articles 14(7), 18(12), 19(10), 21(7) of The A57 Link Roads Development Consent Order 2022.</p> <p>a) Do DCC, SDDC, and the EA still ask that provision is made for the authority’s attention to be drawn to the guillotine?</p> <p>b) Please could the Applicant comment?</p>					
Applicant at D4		SDDC at D4	DCC at D4	EA at D4	Applicant at D5
<p>(a) No response required.</p> <p>(b) The Applicant maintains its position that attention to the deemed approval provisions has been properly and proportionately brought to the attention of DCC, SDDC and the EA through the Examination procedure and proposes no further revisions at this time. In a meeting on 9 September 2024, the local planning authorities agreed that the Applicant’s revision [REP3-008] to allow the 28-day period to be extended with the written agreement of the parties alleviates their concerns and have informed the Applicant they will confirm this position in their Deadline 4 submissions. No further action is therefore proposed.</p>		<p>SDDC is now content that provision need not be made for the authority’s attention to be drawn to the guillotine, as the 28-day period can be extended</p>	<p>a) The County Council is aware of the 28 day guillotine and is also that the revised articles to allow for the extension of the 28 day period where agreed in writing by the parties involved. DCC does not ask for additional provisions drawing the authority’s attention to the guillotine.</p>	<p>We have no issues with Article 14 as our permitting process is a separate issue which is stated at clause (7).</p>	<p>The Applicant notes the position is agreed by the Interested Parties and that no further action is required.</p>

1.5	Applicant, DCC, SDDC, EA, Natural England (NE)					
<p>Article 2 – Interpretation</p> <p>DCC [REP1-026] and SDDC [REP1-029] consider that some site preparation works have the potential to create adverse noise and air quality impacts including “remedial work in respect of any contamination or other adverse ground conditions” and “site clearance (including vegetation removal, demolition of existing buildings and structures)”. They say that “commencement” should include site preparation works relating to protected species, archaeological remains and traffic.</p> <p>In relation to “site clearance (including vegetation removal, demolition of existing buildings and structures)”, the Applicant [REP3-032] has amended Requirement 9 - Construction environmental management plans (CEMP) to provide that for the purposes of Requirement 9, “commence” includes site clearance works.</p> <p>EA [REP1-032] consider that significant environmental effects from “remedial work in respect of any contamination or other adverse ground conditions” cannot be ruled out and advise that this is removed from “site preparations work”, and that such works are undertaken with controls that apply at commencement, including Requirements 9 and 13.</p> <p>In relation to “remedial work in respect of any contamination or other adverse ground conditions”, the Applicant [REP3-032] has amended Requirement 13 – Land contamination to provide that no remedial works in any phase of the development may commence until a contamination risk assessment has been produced.</p> <p>NE [REP1-037] say that if site preparation would involve the breaking the soil or other activity that could damage the soil through compaction etc. then further information about the potential impacts on Best Most Versatile (BMV) agricultural land should be included and suitable mitigation measures secured to ensure that this resource is not damaged. It says that additional mitigation measures must be proposed and secured to ensure that there is no impact on the designated sites features if any site preparation work in the River Mease Special Area of Conservation (SAC) and River Mease Site of Special Scientific Interest (SSSI) catchment has the potential to mobilise sediment.</p> <p>a) Please could the Applicant clarify how its updates would address the concerns raised by DCC and SDDC in relation to archaeological remains and traffic? Should updates also be made to Requirement 10 - Construction traffic management plan (CTMP) and Requirement 18 – Archaeology? Please could DCC and SDDC comment?</p> <p>b) Do DCC, SDDC, or EA have any remaining concerns in relation to the mitigation of site preparation works? How might they be resolved?</p> <p>c) Please could the Applicant comment on whether any updates are required to address NE’s concerns, including in relation to the River Mease SAC and SSSI? If not, why not?</p> <p>a) Please could NE set out any remaining concerns in relation to site preparation works at Deadline 5 and suggest how they might be resolved?</p>						
Applicant at D4		SDDC at D4	DCC at D4	EA at D4	NE at D4	Applicant at D5
<p>(a) The Applicant notes DCC [REP1-026] and SDDC’s [REP1-029] concerns and has revised Requirement 10 (construction traffic management plan) to include site preparation works comprising of site clearance works in the definition of “commence” for these Requirements to the effect that the CTMP must be submitted to and approved by the local planning authority prior to the commencement of site preparation works for a phase that could give rise to construction traffic. The Applicant has also revised Requirement 18(1) (archaeology) to require the written scheme for the investigation of areas of archaeological interest to be submitted to and approved by the local planning authority prior to the commencement of any phase of the development, including any phase requiring archaeological works that could give rise to archaeological impacts.</p> <p>(b) No response required.</p> <p>(c) The Applicant considers Requirement 9 (construction environmental management plans) to secure the necessary mitigation measures relating to the River Mease SAC and SSSI in that the CEMP for each phase of the authorised development must include a soil management plan, site waste and materials management measures, pollution control measures to prevent the introduction of any hazardous substances, a water quality and silt management plan, a protocol requiring consultation with the Environment Agency in the event that unexpected contaminated land is identified during ground investigation or construction, an environmental monitoring plan and flood risk management measures including surface water management. Prior to the carrying out of site preparation works, a soil management plan in relation to such works must be submitted and approved.</p> <p>Further to the issue of ExQ2, Natural England (NE), as set out in the Applicant’s response to ExQ 7.1 below, has agreed that “SuDS are not required and that the removal of annual inputs from intensive agriculture will provide an overall improvement in water quality” and that there is no adverse effect on the integrity of the River Mease SAC. The Applicant therefore considers that NE’s previous position has been superseded and the Applicant’s approach is appropriate.</p> <p>No further amendments are therefore considered necessary and no further action is proposed.</p> <p>(d) No response required.</p>		<p>SDDC is content in regard to the mitigation of site preparation works.</p>	<p>b) Commencement to include site clearance works which will therefore be controlled by Requirements 9 and 13. Requirement 13 to include a contamination risk assessment.</p> <p>DCC are content with the revised wording subject to the agreement of revisions by NE regarding impacts on the River Mease Special Area of Conservation (SAC) and River Mease Site of Special Scientific Interest (SSSI) catchment.</p>	<p>As the draft Development Consent Order [REP3-009].has been updated, we have no remaining concerns.</p> <p>Requirement 9 (Construction Environment Management Plan) now states, ‘(5) For the purposes of requirement 9(1) “commence” includes any site preparation works comprising site clearance (including vegetation removal, demolition of existing buildings and structures).</p> <p>Requirement 13 (Land Contamination) now states,‘(1) No part phase of the authorised development, and no part of the site preparation works for that phase comprising remedial work in respect of any contamination, is to be commenced until a contamination risk assessment in respect of soils has been produced.</p>	<p><i>No response</i></p>	<p>The Applicant notes the position is agreed by the Interested Parties and that no further action is required.</p>

1.9	Applicant, DCC, Staffordshire County Council (SCC)			
	Article 13 – Traffic regulation measures With reference to recent DCO precedent, should Article 13(5)(c) be added to ensure adequate notification of the powers under Articles 13(1) and 13(2): “(c) displayed a site notice containing the same information at each end of the length of road affected”?			
	Applicant at D4	DCC at D4	SCC at D4	Applicant at D5
	The Applicant has inserted a new Article 13(5)(c) to incorporate this wording.	DCC is content with the additions of article 13(5) (c).	We are content with the proposed amendment.	The Applicant notes the position is agreed by the Interested Parties and that no further action is required.

1.10	Applicant, DCC, SCC			
	Article 13 – Traffic regulation measures With reference to recent DCO precedent, should Article 13(5)(d) be added to ensure that the powers under Articles 13(1) and 13(2) could only be used once relevant traffic management plans are approved: “(d) either— (i) in relation to the construction of the authorised development only, have first obtained approval under requirement 10 for a construction traffic management plan for the phase of the authorised development in relation to which the power conferred by paragraph (1) or (2) is sought to be utilised; or (ii) in relation to the decommissioning of the authorised development only, have first obtained approval under requirement 22 for a decommissioning traffic management plan for the part of the authorised development in relation to which the power conferred by paragraph (1) or (2) is sought to be utilised.”			
	Applicant at D4	DCC at D4	SCC at D4	Applicant at D5
	The dDCO grants consent for traffic regulation measures to be imposed by the Applicant in connection with the construction or the decommissioning of the authorised development such that the additional wording is not considered strictly necessary. However, the Applicant has inserted Article 13(5)(d) to align the Article with Requirement 10 (construction traffic management plan) and Requirement 22 (decommissioning and restoration).	DCC is content with the inclusion in article 13 to require approval of TMPs	We are content with the proposed amendment.	The Applicant notes the position is agreed by the Interested Parties and that no further action is required.

1.11	Applicant, DDC		
	<p><u>Article 31 – Compulsory acquisition of land – incorporation of the mineral code</u> Reference is made to recent DCO precedent where a similar article was removed.</p> <p>a) Would there be any compulsory acquisition of mining rights? b) If not, should Article 31 be removed? c) Please could DCC comment</p>		
	Applicant at D4	DCC at D4	Applicant at D5
	<p>(a) The Applicant confirms it is not seeking compulsory acquisition of mining rights. However, this Article has been included as the Book of Reference identifies unknown interests in mines and materials within the Order limits</p> <p>(b) Article 31 (compulsory acquisition of land – incorporation of the mineral code) has been included on a precautionary basis, as it provides that the Undertaker is prevented from acquiring the rights to any mines and minerals underneath the acquired land, unless expressly purchased, and provides miner owners with the ability to work the mines and extract minerals, subject to restrictions.</p> <p>(c) No response required.</p>	<p>Although the site lies within the South Derbyshire Coalfield it is, in its entirety, identified as a 'Coal Development Low Risk' area. No coal mines are currently operating nor are any future working anticipated. DCC would agree that 'Article 31 – compulsory acquisition of land – incorporation of the mineral code' is not required and can therefore be removed.</p>	<p>The Applicant notes the response by DCC at D4 and agrees with the comment regarding the status of coal mines in the vicinity of the Site however, for the reasons given in its D4 response, the Applicant has retained Article 31 (compulsory acquisition of land – incorporation of the mineral code) in the dDCO. No further action is considered necessary.</p>

1.12	Applicant, SDDC		
	<p><u>Article 33 – Removal of human remains</u> Reference is made to recent DCO precedent where a similar article was removed.</p> <p>a) Are there any known burial grounds within the Order limits? b) Would provision for any archaeological human remains be included in the Written Scheme of Investigation secured by Requirement 18 – Archaeology? c) Does it follow that Article 33 can be removed? d) Please could SDDC comment?</p>		
	Applicant at D4	SDDC at D4	Applicant at D5
	<p>(a) The Applicant confirms there are no known burial grounds within the Order limits.</p> <p>(b) The written scheme for the investigation of areas of archaeological interest to be delivered in accordance with Requirement 18 (archaeology) would provide for the removal of any archaeological human remains found during the construction of the authorised development under the appropriate Ministry of Justice licence. The treatment of any archaeological human remains removed from site would follow requirements for analysis and/or reburial laid out in the written scheme of investigation and licence.</p> <p>(c) Article 33 (removal of human remains) has been removed from the dDCO to reflect this position.</p> <p>(d) No response required.</p>	<p>SDDC is not aware of any burial grounds within the Order limits.</p>	<p>The Applicant has no further comments at D5 and does not consider any further action necessary.</p>

1.15	SDDC		
	Requirement 5 – Detailed Design Approval		
	Is SDDC content that Requirement 5(1) secures sufficient details for detailed design approval? Please provide the reasoning for any addition		
	Applicant at D4	SDDC at D4	Applicant at D5
	The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.	SDDC is content that requirement 5(1) secures sufficient details.	The Applicant notes the position is agreed by South Derbyshire District Council and that no further action is required.

1.16	Applicant, SDDC, DDC			
	Requirement 5 – Detailed Design Approval			
	Design parameters			
	DCC [REP1-026] and SDDC [REP1-029] say that it would be helpful to have the design parameters in one certified document.			
	The Applicant [REP1-025, REP3-032] says that the design parameters relied on for the assessment are secured by sub-paragraph (2) of Requirement 5, which requires the detailed design to be in accordance with the principles and assessments set out in the ES and the outline design principles as set out in the design statement. The Applicant has amended sub-paragraph (2) to specifically reference Table 4.2.			
	Table 4.2 is in the Project Description [REP3-023].			
	<p>a) Please could the Applicant either ensure that the Project Description is referenced in Requirement 5(2) of the dDCO and added to the dDCO Schedule 12 – Documents to be Certified, <u>or</u> replicate Table 4.2 in the Design Statement [REP3-027] and update Requirement 5(2) accordingly to refer to that?</p> <p>b) Do DCC or SDDC have any remaining concerns in relation to the identification of design parameters? How might they be resolved?</p>			
	Applicant at D4	SDDC at D4	DCC at D4	Applicant at D5
	(a) The Applicant considers that the design parameters are appropriately secured in the dDCO within Requirement 5(2) (detailed design approval), with reference to Article 2 (interpretation) and, as the Design Statement and Chapter 4 (Project Description) will be certified by the Secretary of State under article 34 (certification of plans, etc.) and Schedule 12 (documents to be certified), the Applicant does not propose further amendments to the dDCO to avoid unnecessary duplication and repetition. (b) No response required.	SDDC would be content with these and would have no remaining concerns in relation to the identification of design parameters.	DCC has no further concerns regarding the design parameters as set out in the ES. Reference to Table 4.2 adds sufficient clarity.	The Applicant has no further comments at D5, based on the responses of IPs at D4.

1.17	Applicant, EA, NE			
	Requirement 8 - Landscape and ecological management plan (LEMP)			
	Should it be required for the LEMP to be submitted to and approved by the local planning authority in consultation with the EA and NE?			
	Applicant at D4	EA at D4	NE at D4	Applicant at D5
	The Applicant has inserted this drafting into Requirement 8.	There are no main rivers on or adjacent the site and the submitted ecological assessment doesn't suggest there is a risk to water dependant species/habitats for which the EA are the lead. Therefore, the LEMP would fall within the remit of NE and or the Local Planning Authority and the EA do not need to be consulted.	No response received.	Whilst NE did not provide a response to this question, they have, in their comments for ISH1 [AS-030], confirmed that "NE would be happy to be included as a required consultee on the final LEMP should the ExA feel this necessary." The Applicant notes that the EA do not wish to be consulted on the final LEMP and has therefore removed the requirement for the approval of the LEMP to be given in consultation with the EA.

1.18	Applicant, SDDC		
	Requirement 11 - Operational environmental management plan (OEMP) For certainty, to ensure consistency with the ES, and with reference to recent precedent, can it be required for the OEMP to provide details of the solar panel replacement and how this would not lead to any materially new or materially more adverse environmental effects compared to those identified in the ES?		
	Applicant at D4	SDDC at D4	Applicant at D5
	Requirement 11 (operational environmental management plan) has been revised to require details of measures relating to replacement of damaged solar panels in the OEMP.	SDDC considers that it can be required for the OEMP to contain details of solar panel replacement to ensure compliance with the ES, and that it should be required.	The Applicant has, in response to the ExA's ISH1 Action Point 9 h), updated the OEMP [Document 4.4] to provide further detail at paragraph 3.1.4 regarding the anticipated HGV movements expected to arise from panel replacement during the operation of the Proposed Development.

2.4	National Grid Electricity Transmission Plc (NGET), National Grid Distribution (East Midlands) plc (NGD), Cadent Gas Limited (CDL)				
	Statutory Undertakers' rights and Protective Provisions				
	<p>a) Please could the Statutory Undertakers each provide an update on discussions with the Applicant regarding the agreement of the Protective Provisions in Schedule 10 of the dDCO [REP3-008], set out any remaining concerns, and suggest how their issues might be resolved?</p> <p>b) Please could National Grid Distribution (East Midlands) plc also provide an update on discussions with the Applicant regarding the agreement of an asset protection agreement, set out any remaining concerns, and suggest how their issues might be resolved?</p> <p>c) Does each Statutory Undertaker maintain objections to the land rights powers sought by the Applicant? What might be done to address any objections?</p> <p>d) Please could each Statutory Undertaker set out its' position at Deadline 8 of the Examination?</p>				
	Applicant at D4	NGET at D4	NGD at D4	CDL at D4	Applicant at D5
	The Applicant notes that this question is directed at others, and will review responses by other parties at Deadline 4. The Applicant has at Deadline 4 provided an updated Schedule of Progress – Statutory Undertakers and PPs [Doc 3.5] which summarises the Applicant's position.	<p>(a) NGET is continuing to work with the Applicant to agree a set of protective provisions. It is NGET's understanding that there is currently only one outstanding point in the protective provisions and that relates to the definition of "acceptable insurance". NGET anticipates that this point may well be agreed by the Applicant but awaits a response.</p> <p>NGET's standard definition of "acceptable insurance" is required which provides insurance for a figure of not less than £50 million. The insurance is to be maintained during the construction period of the authorised works and after the construction period of the authorised works in respect of any use and maintenance of the authorised development by the Applicant which constitutes specified works, such insurance to be arranged with an "acceptable credit provider".</p> <p>NGET has established that the insurance value of £50 million is, as a minimum, necessary to protect its apparatus from damage or injury caused by the authorised works.</p> <p>(b) Not applicable as question directed to National Grid Distribution(East Midlands) plc.</p> <p>(c) Yes, NGET maintains its objection unless and until NGET can agree its standard form protective provisions with the Applicant and these protective provisions are included in the draft Development Consent Order.</p> <p>These protective provisions are required by NGET to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.</p> <p>NGET is continuing to work with the Applicant to agree a set of protective provisions and will keep the ExA updated in this respect.</p> <p>(d) Yes, NGET agrees that it will set out its position at Deadline 8 of the Examination.</p>	No response	No response	The Applicant has continued to progress discussions regarding Statutory Undertakers Rights and Protective Provisions and has at D5 provided an updated version of its Schedule of Progress – Statutory Undertakers and PPs [Document 3.5] which records the latest position.

3.2	Applicant, DCC, SDDC			
<p><u>Local Planning Authority (LPA) resources</u></p> <p>DCC and SDDC [REP2-001] raise concerns about their resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation.</p> <p>The Applicant [REP3-033] refers to Article 30 (fees) of the Part 3 of Schedule 1 of the dDCO [REP3-008] and says that it is willing to discuss resourcing matters with the LPA in respect of Requirements and Obligations.</p> <p>a) Please could DCC and SDDC set out any remaining concerns, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p> <p>b) Please could the Applicant comment?</p>				
Applicant at D4		SDDC at D4	DCC at D4	Applicant at D5
<p>(a) No response required.</p> <p>(b) The Applicant has provided SDDC and DCC with a draft SoCG ahead of Deadline 4 which proposes that a Planning Performance Agreement would be an appropriate mechanism for ensuring that the Local Planning Authorities have the appropriate and necessary resources in place to consider submissions, approvals and to undertake monitoring necessary for impact mitigation.</p> <p>As set out in the Applicant's updates on the progress of SoCG at Deadline 4 [Document 8.0], the Applicant intends to continue to discuss the draft SoCG with SDDC and DCC with the intention of submitting a draft SoCG in early October 2024, following Deadline 4.</p>		<p>(a) The concerns of SDDC remain as previously stated. The Applicant has advised SDDC that they are willing to discuss resourcing, but those conversations have, to date, been limited.</p>	<p>DCC and SDDC are in discussions with the applicant relating to the drafting of a formal Planning Performance Agreement (PPA) between the parties. It is anticipated that the PPA would assist in alleviating the resource issues although resourcing concerns remain.</p>	<p>The matter of LPA resourcing was raised during ISH1 and a summary of the Applicant's position is provided in the Applicant's Written Summary of Oral Submissions at ISH1 (Document 13.4).</p> <p>The Applicant is continuing to discuss the matter with the LPA's following ISH1, with those discussions continuing at D5. The Applicant will provide an update to the ExA, with that expected to be through an updated SoCG with the LPAs at Deadline 6, but prior to Deadline 6 if possible.</p>

3.4	Applicant, SDDC, DCC, Leicestershire County Council (LCC), SCC					
<p>Solar panel and battery storage replacement during the operation stage</p> <p>The Applicant [REP1-025 response to question 4.2] states that solar panels are not expected to be replaced during the operational life of the project, save for individual instances of damage or unexpected failure of specific panels, and that to account for this an annual replacement rate of 0.2% per year has been assumed in the ES [REP3-021 Table 13.3]. Battery cells replacement is anticipated to be once every 8 to 10 years depending on the final installed system and the operations profile. It considers that mitigation measures are secured within the Outline CEMP [REP1-007] and Outline Construction Traffic Management Plan (Outline CTMP) [REP1-021], and summarised in the ES [REP3-021 paragraph 13.59].</p> <p>The ExA notes the potential for adverse impacts in relation Heavy Goods Vehicle (HGV) movements during the operation stage, including for the replacement of solar panels and other equipment, in various chapters of the ES. It is seeking to ensure that appropriate precision and clarity is provided for related mitigation during the operation stage.</p> <p>Responding to similar concerns, paragraphs 2.2.3 and 2.2.5 of the Mallard Pass Solar Farm Outline OEMP limit the maximum number of daily HGV movements during operation and requires the relevant planning authority to confirm that any maintenance activities involving panel replacement would not lead to such materially different effects. The Mallard Pass Solar Farm DCO provides that the definition of “maintain” does not include remove, reconstruct or replace the whole of Work No. 1 at the same time and for such works not to give rise to any materially new or materially different environmental effects than those identified in the ES for the operation of the authorised development. The ExA is considering whether to adopt a similar approach.</p> <p>a) Please could the Applicant suggest updates to the dDCO [REP3-008] and Outline OEMP [REP1-009]?</p> <p>b) Please could SDDC, DCC, LCC and SCC comment at Deadlines 4 and 5, setting out any concerns and how they might be resolved?</p>						
Applicant at D4	SDDC at D4	DCC at D4	LCC at D4	SCC at D4	Applicant at D5	
<p>(a) Requirement 11 (operational environmental management plan) has been revised to incorporate the inclusion of this detail (i.e., measures for the replacement of damaged solar panels) in the OEMP. Similarly to the Mallard Pass Solar Farm Outline OEMP (Paragraph 2.2.5), no replacement of the solar panels would be able to take place until the Local Planning Authority has confirmed that they agree that the activities will not lead to materially new or materially different environmental effects (including traffic impacts in relation to HGVs) to those identified in the assessment of the operational phase in the ES.</p> <p>As the number of HGVs required for the replacement of solar panels (for repair purposes) will be managed through the discharge of the OEMP (secured by Requirement 11 of the dDCO), the Applicant does not think it is necessary to limit the maximum number of daily HGV movements in the Outline OEMP.</p> <p>Following a review of other recent DCO precedents, there is no mention of operational HGVs and limits in the Outline OEMP or ExQs for Gate Burton Energy Park or Cottam Solar Project. There is reference to HGVs in the Sunnica Energy Farm ExQs however, it was concluded that there would be no HGV movements, with the exception of planned maintenance, which will be agreed with the LPAs as set out in the OEMP. This further justifies the Applicant's position that it is unnecessary to limit the maximum number of daily HGV movements in the Outline OEMP.</p> <p>The Outline OEMP (Paragraph 3.1.4) has been updated for Deadline 4 and sets out further detail on the replacement of solar panel during operation, for the purpose of repair.</p> <p>(b) No response required</p>	<p>b) SDDC consider that the mitigation measures set out in the Outline CEMP and Outline CTMP are adequate.</p>	<p>DCC considers that a similar approach to that adopted for the Mallard Pass Solar Farm would be appropriate. It is anticipated that the measures to be secured in the outline CEMP and CTMP will be adequate to assess, and mitigate as far as possible, the impacts of maintenance traffic movements during the operation of the scheme</p>	<p>Leicestershire County Council (LCC) has no objection to the approach taken in the Mallard Pass Solar Farm DCO being replicated in this DCO.</p>	<p>We accept that under typical conditions that the need to replace solar panels will be unlikely. However, in the instance of a significant unforeseen event causing damage to multiple panels there could be potential for adverse effects of HGV movements. We support the ExA recommendations and would seek that the provisions of the CTMP are applicable to any scenario where significant movements of HGVs are required for maintenance of the development.</p>	<p>The Applicant considers that the revisions made to Requirement 11 (operational environmental management plan) at Deadline 4 are sufficient to address the Interested Parties' concerns. Further to ISH1, the Applicant has updated the Outline OEMP (Paragraph 3.1.4) to provide greater certainty on the HGV vehicle movements associated with any solar panel replacement.</p>	

5.1	Applicant, DCC, SDDC, EA, NE					
<p>Outline DEMP [REP1-011]</p> <p>DCC [REP1-026] considers that it is necessary to understand the end state of the land following decommissioning, and its suitability of other uses, including agriculture, if the full impact of the proposal is to be understood prior to consenting, and suggests that this must be addressed in the DEMP. SDDC [REP1-029] considers that it is necessary, reasonable, and appropriate for the definition of the end state after decommissioning to be secured by the dDCO [REP3-008].</p> <p>The Applicant [REP1-025, REP3-032] refers to Requirement 22 of the dDCO [REP3-008], says that decommissioning would be carried out in accordance with the relevant legislation and policy in force at the time of decommissioning, that it is not considered necessary or appropriate to include further detail in the dDCO [REP3-008], and that its approach is consistent with recent precedent.</p> <p>The ExA is considering the extent to which it would be appropriate for the mitigation of impacts from decommissioning to require measures to be taken during detailed design, construction, operation, and maintenance, and whether this would benefit from more consideration of the potential end state after decommissioning now and when detailed mitigation plans would be finalised. Would consideration of the end state and decommissioning at all stages of the Proposed Development be appropriate in relation to the effective and efficient mitigation of long-term adverse effects and are there any specific examples of where this might be beneficial or unhelpful.</p> <p>a) Please could the Applicant, DCC, SDDC, EA, and NE comment?</p> <p>b) Do DCC, SDDC, EA and NE have any comments on the Outline DEMP [REP1-011]? How should their concerns be addressed?</p>						
Applicant at D4		SDDC at D4	DCC at D4	EA at D4	NE at D4	Applicant at D5
<p>a) The anticipated end state after decommissioning is defined within the Outline Decommissioning Environmental Management Plan (ODEMP) [6.1 – ES – Appendix 4.5]. The detail included in the ODEMP has been forward planned sufficiently so that decisions made now do not impede the ability to effectively decommission in the future. Design decisions have been, and will be, planned to ensure that decommissioning can be undertaken effectively.</p> <p>Requirement 22 (decommissioning and restoration) necessitates that the undertaker submits a final DEMP and decommissioning traffic management plan for prior approval, and to decommission the Proposed Development in accordance with the approved plans. This approach will ensure that the Local Planning Authorities have the opportunity to determine the acceptability of the end state after decommissioning, in line with the relevant legislation and policy in force at that time. This will ensure that through the design, operation, maintenance, decommissioning phases of the Proposed Development, the desired end state (as specified in the final DEMP submitted under Requirement 22) would be achieved.</p> <p>As per Requirement 22, the final DEMP needs to be submitted within three months of the date that the undertaker decides to decommission any part of the solar farm works and grid connection works. Therefore, the full DEMP will be up-to-date with relevant legislation and policy in force at the time of decommissioning.</p> <p>The Applicant has therefore inherently considered, and will continue to consider, the end state and decommissioning of the Proposed Development such that no further action at this time is considered necessary.</p> <p>b) No response required.</p>		<p>a) SDDC considers that it is necessary, reasonable, and appropriate for the definition of the end state after decommissioning to be secured by the dDCO. SDDC agree that consideration of the end state and decommissioning at all stages of the Proposed Development are appropriate in relation to the effective and efficient mitigation of long-term adverse effects</p> <p>b) Cutting and leaving ducts, cabling, or other infrastructure in the ground will prevent redraining operations, as well as ploughing/mole ploughing, and, as a result, the land will not return to BMV. Operations relating to excavations and infrastructure removal will undo land quality improvements. Leaving infrastructure in the ground could be detrimental to the River Mease SAC.</p>	<p>a) DCC suggest that it is reasonable for the dDCO to clearly establish the proposed end state of the land following decommissioning and that the DEMP provides enough information for the matter to be understood to the extent that the ExA can make a recommendation. However, the design of the proposal should take account of the likely impacts and scale of works required for decommissioning, with a view to reducing those impacts to the point that the land can reasonably expected to be returned to the original agricultural use.</p> <p>b) Further details, of the exact means of remediation, can be approved at the time of decommissioning and should be based on actual ground conditions prevailing and techniques available at that time. Concerns remain regarding the decommissioning of cables and ducting and the impact that leaving this in situ will have on the ability to return the land to BMV condition.</p>	<p>a) We have no issues with the end state principles being identified in the DCO. We would request that the Applicant takes the ecological enhancements achieved during the development's lifetime into account.</p> <p>b) No, however we would like to be consulted on the discharge of requirement 22 (Decommissioning and restoration).</p>	<p><i>No response</i></p>	<p>The Applicant maintains its position that it is not appropriate for the end state of the land to be secured within Requirement 22 (decommissioning and restoration) of the dDCO. The Applicant has however updated the management plans to ensure the site is reinstated to no less than its existing ALC grade following the construction and decommissioning of the scheme.</p> <p>The Applicant notes the EA's response at (b) and has revised Requirement 22 (decommissioning and restoration) to ensure the decommissioning environmental management plan is approved by the local planning authority in consultation with the EA.</p> <p>Following the ISH1, the Applicant has updated the outline OSMP, appended to the outline DEMP, to confirm that the Applicant is committed to ensuring that the land quality following decommissioning is the same as the land quality prior to construction (Section 1.5 and 1.6 of the OSMP). The Applicant has committed to a programme of monitoring for up to 5 years following decommissioning, to ensure that the correct ALC criteria have been reached (on land restored to agriculture) and the habitats created are in a suitable condition. Depending on the land-use, agricultural activities, site-specific conditions and site-specific construction activities, the aftercare may include treatments such as: cultivation (e.g. subsoiling), installation of underdrainage, seeding, liming, and/or fertilising.</p>

5.2	Applicant, DCC, SDDC, EA				
<p>Decommissioning of underground cables</p> <p>DCC [REP1-026, REP2-001] and SDDC [REP1-029, REP2-001] consider that leaving underground cables in place would prevent suitable reinstatement of land drains, or appropriate decompaction of the soil, may inhibit mole ploughing/ subsoiling, and prevent the land from being returned to BMV condition. They say that the decomposition of cabling materials could leach contaminants into the soil and water resources. The councils suggest that the dDCO [REP3-008] should require the underground cables and ducting to be removed, although SDDC [REP1-029] advise that removal would undo soil improvements that have taken place during the 40 fallow years.</p> <p>The EA [REP1-032] say that the approach to decommissioning cables should depend upon a site-specific risk assessment being carried out prior to decommissioning and expect to work with operators to agree best available environmental options. It notes that leaving cables in place could fall under the definition of waste.</p> <p>Councillor Amy Wheelton [REP1-039] considers that leaving the cables in place would make the land incapable of returning to agricultural use due to the implications for drainage, whereas if they are dug out the previous 40 years fallow would be rendered a waste of time.</p> <p>The Applicant [REP3-031, REP3-032, REP3-033] seeks an appropriate level of flexibility which would allow some cables to be left in place should an assessment of the situation at the decommissioning stage determine that to leave cables in place would be environmentally preferable, having regard to factors such as the condition of the land at that time, potential disturbance from the removal of the cables, and any contamination risks which could arise from the cables being left in place.</p> <p>a) Please could the Applicant consider the potential for the cables to be installed in such a manner as to mitigate the overall likely adverse impacts most effectively, for example by maximising the likelihood of it being acceptable for them to be left in place by mitigating long-term drainage, agricultural, contamination, and waste impacts? Should the dDCO [REP3-008] secure that this be considered during detailed design and subject to approval by the local planning authority in consultation with the EA?</p> <p>b) Please could DCC, SDDC and the EA comment?</p>					
Applicant at D4		SDDC at D4	DCC at D4	EA at D4	Applicant at D5
<p>a) The Applicant has considered how cables could be installed in order to mitigate adverse effects most effectively, and is confident that Low, Medium and High voltage electrical cables would be buried to such depth (0.7 m minimum) so as not to interfere with typical agricultural activities or preclude the use of drainage solutions such as land drains or mole ploughing (plough depth is widely considered to be 0.2 - 0.4 m depth).</p> <p>Therefore, upon decommissioning, leaving cables in situ at greater depths, would not prevent drainage measures such as land drains, or mole ploughing at shallower depths, from being utilised beyond decommissioning. Therefore, leaving cables in situ would not adversely impact the ability of the land to return to agricultural use.</p> <p>Underground electrical cable arrangements and depths are shown in the ES at Figure 4.14: "Indicative Underground Cabling Installation" [APP-098], with minimum cable depth of Low and Medium voltage cables shown at 0.7 m. The High voltage cable from the onsite substation to National Grid's Drakelow substation is shown in Figures 4.15 a & b [APP-098], with minimum depth of cable at 0.9 - 1.0 m. It is noted that warning tape would be placed at approximately 0.4 m depth for safety purposes, and a very thin earthing cable would be placed at approximately 0.5 m depth, however, these features would have no impact on agriculture or drainage solutions.</p> <p>The Applicant agrees with the EA that the approach to decommissioning cables should depend upon a site-specific risk assessment being carried out prior to decommissioning. Alongside other considerations, such as ecology and soil impacts, such risk assessment would include consideration of drainage to ensure that the land will be capable of hosting agricultural activity once decommissioning is complete. The drainage assessment would consider if electrical cables needed to be removed to facilitate drainage measures such as land drains (installing new, or improving existing drains), and if mole ploughing / subsoiling would be possible with the cables in situ. Based on this risk assessment as part of decommissioning planning, a decision will be made on whether cables are to be removed or left in situ (or if certain cables should remain in situ with the remainder being removed, as appropriate).</p> <p>The Applicant does not consider the dDCO [REP3-008] should require the underground cables and ducting to be removed as a blanket rule. SDDC [REP1-029] advise that removal of underground cables would undo soil improvements that have taken place during the 40 fallow years, and Councillor Amy Wheelton also supports this view [REP1-039].</p>		<p>b) SDDC considers that details of the manner in which the cables are to be installed so as to mitigate the overall likely adverse impacts most effectively, should be secured during detailed design and subject to approval by the local planning authority in consultation with the EA.</p>	<p>b) DCC considers that the dDCO should consider the potential for cable installation in a manner that will mitigate the overall long term adverse impacts on agricultural use or facilitate adequate removal during decommissioning.</p> <p>However, DCC accepts that the approach to decommissioning cables should depend upon a site-specific risk assessment carried out prior to the decommissioning and expects that the best available environmental options will be employed. As the solar farm is expected to operate for 40 years, it is likely that techniques for the removal of underground cables and for the conservation of soils are likely to have progressed and their impacts be better understood.</p>	<p>b) 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.</p>	<p>The Applicant maintains its position as set out at Deadline 4 and within its Written Summary of Oral Submissions at ISH1 Agenda Item 4: Agriculture, Soils and Decommissioning. No further action is considered necessary.</p>

<p>The Applicant's proposed approach to leaving cabling in situ would ensure the improvements to soil quality during the operational phase of the Proposed Development are not undone, and this approach is in accordance with Paragraph 2.10.69 of NPS EN-3 which states <i>"Applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station, considering instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure, for example underground cabling..."</i>.</p> <p>This approach is established and consistent with recent solar DCO precedent, whereby contamination from cables left in situ is not considered a significant risk. Cables are usually cut, capped and left in the ground, and there are no known issues with leaching of contaminants. Oil or fluid filled cables can be drained, flushed and capped and left in situ with ongoing monitoring and inspection. Contamination and mitigation measures (as appropriate) will be set out in the DEMP. Waste associated with removal of cables (if required) will also be considered in the DEMP and follow best practice at the time of decommissioning.</p> <p>The requirement to undertake full assessment, including drainage, prior to decommissioning is secured through Requirement 22 (decommissioning and restoration), with an obligation on the Applicant to provide a final DEMP to be reviewed and approved by the local planning authorities at least 3 months prior to decommissioning commencing. Through the preparation of the final DEMP, it may be determined by the local planning authorities and the Applicant that it is optimal for the environment to remove all underground cables, however, this should be determined with knowledge of the relevant legislation and best practice at the time of decommissioning.</p> <p>Requirement 22 also ensures the local planning authorities have sufficient control to stipulate this requirement at the point of decommissioning, should it be determined that removal of cables is the optimal solution. Therefore, the Applicant reiterates that flexibility should be maintained in the dDCO so that the optimal solution can be pursued at the time of decommissioning.</p> <p>The Applicant has added text to the Outline DEMP (Section 3.1) to provide a firm commitment to considering drainage at the point of decommissioning. The impact of decommissioning on drainage will be considered in line with best practice and legislation at the time.</p> <p>The Applicant has also added a minimum depth of cables to Table 4.2 in the ES, re-submitted at D4.</p> <p>(b) No response required.</p>				
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6.1	Applicant, NE, SDDC			
<p>Agricultural Land Classification (ALC)</p> <p>NE [AS-022, REP1-037] raise various concerns regarding ALC, including:</p> <ul style="list-style-type: none"> • where BMV is not expected then a semi detailed survey (1 auger per 2 ha plus representative pits) will suffice; • in areas that BMV is expected then a full ALC (1 auger per ha plus representative pits) must be undertaken; • it does not concur with the assumption that land quality is mostly 3b within the cable route; • an ALC survey should be undertaken on the cable route; • in the absence of a detailed survey for most of the cable corridor it is impossible to provide an accurate baseline and demonstrate the likely potential impacts; • the survey requires an experienced ALC surveyor to make the correct professional judgements; • detail should be provided of the professional credentials and experience required of soil scientists (surveyors) experience carrying out ALC; and • the ALC survey will inform the Soil Management Plan. <p>SDDC [REP1-029] consider that the Applicant's ALC and surveys meet the minimum criteria of MAFF 1988, but say that the soil survey work was not supervised/ observed.</p> <p>NE [AS-022] provide detailed comments on the Applicant's ALC undertaken to date and say [REP1-037] that it will provide more detailed comments for Deadlines 2 and 3. The ExA notes that these are yet to be submitted.</p> <p>The Applicant [REP1-023, REP1-025, REP3-032] considers the approach and methodology used within the ALC and surveys to be robust and appropriate. It says that is engaging with NE on a SoCG. It states that it is undertaking further survey work to confirm the ALC on the cable route and will provide an update on the results of the survey at Deadline 4.</p> <p>a) Please could the Applicant clarify the supervision provided for all ALC and surveys, including for the soil survey work on site, setting out the relevant professional credentials and experience of the surveyors/scientists?</p> <p>b) Please could NE and SDDC comment on the supervision provided by the Applicant at Deadline 5?</p> <p>c) Please could the Applicant provide a draft copy of the SoCG with NE at Deadline 4, and set out the ALC matters yet to be agreed with NE and the next steps to be taken to address them?</p> <p>d) Please could NE and SDDC set out any remaining ALC concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p> <p>e) Please could NE and SDDC provide their comments on the results of the Applicant's ALC on the cable route at Deadline 5?</p>				
Applicant at D4		SDDC at D4	NE at D4	Applicant at D5
<p>a) The ALC of the majority area of Oaklands Farm was carried out by Soil Environment Services Ltd. They have revised their ALC plan to address the matters raised by NE. The survey work was carried out and supervised by the following:</p> <ul style="list-style-type: none"> • Louise Tavasso BSc(Hons) MI Soil Sci with 13 years experience; • Dr Robin Davies BSc, PhD, FI Soil Sci, PGC with 25 years experience. <p>The ALC of Park Farm, and as now extended to cover the whole of the cable route corridor, was carried out on behalf of Kernon Countryside Consultants by Robert Askew BSc(Hons), MSc, FI Soil Sci, CSci. Robert has over 35 years experience.</p> <p>Accordingly all fieldwork and ALC analysis was carried out by experienced and competent professionals. The Applicant's position is that it is not normal practice for soil survey work to be supervised or observed, and not necessary for supervision or observation when the professionals undertaking the work are experienced and professionally qualified.</p> <p>b) The Applicant will review the responses by NE and SDDC to this part of the question.</p> <p>c) The Applicant is continuing to engage with NE regarding a SoCG and has provided a full summary of the position of those discussions in its Deadline 4 updated Status of SOCG document [Doc 8.0].</p> <p>d) The Applicant will review the responses by NE and SDDC to this part of the question.</p> <p>e) The Applicant will review the responses by NE and SDDC to this part of the question.</p>		<p>d) SDDC have not had any recent dialogue with the Applicant in regard to ALC.</p> <p>DEADLINE 5</p>	<p><i>No response.</i></p>	<p>The Applicant notes NE's submission on 21st October 2024 ahead of ISH1, which confirms that NE have no further concerns regarding ALC survey methodology.</p> <p>The Applicant has summarised its position in its Written Summary of Oral Submissions at ISH1 [Document 13.4] at Deadline 5. The Applicant has also responded directly to the points within NE's submission of the 21st October 2024 in its response to submissions by IPs at and following Deadline 4 [Document 13.3] which includes an update on discussions with NE and the progress of the SoCG.</p>

6.2	Applicant, NE, SDDC			
<p>Outline Soil Management Plan</p> <p>NE [AS-022] comment that the Outline Soil Management Plan should:</p> <ul style="list-style-type: none"> • comply with paragraph 5.1 of the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009); • follow the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working; • clarify the level of professional qualification and experience required of the site foreman to ensure that soil handling and storage of soils adhere to the Defra Construction Code of Practice; • set out the target specification for the proposed end uses based on pre-construction ALC grade; • where topsoil is to be stripped, typically for construction compounds; access tracks and laying cabling, the soil handling methodology (movement, storage & replacement) and soil protection proposals are reviewed to ensure that appropriate mitigation is in place to allow for the restoration of the land to the baseline ALC Grade; • avoiding soil handling during October to March inclusive, irrespective of soil moisture conditions; • only allow soils in a dry and friable condition to be handled; and • limit stockpile heights to avoid compaction of soils, typically a maximum of 3m for topsoils and 5m for subsoils. <p>The Applicant [REP1-023] is drafting a SoCG with NE to ensure all comments are addressed.</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with NE at Deadline 4, and set out the Outline Soil Management Plan matters yet to be agreed with NE, and the next steps to be taken to address them?</p> <p>b) Please could the Applicant submit the updated Outline Soil Management Plan?</p> <p>c) Please could NE set out any remaining Outline Soil Management Plan concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p> <p>d) Please could SDDC comment at Deadlines 4 and 5?</p>				
Applicant at D4		SDDC at D4	NE at D4	Applicant at D5
<p>a) The Applicant has provided a full summary of the position reached with NE in respect of the SoCG in its Deadline 4 version of the Statements of Common Ground – Status Document [Doc 8.0]. The Applicant is continuing discussions with NE and will provide a further update on the status of the SoCG in early October 2024.</p> <p>b) The Applicant has updated the Outline Soil Management Plan (OSMP) which is an appendix to the Outline CEMP at Deadline 4. The updates to the OSMP reflect discussions with NE and were sent to NE directly on 1st October 2024 for comment.</p> <p>c) No response required.</p> <p>d) No response required.</p>		<p>Deadline 5</p>	<p><i>No Response</i></p>	<p>The Applicant notes that in its submission on the 21st October 2024 NE stated that the SMP should include an aftercare programme for all land to be restored. The Applicant has provided an updated OSMP within the OCEMP (Paragraph 1.1.6) at Deadline 5 which includes this provision.</p>

6.3	Applicant, SDDC, DCC			
Loss of BMV agricultural land				
Paragraph 5.11.12 of NPS EN-1 states that Applicants should seek to minimise impacts on BMV agricultural land and preferably use land in areas of poorer quality. Paragraph 2.10.29 of NPS EN-3 says that the use of BMV agricultural land should be avoided where possible.				
The ES [APP-169 paragraph 15.134] states that the Battery Energy Storage System (BESS) and onsite substation would be removed during decommissioning, but that the land in these areas may not be restored back to the same ALC grade. The BESS and substation would be within a small field of mixed Subgrade 3a and 3b quality. It is indicated that there would be a permanent loss or downgrading of 1.5ha of Subgrade 3a agricultural land if the substation was not removed or suitably restored.				
The Applicant [REP1-025, REP3-032] says that the BESS and onsite substation is proposed within a relatively small field and anticipates that this area could be restored to BMV status on decommissioning. At Deadline 4 it will submit a Soil Management Plan dedicated to this area to address the removal of topsoil, the management of that material for the duration of the consent. It anticipates restoration to comparable quality but cannot be certain of restoration back to the same ALC grade, and therefore considers that it would not be reasonable for the DCO to require no permanent loss of Subgrade 3a agricultural land.				
<ul style="list-style-type: none"> a) Please could the Applicant comment on whether the BESS and onsite substation could be located to avoid BMV agricultural land? If not, why not? b) Please could DCC and SDDC comment on the Applicant's Soil Management Plan for the BESS and onsite substation at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved? 				
DCC and SDDC [REP1-026, REP1-029, REP2-001] consider it inevitable that land drains would be compromised by piling, cabling and other infrastructure and that, in the absence of land drains, nutrients would be washed out of the soil and the soil would no longer be BMV agricultural land quality. They also say that soil compaction on soil structure would lead to reduced permeability to water and air as well as increased surface runoff and erosion. The councils consider that the impacts on soil would not be practically reversible in respect of BMV land and that the Proposed Development would result in the permanent loss of BMV land. The councils advise that the Proposed Development site contains soil that is particularly good to produce potatoes, as it is potato cyst nematode free, making the soil even more of a rarity and adding to the BMV value. They consider that the permanent loss of BMV land of the scale proposed is a critical impact and that it is reasonable for the dDCO to require no permanent loss of Subgrade 3a land.				
Councillor Amy Wheelton [REP1-039] notes that manure is not being added back to the soil to increase the organic matter content, raises concerns about the impact of the piling on the soil structure and land drainage, and considers that the land would be incapable of returning to BMV or any agricultural use as it would no longer be drained.				
The Applicant [REP3-031, REP3-033] says that although piling may disturb or break up land drains, the number affected is expected to be minimal and in the unlikely event that any significant drainage issue emerges due to construction activity, it would use measures such as SuDS, replacing or repairing land drains to rectify the situation. It considers it likely that there would be an improvement to soil quality as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff. It states that the land would be returned to an appropriate condition following decommissioning without compromising soil quality. The Applicant says that the lease requires it to make good the land in no worse state or condition prior to implementing the Proposed Development.				
<ul style="list-style-type: none"> c) Please could the Applicant suggest how measures to mitigate the potential for damage to existing land drains and impacts on soil quality can be secured by the dDCO [REP3-008]? d) Please could the Applicant suggest how the condition of the land after decommissioning can be secured by the dDCO [REP3-008]? e) Please could DCC and SDDC comment on the Applicant's suggestions at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved? 				
Applicant at D4	SDDC at D4	DCC at D4	Applicant at D5	
<p>a) Chapter 3 (Site Selection and Design) of the ES [APP-086] discusses the rationale behind the location of the onsite substation at Paragraph 1.66 and 1.67, with Paragraph 1.68 dealing specifically with the consideration of BMV agricultural land. Paragraphs 1.70, 1.71 and 1.72 provide a similar description of the rationale behind the location of the BESS.</p> <p>The Design Statement [REP3-027] provides at Paragraphs 8.3.10 – 8.3.12 a summary of the explanation provided in the Preliminary Environmental Information Report produced for the purposes of consultation on the application of the proposed location of the BESS and onsite substation.</p> <p>At the point of the PEIR being produced the indicative layout (Appendix E of the Design Statement) showed the onsite substation being located in what was considered to be the most appropriate location from an operational point of view, in the northern part of the Oaklands Farm array, closest to the point of grid connection at Drakelow. That location would have minimised cabling installations and construction costs and was a flat unobstructed area at a low risk of flooding and appropriately screened from nearby properties.</p> <p>From an operational perspective it is preferential to locate the BESS as close as possible to the onsite substation. However as documented at Paragraph 8.3.12 of the Design Statement, it was not considered appropriate at the PEIR stage to propose the BESS adjacent to the onsite substation due to the potential for significant effects on residential amenity. The BESS was shown as being located in its current position, with the field in question being flat, unobstructed and well screened by surrounding topography and existing vegetation, as well as avoiding any mature trees and identified ecological receptors.</p> <p>As documented in Section 8.3.15 of the Design Statement, following statutory consultation the onsite substation was proposed adjacent to the BESS, which increased the distance between the substation and the nearest residential properties and was considered by the Applicant to be an improvement in terms of landscape and visual impact compared to the PEIR proposal.</p>	<p>b) DEADLINE 5</p> <p>e) DEADLINE 5</p>	<p>Deadline 5</p>	<p>The Applicant will review responses by SDDC and DCC at Deadline 5. The Applicant notes that NE provided advice on this point in its submission on the 21st October 2024, and the Applicant has at Deadline 5 provided an updated OSMP, which confirms at Paragraph 1.1.5 that soils will be restored to the pre-construction ALC grade and that a programme of monitoring for up to 5 years post-decommissioning will be set out to ensure the correct ALC criteria have been reached and that the habitats created are in a suitable condition.</p> <p>Section 4.6.2 of the Outline Operational Environmental Management Plan has been updated at Deadline 5 to provide commitment to monitoring soil health every 5 years during the operational period of the Proposed Development. Details of the monitoring programme will be provided in the detailed OEMP, as approved by the local planning authority.</p> <p>In respect of areas of temporary development, the OCEMP (Paragraph 1.14.1) and ODEMP (Paragraph 3.1.2) have been updated at Deadline 5 to state that the haul road will be removed immediately after construction before being reinstated for decommissioning and removed once decommissioning of the scheme is complete.</p>	

<p>The Design Statement and Chapter 3 of the ES demonstrate that a careful and considered approach was taken during the preparation of the Application to the proposed layout. The Applicant's position is that it would not be possible to relocate the BESS and onsite substation to a parcel of land within the Order Limits which is similarly flat and unobstructed in order to avoid BMV agricultural land, without giving rise to potentially significant environmental impacts in terms of matters such as landscape and visual impacts, arboricultural and ecological impacts or residential amenity.</p> <p>The Applicant will review responses by DCC and SDDC, but confirms it has taken a precautionary approach to environmental assessment by assuming that the very small amount of BMV land in the BESS and onsite substation areas (1.5ha of Subgrade 3a, and 0.3ha of Subgrade 3b) may not be restored back to the same ALC grade once the Proposed Development is decommissioned.</p> <p>b) The Applicant will review any responses by DCC and SDDC and provide further comments at Deadline 5 if required.</p> <p>c) The Applicant has committed through Section 2.6.5 of the OCEMP to rectify construction-related surface drainage issues as required, including solutions such as repairing or replacing land drains as required, or alternative measures such as SuDS, as appropriate. Compliance with the OCEMP is secured through Requirement 9 (construction and environmental management plans) of the dDCO, which ensures that potential damage to existing land drains is mitigated.</p> <p>The OCEMP and the ODEMP also include an Outline Soil Management Plan (OSMP), which sets out both good practice and bespoke mitigation measures to minimise effects on the nature and quality of the soil, both during the construction of the Proposed Development and its subsequent decommissioning. The OCEMP is secured through Requirement 9 of the dDCO and the ODEMP through Requirement 22 (decommissioning and restoration). The OSMP will mitigate the potential for impacts on soil quality.</p> <p>d) Requirement 22 of the dDCO requires the undertaker to submit for approval, prior to decommissioning, a Decommissioning Environmental Management Plan, which must be substantially in accordance with the relevant parts of the outline Decommissioning Environmental Management Plan. The approval of the DEMP requires the undertaker to provide details of the condition of the land following decommissioning, and for the local planning authority to approve those details ensuring the condition of the land following decommissioning is therefore secured through Requirement 22 of the dDCO.</p> <p>e) The Applicant will review any responses by DCC and SDDC and provide further comments at Deadline 5 if required.</p>			
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7.1	Applicant, NE		
<p>River Mease Special Area of Conservation (SAC)</p> <p>River Mease Site of Special Scientific Interest (SSSI)</p> <p>NE [AS-022, REP1-037] is not satisfied with the Applicant’s assessment of the impacts on the River Mease SAC or that it can be ascertained beyond reasonable scientific doubt that the Proposed Development would not have an adverse effect on its integrity. NE notes a potential pathway for the mobilisation of sediment during the construction and operation stages. It also considers that there is a lack of clarity around the maintenance strategy, including the use of chemicals in the cleaning of the panels which has the potential to impact the designated features. It refers to discussions with the Applicant regarding this and says there are mitigation measures available to prevent potential impacts on the designated features using Sustainable Drainage Systems (SuDS).</p> <p>SDDC [REP1-029, REP2-001] raise concerns about mobilisation of sediment and the use of chemicals, and suggest incorporating SuDS as mitigation, as does DCC [REP1-026]. SDDC provides evidence of the presence of otter on the watercourses connected with the Proposed Development and the potential for adverse impacts on them, including in combination with the proposed Energy Storage System at Fairfield Farm, Rosliston Road, Walton-on-Trent.</p> <p>The Applicant [REP1-023, REP1-025, REP3-032] predicts no adverse effects of the Proposed Development on the integrity of the SAC either alone or in-combination with other plans and projects. It suggests that there would not be an increase in the mobilisation of sedimentations as rainfall would be intercepted and buffered by the vegetation growing underneath the panels and retained prior to infiltration as with the greenfield situation. It considers that the impact of the panels on runoff would be positive as vegetation would be in place all year round and the underlying soil would not be left bare or compacted by agricultural activities. It says that the cleaning of the solar panels is unlikely to require the need to use harsh chemicals and that any potential additional mitigation would be detailed in the Outline OEMP [REP1-009].</p> <p>a) Please could the Applicant set out the consideration given to the River Mease SAC and SSSI during the operation and decommissioning stages? Please could NE and SDDC comment on that at Deadline 5, and set out any concerns and how they might be addressed?</p> <p>b) Please could NE provide a detailed response to the Applicant’s reasoning that the Proposed Development would reduce the mobilisation of sediment?</p> <p>c) Does NE still consider that the Proposed Development would have a Likely Significant Effect on the River Mease SAC, either alone or in-combination with other projects?</p> <p>d) Can NE advise if the Proposed Development should progress to Stage 2 to consider if the Proposed Development may have an adverse effect on the integrity of the River Mease SAC?</p> <p>e) Please could the Applicant advise whether it will submit a Statement to Inform Appropriate Assessment?</p> <p>f) Please could the Applicant set out how mitigation in relation to chemical cleaning of the solar panels is secured? Please could NE and SDDC comment on the Applicant’s response at Deadline 5, and set out any concerns and how they might be addressed?</p> <p>g) Do NE or SDDC have any concerns about otters in relation to the River Mease SAC or SSSI?</p> <p>h) Do NE or SDDC have any other concerns in relation to the River Mease SAC or SSSI?</p>			
Applicant at D4		NE at D4	Applicant at D5
<p>a) The position with NE has evolved since the ExQ2 were issued. Correspondence was received from NE on 12th September 2024 stating it is agreed that “SuDS are not required and that the removal of annual inputs from intensive agriculture will provide an overall improvement in water quality”. No adverse effects on the integrity of the SAC were predicted either alone or in-combination with other plans and projects. The Applicant understands that NE is now in agreement that the Proposed Development does not adversely effect the integrity of the River Mease SAC and confirmation of this is sought through the Statement of Common Grounds (SoCG).</p> <p>In the correspondence on 12th September 2024, NE suggested that to “help eliminate any possibility of sediment run off during construction and the early operational phase would be to sow and establish the grassland within the Mease catchment at the earliest possible opportunity”. The Applicant can commit to sowing and establishing the grassland in the area of the Site within the River Mease Catchment at the earliest opportunity. A commitment to this has been added to the oLEMP, updated for Deadline 4.</p> <p>A commitment to not using harsh chemicals during the cleaning of solar panels has been added to Section 4.2 of the oOEMP, updated for Deadline 4. Cleaning will take place approximately once per year. This is secured through Requirement 11 (operational environmental management plan) of the dDCO.</p> <p>Decommissioning impacts on the River Mease SAC and SSSI will be no worse than those anticipated during construction.</p> <p>Consideration has been given to the River Mease SAC and SSSI during operation and decommissioning.</p> <p>b) No response required.</p> <p>c) No response required.</p> <p>d) No response required.</p> <p>e) Environmental Statement (ES) Appendix 6.2 – Report to Inform HRA (Document Reference: EN010122/APP/6.1/Appx 6.2) was submitted as part of the Application.</p> <p>f) As set out in response to ExQ 7.1(a) above, a commitment to not using harsh chemicals during the cleaning of solar panels has been added to Section 4.2 of the oOEMP, updated for Deadline 4. Cleaning will take place approximately once per year. This is secured through Requirement 11 of the dDCO.</p> <p>g) No response required.</p> <p>h) No response required.</p>		No response.	<p>NE did not provide a response on this point at Deadline 4 but has addressed this matter in its subsequent submission on the 21st October 2024.</p> <p>The Applicant’s response is within Document 13.3 – the Applicant’s comments on submissions by IPs at and following Deadline 4. In summary, the Applicant notes that NE does not have any outstanding concerns regarding the construction and operation stages. The Applicant has at Deadline 5 amended the OOEMP at Paragraph 4.2.4 to confirm the approach to be taken to the use of chemicals for panel cleaning.</p>

7.2	SDDC, Forestry Commission (FC)			
<p>Woodland bordering the former Drakelow Power Station site</p> <p>The Forestry Commission [RR-095] considers that the woodland bordering the former Drakelow Power Station site, listed on the Arboricultural Report as Woodlands 8, 9 & 10 are Lowland Mixed Deciduous Woodland on the Priority Habitat Inventory (England) and therefore recognised under the UK Biodiversity Action Plan as being the most threatened and requiring conservation action.</p> <p>The Applicant [REP1-023] applies the habitat type of Other Woodland; Broadleaved rather than Lowland Mixed Deciduous Woodland due to the quality of the habitat present, which it considers do not meet the criteria for the Lowland Mixed Deciduous habitat type, including because of the presence of sycamore and the mixture of broadleaved and coniferous species.</p> <p>The Applicant [REP1-023, REP3-030] is updating the Arboricultural Survey Report [APP-133] to provide further detail of the approach to be taken to the construction of the access and cable route at the Drakelow Power Station and anticipates providing the update at Deadline 4.</p> <p>a) Are the Forestry Commission and SDDC satisfied with the Applicant's explanation for categorisation as Other Woodland; Broadleaved? If not, why not?</p> <p>b) Please could the Forestry Commission and SDDC comment on the updated Arboricultural Survey Report at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>				
Applicant at D4		SDDC at D4	FC at D4	Applicant at D5
The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.		<p>a) SDDC considers that the presence of sycamore doesn't necessary restrict the classification to Lowland Mixed Deciduous Woodland, neither does the presence of mixed coniferous woodland, depending on the percentage of coverage.</p> <p>b) DEADLINE 5.</p>	No response	The Applicant confirmed in its submissions at ISH1 that following a site visit it remained of the view that the woodland bordering the former Drakelow Power Station is more aligned to the definition of 'Other Broadleaved Woodland' and confirmed that the definition would not alter the mitigation proposed and would only have a negligible difference for the BNG calculation.

7.3	Applicant, SDDC, DCC			
<p>Draft DCO [REP3-008] Article 37 - Felling or lopping of trees or removal of hedgerows</p> <p>Draft DCO [REP3-008] Article 38 - Trees subject to Tree Preservation Orders.</p> <p>The Applicant [REP1-025, REP3-032] considers that the broad powers to fell or lop any tree, or shrub near any part of the authorised development, or cut back its roots, without the Local Planning Authority’s consent is to ensure that the Proposed Development could be delivered in good time and without unreasonable delay.</p> <p>DCC [REP1-026] considers that it is necessary for SDDC’s prior consent to be required for the removal to fell or lop trees. SDDC [REP1-029] require the power to consent on the removal to fell or lop trees.</p> <p>The ExA is considering whether the broad powers requested by the Applicant are justified, whether it is reasonable to consider that delay could be avoided by planning and obtaining consent for such works in advance, and if it would be helpful for consent to be deemed if it isn’t provided within 28 days of an application for consent. The ExA is considering whether a provision regarding the quality of the works might be helpful, as provided for Sunnica Energy Farm: “to ensure all works are carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice provided these meet or exceed the appropriate British Standards”. The ExA is thinking about whether greater control should be provided for trees subject to Tree Preservation Order than for other trees and shrubs.</p> <p>Please could the Applicant, SDDC and DCC comment?</p>				
Applicant at D4		SDDC at D4	DCC at D4	Applicant at D5
<p>As regards Article 38 (trees subject to tree preservation orders), the Applicant maintains its position in [REP1-025 and REP3-032] and acknowledges its approach is consistent with Paragraph 015 Reference ID 04-015-20240430 of the Government’s <i>Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects</i> guidance, which states in relation to powers effecting trees subject to Tree Preservation Orders, “the key requirement is to clearly set out the conditions which must be met before the power can be used.”</p> <p>The Applicant has complied with this key requirement and notes there is no reference in the guidance to further approvals being required, on the basis that the dDCO provides the consent for such works. Detail of the specific works that may impact a tree subject to a tree preservation order cannot be provided in a Schedule to the dDCO for the reasons provided by the Applicant in [REP1-025].</p> <p>The Applicant’s approach is also consistent with recent DCO precedents including Article 39 (trees subject to tree preservation orders) of The Cottam Solar Project Order 2024, Article 37 (trees subject to tree preservation orders) of The Gate Burton Energy Park Order 2024 and Article 36 (trees subject to tree preservation orders) of The Sunnica Energy Farm Order 2024.</p> <p>No further action is therefore proposed in respect of this article.</p> <p>The Applicant has inserted the suggested text “ensure all works are carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice provided these meet or exceed the appropriate British Standards” at Article 36(2) (as re-numbered from Article 37 in the dDCO submitted at Deadline 4) (felling or lopping of trees or removal of hedgerows) of the dDCO for consistency with The Sunnica Energy Farm Order 2024. The Applicant considers that further controls are secured by Requirement 8 (landscape and ecological management plan) and Requirement 7 (arboricultural method statement).</p>		<p>SDDC considers that given the extent and number of veteran/ancient trees, queries over the classification of other trees, as well as the afforded protection offered by TPO’s, it would be prudent for those provision relating to works to or felling of, TPO trees, to be removed from the DCO.</p>	<p>DCC considers that delay could be avoided if, prior to commencement, the applicant provides details of the trees and shrubs that are expected to require felling, lopping or root pruning, so that the LPA can consent if considered appropriate. The LPA should be in a position to afford protection for all trees of value where that value to the landscape or wider environment, outweighs the benefit of the proposed felling, lopping or root pruning.</p> <p>DCC considers that provisions relating to works affecting veteran trees should be removed from the dDCO.</p> <p>The issue of 28 day period for the consideration of applications for tree works is considered reasonable but should, like other consenting, also benefit from the potential for extension when agreed by the applicant.</p> <p>DCC would support the inclusion of articles to ensure that tree works are carried out to an appropriate British Standard.</p>	<p>The Applicant has revised Article 38 (trees subject to tree preservation orders) of the dDCO to limit the powers granted by that article to the trees identified in Schedule 13 of the dDCO. No further action is therefore considered necessary.</p>

7.4 Applicant, SDDC, DCC, The Woodland Trust (WT)				
<p><u>Ancient/ veteran trees</u></p> <p>The Woodland Trust [RR-316, REP1-049] question whether various trees in the Arboricultural Survey Report [APP-133] that are not identified as veteran/ ancient should be. The Applicant [REP1-023, REP3-031] provides its reasoning for each tree and says that it will engage with SDDC and DCC regarding the identification and classification of veteran trees .</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with SDDC and DCC at Deadline 4, and set any tree classification matters yet to be agreed, and the next steps to be taken to address them?</p> <p>b) Please could The Woodland Trust, DCC and SDDC set out any remaining concerns regarding tree classification and ancient/ veteran trees at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>				
Applicant at D4	SDDC at D4	DCC at D4	WT at D4	Applicant at D5
<p>a) The Applicant has provided a full summary of the position reached with SDDC and DCC in respect of the SoCG in its Deadline 4 version of the Statements of Common Ground – Status Document [Doc 8.0]. The Applicant is continuing discussions with SDDC and DCC and will provide a further update on the status of the SoCG with those parties in early October 2024. The Applicant is seeking a meeting with SDDC and DCC regarding ecological and arboricultural matters and will as part of the work to progress the SoCG review any submissions by SDDC and DCC to this question.</p> <p>b) No response required.</p>	<p>b) SDDC considers that it is essential that every tree is classified accordingly, and the Applicant makes every effort to avoid impacts on highly valuable trees and that once amendments are made to the Arboricultural Survey, both SDDC and The Woodland Trust can make further comments. Further details to quantify the loss of those trees that are considered irreplaceable under the proposed works.</p>	<p>DCC considers that the approach to the assessment of veteran trees has been carried out appropriately. However, DCC considers that provisions relating to works affecting veteran trees should be removed from the dDCO to reflect the irreplaceable nature of veteran trees and their contribution to the landscape.</p>	<p>No response.</p>	<p>The Applicant will be progressing discussions with SDDC and DCC following Deadline 5 in respect of arboricultural and ecological matters, with the intention of submitting a further version of the SoCG between the parties and an updated Arboricultural Implications Assessment Report at Deadline 6.</p>

7.5 Applicant, SDDC, DCC				
<p><u>Habitat Constraints Plan</u></p> <p>The ExA [PD-010 question 7.13] asked whether a Habitat Constraints Plan, or similar, would provide helpful clarification of the buffer zones, and if the Applicant, DCC and SDDC could agree what should be included in the Outline CEMP [REP1-007].</p> <p>DCC [REP1-026] and SDDC [REP1-029] recommended that a habitat constraints plan or similar is produced for the CEMP, which clearly defines buffer zones to sensitive features such as ancient/ veteran trees, other retained trees, ponds, watercourses, hedgerows and woodlands etc.</p> <p>The Applicant [REP3-032] agrees with SDDC and DCC that a Habitat Constraints Plan should be included as part of the detailed CEMP.</p> <p>a) Please could the Applicant, in consultation with SDDC and DCC, submit an updated Outline CEMP [REP1-007] at Deadline 4 to include for a Habitat Constraints Plan, setting out what such a plan should include?</p> <p>b) Should a Habitats Constraint Plan be required for the site preparation works?</p> <p>c) Please could SDDC and DCC comment on the provisions for a Habitat Constraints Plan in the updated Outline CEMP at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>				
Applicant at D4	SDDC at D4	DCC at D4	Applicant at D5	
<p>a) The Outline CEMP has been updated at Deadline 4 to include reference to a Habitats Constraint Plan, Section 2.8.5. This also sets out the scope of the Habitats Constraint Plan. Through the discharge of Requirement 9 (construction and environmental management plans), this will be approved by the local planning authority prior to construction of the Proposed Development.</p> <p>b) The Habitats Constraint Plan will be submitted with the full CEMP to discharge Requirement 9. The Applicant considers the site preparation works carved out of the definition for “commence” are not “so extensive that they would be likely to have significant environmental effects themselves” as sub-paragraph (5) provides that the term “commence” is to include site clearance, and sub-paragraph (4) provides that no site preparation works are to be commenced until a soil management plan covering the site preparation works is submitted to and approved by the local planning authority.</p> <p>c) No response required.</p>	<p>b) Significant impacts on habitats are likely during site preparation works and consequently a Habitat Constraints Plan with interpretable maps will provide the necessary details and extent of site clearance works relating to buffer zones to sensitive features such as ancient/ veteran trees, other retained trees, ponds, watercourses, hedgerows and woodlands.</p> <p>c) DEADLINE 5</p>	<p>b) The development will have significant impacts on habitats during site preparation works and construction, therefore a Habitat Constraints Plan, including appropriate mapping, will provide the necessary details, including buffer zones for habitats, species and veteran trees, to ensure adequate protection.</p> <p>c) Deadline 5</p>	<p>The Applicant has provided a series of interpretable maps of habitat constraints as Document 13.8 at Deadline 5.</p>	

7.6	Applicant, SDDC, NE			
<p>Skylark</p> <p>Paragraph 5.4.55 of NPS EN-1 states that consent should be refused where harm to a protected species and relevant habitat would result, unless there is an overriding public interest, and the other relevant legal tests are met.</p> <p>SDDC [REP1-029, REP2-001] say that the supporting baseline for the Preliminary Environmental Information Report, identified 28 breeding territories for skylark within the Oakland Farm part of the Site and that this has dropped to an estimate of 19 pairs. It suggests that to remove a degree of uncertainty, it would be best to assume the maximum population estimate. SDDC questions the impact of the operation stage on the skylark population and the capacity of the surrounding area to accommodate the movement of any dispersed birds. It considers that there would be an adverse impact on ground nesting birds as while the total area of suitable habitat may have increased, the fragmented form of that habitat, broken up by solar panels, may no longer be suitable for some species.</p> <p>NE [REP1-037] recommends that any potential negative effects to skylark should be identified as early as possible and designed out to avoid impacts. NE refers to its standing advice on best practice for surveys, methods, and mitigation, to avoid negative impacts for breeding birds such as skylarks.</p> <p>The Applicant [REP1-025, REP3-032] says that of the 28 territory holding males identified in the Study Area, only 19 were recorded within the Order Limits. It considers that the loss of potential nesting habitat would have a very minor effect on the local population of skylark within the Site and study area that would not be detrimental to the conservation status of the species in the area beyond the site.</p> <p>a) Is SDDC satisfied with the Applicant's explanation of the number of breeding pairs?</p> <p>b) Please could the Applicant set out whether it has fully followed NE's standing advice?</p> <p>c) With reference to NPS EN-1, do the Applicant, SDDC or NE consider that the Proposed Development would harm skylark or other ground nesting birds?</p> <p>d) Please could SDDC, DCC and NE set out any remaining concerns regarding skylark and other ground nesting birds, and suggest how their issues might be resolved?</p>				
Applicant at D4		SDDC at D4	NE at D4	Applicant at D5
<p>a) No response required.</p> <p>b) The Applicant considers that it has fully followed NE's standing advice. Bird surveys were undertaken by suitably experienced and qualified ecologists in accordance with both CIEEM and NE best practice guidance. Survey findings were used to fully assess the effect of the Proposed Development on skylark and this assessment is presented in the ES, together with appropriate mitigation measures. Given the reliance of this species on open habitat for nesting, the nature of the Proposed Development means it is not feasible to fully mitigate impacts. However, the provision of significant BNG within the Proposed Development, and subsequent management through the LEMP, is expected to provide better quality foraging resource for skylark.</p> <p>c) The ES at Page 55 of Chapter 6 [APP-135] identified a residual minor effect to skylark. This is considered a precautionary assessment which assumes a reduction in nesting pairs but recognises the increase in foraging habitat for this species. The Proposed Development will provide significant enhancements for biodiversity and site management and monitoring is set out in the outline LEMP, which is secured by Requirement 8 (landscape and ecological management plan) of the dDCO. The Proposed Development comprises nationally significant low carbon infrastructure, for which NPS EN-1 has identified there is a critical national priority. Paragraph 4.2.6 of NPS EN-1 confirms that there is an overarching need case for this type of infrastructure, to which substantial weight should be given.</p> <p>d) No response required.</p>		<p>a) SDDC is content with the Applicant's explanation.</p> <p>c) SDDC considers that the Proposed Development would harm skylark or other ground nesting birds. 19 breeding pairs is a significant loss at district level and provides important context in relation to the "significant effect to occur on any species of bird, approximately 1% of the population must be affected" rule. D</p> <p>d) SDDC considers that specific mitigation for skylark would be appropriate in the form of Skylark plots to be created within arable fields adjacent to Oakland Farm. Skylark plots are created in accordance with Countryside Stewardship management practices. The provision of Skylark plots at a ratio of two plots provided for each potential lost territory is an accepted and widely used mitigation strategy for developments that will result in the loss of Skylark territories. Skylark plots also benefit other farmland bird species. A Skylark plot is a 4m x 4m area of arable field that is created by either turning off the drill during sowing to leave an unsown plot or sowing the crop as</p>	<p><i>No response.</i></p>	<p>The Applicant confirmed at ISH1 that it remains of the view that specific mitigation for skylark is not necessary, but in acknowledgement of the differing opinion of SDDC, on this matter it is in the process of agreeing the terms of a S106 unilateral undertaking to provide for offsite mitigation in the form of skylark plots.</p> <p>The Applicant's position is that the mitigation being proposed would be sufficient to result in a benefit for this species. The terms of any S106 unilateral undertaking would require a skylark mitigation strategy to be submitted to SDDC prior to the commencement of development and the skylark mitigation areas maintained for the lifetime of the development.</p> <p>The Applicant will be seeking to agree a position with SDDC through the SoCG and will progress those discussions following Deadline 5.</p>

7.7	Applicant, SDDC, NE								
<p>Barn owl</p> <p>Paragraph 5.4.55 of NPS EN-1 states that consent should be refused where harm to a protected species and relevant habitat would result, unless there is an overriding public interest, and the other relevant legal tests are met.</p> <p>Breeding Bird Survey Report ES Appendix 6.4 [APP-124] states that no records of barn owl were returned during the desk study or during a search of publicly available data sources, no records were found within the Site Boundary, and no suitable nest sites were noted during the field survey. Breeding Bird Survey Report ES Appendix 6.9 [APP-128] records that a barn owl was recorded leaving a tree on 29/07/2021 within the Park Farm Site, adding that no specific survey was undertaken for this species, but it has been considered a probable breeding species on account of its presence and suitable nesting sites both within mature trees and within the Park Farm buildings.</p> <p>SDDC [REP1-029, REP2-001] say that the Applicant should clarify whether barn owl has been identified as nesting within a Site tree and if nesting has been identified, mitigation and compensation measures should be prescribed to adhere to statutory legislation and best practice guidelines during construction and operation stages. It refers to some inconsistencies in the Breeding Bird Survey Report . It considers that there would be an adverse impact on barn owl as while the total area of suitable habitat may have increased, the fragmented form of that habitat, broken up by solar panels, may no longer be suitable for some species.</p> <p>NE [REP1-037] recommends that any potential negative effects to barn owl should be identified as early as possible, designed out to avoid impacts. NE refers to its standing advice on best practice for surveys, methods, and mitigation, to avoid negative impacts for breeding birds such as barn owl.</p> <p>The Applicant [REP1-025, REP3-032] states that the site provides suitable habitat for barn owl to nest but no nesting activity was recorded during the bird surveys. It considers that the Proposed Development would not result in a reduction in the availability of foraging habitat during either construction or operation stages.</p> <p>a) Please could the Applicant set out whether it has fully followed NE’s standing advice?</p> <p>b) Please could the Applicant address the inconsistencies in the ES and submit an update to the ES at Deadline 4, together with any necessary updates to the Outline CEMP [REP1-007], ensuring that it takes a precautionary approach?</p> <p>c) Please could SDDC and DCC comment on the updates at Deadline 5?</p> <p>d) With reference to NPS EN-1, please, at Deadlines 4 and 5, could the Applicant, SDDC and NE set out whether they consider that the Proposed Development would harm barn owl?</p> <p>e) Please, at Deadlines 4 and 5, could SDDC, DCC and NE set out any remaining concerns regarding barn owl, and suggest how their issues might be resolved?</p>									
	<table border="1"> <thead> <tr> <th data-bbox="172 976 1994 1039">Applicant at D4</th> <th data-bbox="1994 976 2226 1039">SDDC at D4</th> <th data-bbox="2226 976 2454 1039">NE at D4</th> <th data-bbox="2454 976 2789 1039">Applicant at D5</th> </tr> </thead> <tbody> <tr> <td data-bbox="172 1039 1994 1948"> <p>a) The Applicant considers that it has fully followed NE’s standing advice. Bird surveys were undertaken by suitably experienced and qualified ecologists in accordance with both CIEEM and NE best practice guidance. The effect of the Proposed Development on barn owl is presented at Chapter 6 of the ES [APP-135] along with appropriate mitigation measures. The Proposed Development will provide significant enhancements for biodiversity and site management and monitoring is set out in the outline LEMP, which is secured by Requirement 8 (landscape and ecological management plan) of the dDCO.</p> <p>b) The Applicant confirms that there are no inconsistencies within the ES. The survey reported in Technical Appendix 6.4 related to Oaklands Farm plus a 2km buffer and did not identify any records of barn owl through either desk study or field survey.</p> <p>The survey reported in Technical Appendix 6.9 also included Park Farm, and reports on a barn owl was recorded during bat surveys at Park Farm.</p> <p>The information therefore relates to different areas of the Proposed development site rather than it being an inconsistency in findings.</p> <p>The Outline CEMP will be updated has been updated at Deadline 4 to detail additional specific precautions in relation to barn owl (Section 2.8.6) to ensure a precautionary approach has been taken. This will include:</p> <ul style="list-style-type: none"> • The provision of new nesting boxes in suitable locations away from construction areas; • Pre-construction checks of potential nesting features prior to works; • Sensitive timing of works and implementation of appropriate working buffers to avoid disturbance during nesting; and • Retention and protection of field margin habitats which provide suitable hunting habitat. <p>c) No response required.</p> <p>d) The Applicant does not consider that the Proposed Development would result in significant adverse effects to barn owl and will provide overall benefit for this species through increasing the extent and quality of habitats present. Any potential impacts associated with noise and vibration disturbances would be successfully avoided through the measures outlined above, as secured through the Requirements in the dDCO. The habitats directly affected by the Proposed Development are of low to negligible suitability (e.g. arable crop) for hunting barn owl, and therefore, no loss of habitat is predicted during either the construction or operation phase. The Proposed Development comprises nationally significant low carbon infrastructure, for which NPS EN-1 has identified there is a critical national priority. Paragraph 4.2.6 of NPS EN-1 confirms that there is an overarching need case for this type of infrastructure, to which substantial weight should be given. Paragraph 4.2.15 states that residual non-HRA impacts are unlikely to outweigh the urgent need for this type of infrastructure. 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The Proposed Development will provide significant enhancements for biodiversity and site management and monitoring is set out in the outline LEMP, which is secured by Requirement 8 (landscape and ecological management plan) of the dDCO.</p> <p>b) The Applicant confirms that there are no inconsistencies within the ES. The survey reported in Technical Appendix 6.4 related to Oaklands Farm plus a 2km buffer and did not identify any records of barn owl through either desk study or field survey.</p> <p>The survey reported in Technical Appendix 6.9 also included Park Farm, and reports on a barn owl was recorded during bat surveys at Park Farm.</p> <p>The information therefore relates to different areas of the Proposed development site rather than it being an inconsistency in findings.</p> <p>The Outline CEMP will be updated has been updated at Deadline 4 to detail additional specific precautions in relation to barn owl (Section 2.8.6) to ensure a precautionary approach has been taken. This will include:</p> <ul style="list-style-type: none"> • The provision of new nesting boxes in suitable locations away from construction areas; • Pre-construction checks of potential nesting features prior to works; • Sensitive timing of works and implementation of appropriate working buffers to avoid disturbance during nesting; and • Retention and protection of field margin habitats which provide suitable hunting habitat. <p>c) No response required.</p> <p>d) The Applicant does not consider that the Proposed Development would result in significant adverse effects to barn owl and will provide overall benefit for this species through increasing the extent and quality of habitats present. Any potential impacts associated with noise and vibration disturbances would be successfully avoided through the measures outlined above, as secured through the Requirements in the dDCO. The habitats directly affected by the Proposed Development are of low to negligible suitability (e.g. arable crop) for hunting barn owl, and therefore, no loss of habitat is predicted during either the construction or operation phase. The Proposed Development comprises nationally significant low carbon infrastructure, for which NPS EN-1 has identified there is a critical national priority. Paragraph 4.2.6 of NPS EN-1 confirms that there is an overarching need case for this type of infrastructure, to which substantial weight should be given. Paragraph 4.2.15 states that residual non-HRA impacts are unlikely to outweigh the urgent need for this type of infrastructure. 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The Applicant’s position is that the Proposed Development will provide a significant benefit for barn owl and has updated the OCEMP (Section 2.8.6) to require a barn owl survey to be undertaken prior to site preparation and clearance work, together with providing detail on the management of the site to ensure foraging habitats are suitable for barn owls. The Applicant will be engaging in discussions regarding ecology matters with SDDC following Deadline 5 and will provide a further update at Deadline 6.</p>
Applicant at D4	SDDC at D4	NE at D4	Applicant at D5						
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7.8	Applicant, SDDC		
<p>Great crested newt</p> <p>Paragraph 5.4.55 of NPS EN-1 states that consent should be refused where harm to a protected species and relevant habitat would result, unless there is an overriding public interest, and the other relevant legal tests are met.</p> <p>SDDC [REP1-029, REP2-001] is not content that great crested newt was scoped out of the detailed assessment, that great crested newt has not been fully surveyed and that this should be addressed. It considers that there are a total of 15 off-site ponds within 250m of the site boundary, which have not been surveyed as no access was obtained from the landholders, therefore, presence or absence of great crested newt in these ponds has not been fully determined. It considers that additional compensation and mitigation measures may be required to control the potential for killing and injuring great crested newt during the construction stage and sets out what could be included in a Great Crested Newt Mitigation Strategy.</p> <p>The Applicant [REP1-025, REP3-032] states that the findings of the great crested newt surveys indicate that great crested newt are likely to be absent from the Site. Nine surveys were carried out of waterbodies located within and close to the Site boundary which had suitability for supporting great crested newt confirmed an absence of great crested newt. Of the 15 offsite waterbodies identified by SDDC, 12 are located over 100m from the Site boundary, reducing the likelihood of any great crested newt (if present) travelling from these waterbodies into the largely unsuitable habitats present within the Site boundary. It considers that great crested newt are highly unlikely to be affected by the Proposed Development and therefore, no mitigation is required for great crested newt other than the application of standard avoidance measures as part of a highly precautionary approach secured through Requirement 9 (construction environmental management plans) and Requirement 21 (protected species) of the dDCO [REP3-008].</p> <p>a) Please could the Applicant comment on the potential for offsite waterbodies identified by SDDC that fall within 100m of the Site boundary to support great crested newt?</p> <p>b) As a precautionary measure, please could the Applicant update the Outline CEMP [REP1-007] to include for a Great Crested Newt Mitigation Strategy and set out the contents required of it?</p> <p>c) With reference to NPS EN-1, do the Applicant or SDDC consider that the Proposed Development would harm great crested newt?</p> <p>d) Please could SDDC set out any remaining concerns regarding great crested newt, and suggest how their issues might be resolved?</p>			
Applicant at D4		SDDC at D4	Applicant at D5
<p>a) The potential for the three offsite waterbodies located within 100m of the Site boundary to support GCN is considered very low and can be successfully mitigated through the application of specific measures which are detailed and which would be implemented through the CEMP (as per the response below to b)).</p> <p>b) The Outline CEMP has been updated at Deadline 4 to detail additional specific precautions in relation to GCN (Section 2.8.7). This will include:</p> <ul style="list-style-type: none"> • Appropriate working measures, including storage of soil and use of TAF fencing around any open excavations to prevent trapping of GCN in the highly unlikely event of transitory individuals passing through the Site; and • Use of tool box talks and ECoW to ensure that suitable protocols are in place and can be implemented in the unlikely event that GCN is discovered during works (e.g. safe relocation to a suitable location). <p>c) The Applicant considers that the risk to GCN is negligible on the basis that the waterbodies of highest suitability within the Site were sampled and recorded negative eDNA tests. Furthermore, the habitats affected are not suitable for supporting breeding or sheltering GCN. The very low risk therefore relates to the potential for transitory individuals associated with offsite waterbodies to move into the Site during the construction phase. This risk can be successfully mitigated through the application of specific measures which are detailed within the CEMP, which is secured through Requirement 9 of the dDCO. The Proposed Development comprises nationally significant low carbon infrastructure, for which NPS EN-1 has identified there is a critical national priority. Paragraph 4.2.6 of NPS EN-1 confirms that there is an overarching need case for this type of infrastructure, to which substantial weight should be given. Paragraph 4.2.15 states that residual non-HRA impacts are unlikely to outweigh the urgent need for this type of infrastructure.</p> <p>d) No response required.</p>		<p>c) SDDC considers it to be unlikely that given the number and proximity of ponds, that great crested newts are absent in the locality. The Fairfield Planning Application (LPA reference: DMPA/2024/0789) have applied for a GCN licence which could be interpreted as being that there is a requirement to consider GCN's.</p> <p>d) SDDC consider that as yet, no mitigation strategy has been provided, it may be prudent for the Applicant to apply for NE District licence as per the Fairfield Planning Application (LPA reference: DMPA/2024/0789), or appropriate ponds are given considerable buffers, which would need to be robustly enforced.</p>	<p>The Applicant set out its position on GCN at ISH1, which is summarised in its Written Summary of Oral Submissions at ISH1 [Document 13.4].</p> <p>The Applicant's position is it is highly unlikely for GCN to occur within the site or to be impacted by the Proposed Development, for the reasons stated in Document 13.4. The Applicant will also take a precautionary approach at the construction stage, which is set out in the OCEMP (Section 2.8.7).</p> <p>The Applicant will continue to engage in discussions regarding ecology matters with SDDC following Deadline 5 and will provide a further update at Deadline 6.</p>

7.9	Applicant, SDDC		
<p>Otter</p> <p>Paragraph 5.4.55 of NPS EN-1 states that consent should be refused where harm to a protected species and relevant habitat would result, unless there is an overriding public interest, and the other relevant legal tests are met.</p> <p>SDDC [REP1-029, REP2-001] provides evidence of the presence of otter on the watercourses connected with the Proposed Development and the potential for adverse impacts on them, including cumulatively with a proposed Energy Storage System at Fairfield's Farm. It considers that further clarification on the importance of the Site for otter is required and what mitigation measures are in place, particularly regarding site works and water crossings in relation to otter disturbance given that both applications are likely to be aligned. SDDC say that the Outline OEMP [REP1-009] does not appear to show any mitigation for otter.</p> <p>The Applicant [REP3-031, REP3-032, REP3-033] concludes that it is likely that otter uses the unnamed watercourse and ponds for foraging and shelter and considers that embedded mitigation and the mitigation measures for protected species, including otter, would ensure that significant impacts on otter are avoided. The Applicant refers to mitigation measures within the Outline LEMP [REP3-025], Outline CEMP [REP1-007], Outline DEMP [REP1-011], ES Chapter 6 [APP-135] and the Schedule of Mitigation [APP-179].</p> <p>a) Please could the Applicant set out its consideration of impacts on otter cumulatively with the proposed Energy Storage System at Fairfield's Farm?</p> <p>b) Please could the Applicant ensure that the mitigation for otter is clearly identified in the outline management and mitigation plans and that all mitigation for otters in ES Chapter 6 [APP-135] and the Schedule of Mitigation [APP-179] is secured in the outline management and mitigation plans?</p> <p>c) With reference to NPS EN-1, do the Applicant or SDDC consider that the Proposed Development would harm otter?</p> <p>d) Please could SDDC set out any remaining concerns regarding otter, and suggest how their issues might be resolved?</p>			
Applicant at D4		SDDC at D4	Applicant at D5
<p>a) Impacts to otter are considered unlikely in the absence of avoidance and mitigation measures. When mitigation and avoidance measures (see below) are applied, impacts to otter can be avoided entirely, and therefore there is no mechanism by which cumulative impacts with the proposed Energy Storage System at Fairfield's Farm could occur.</p> <p>b) The Outline CEMP has been updated at Deadline 4 to detail additional specific precautions in relation to otter (Paragraph 2.8.8). This includes:</p> <ul style="list-style-type: none"> • Pre-construction surveys to identify otter shelters or recent signs of presence. • If signs of otter are identified during pre-construction surveys, there will be sensitive timing of works and implementation of appropriate working buffers to avoid disturbance. • Fencing to protect otter habitat from encroachment and disturbance. • Retention and protection of riparian habitats. • Use of an ECoW, tool box talks and emergency protocol in the highly unlikely event of an otter being encountered during works. • Best practice construction measures, including pollution prevention and safe storage of material. <p>c) The Applicant does not consider that the Proposed Development would result in significant adverse effect to otter as any potential impacts associated with disturbance or damage of habitat could be successfully avoided through the measures outlined above, as secured through the Requirements in the dDCO. The riparian habitats directly affected by the proposals are highly localised and construction in these locations will be temporary and short in duration and will follow best practice working methods. The efficacy of these measures should be regarded in the context of the nature of this highly mobile species. Indeed, the discrete riparian habitats within the Site are likely to represent a very small proportion of an individual otter's territory, with territories often extending across several miles of watercourse as a minimum. The Proposed Development comprises nationally significant low carbon infrastructure, for which NPS EN-1 has identified there is a critical national priority. Paragraph 4.2.6 of NPS EN-1 confirms that there is an overarching need case for this type of infrastructure, to which substantial weight should be given. Paragraph 4.2.15 states that residual non-HRA impacts are unlikely to outweigh the urgent need for this type of infrastructure.</p> <p>d) No response required.</p>		<p>c) SDDC considers that even with mitigation for otter, including managed crossing and no night-time operations, some disturbance is still likely during construction, and otter may abandon the area.</p> <p>d) SDDC considers that the ideal objective is to ensure that the proposed development will not result in the loss of any holts and that it fully incorporates the otters foraging needs. No works of any kind, including clearance of vegetation and storage of materials, can take place within the protection zones, unless a licence has been issued permitting such activities. Any well-established trails should be identified. During the construction phase it is essential that machinery which could harm them is made safe or cordoned off with temporary fencing at the end of the working day. Otters must not be put at risk</p>	<p>The Applicant set out its position on otter at ISH1, which is summarised in its Written Summary of Oral Submissions at ISH1 [Document 13.4].</p> <p>The Applicant's position is that it is highly unlikely for otter to be impacted by the development but that the use of pre-construction checks which are set out in the OCEMP (Section 2.8.8) would ensure that any residual low level of impact would be resolved.</p> <p>The Applicant will continue to engage in discussions regarding ecology matters with SDDC following Deadline 5 and will provide a further update at Deadline 6.</p>

7.10	Applicant, SDDC, DCC, NE				
<p>Badger</p> <p>NE [AS-022, REP1-037] are aware that the Proposed Development may impact a Badger sett and say that it may be possible to avoid impacts through the development of the final design. It is unable to issue Letters of No Impediment before it has received draft protected species licence applications for review.</p> <p>The Applicant [REP3-029] say that it will submit a draft application for a Badger Licence to NE shortly after Deadline 3, in order to seek a Letter of No Impediment from NE on that matter.</p> <p>DCC [REP1-026] state that consideration should be given to the ground level fencing design to enable the passage of badger and consider that badger setts should be given greater consideration in respect of buffer zones to minimise disturbance.</p> <p>Paragraph 4.49 of the Outline LEMP [REP3-025] includes that indicative locations of the mammal gaps are detailed within ES Figure 6.3, would allow the movement of badger and hedgehog to disperse through the Site, and that the gaps would be 20-30cm in size.</p> <p>a) Has the Applicant submitted a draft application for a Badger Licence to NE?</p> <p>b) Does NE have any concerns that would prevent it from issuing a Letter of No Impediment. How might any such concerns be resolved?</p> <p>c) Please could a Letter of No Impediment, or confirmation that one cannot be provided, be submitted by Deadline 4 or 5?</p> <p>d) Please, following consultation with DCC, could the Applicant respond to DCC's concerns about buffer distances for badger?</p> <p>e) Please could DCC and SDDC set out any remaining concerns regarding badger, and suggest how their issues might be resolved?</p>					
Applicant at D4		SDDC at D4	DCC at D4	NE at D4	Applicant at D5
<p>a) The Applicant submitted a draft Licence application to NE on the 10 September 2024. The Applicant met with NE on the 27 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 15 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.</p> <p>b) No response required.</p> <p>c) As stated in response to ExQ 7.10(a) above, NE has informed the Applicant that it will be in a position to issue a LoNI no later than 15 November 2024. The Applicant intends to submit the LoNI at Deadline 5.</p> <p>d) The Applicant's position is that the mammal gaps proposed through the Outline LEMP would be sufficient to allow for the movement of badgers through and around the Proposed Development. The Applicant is continuing to discuss ecological matters with SDDC and DCC and will provide an update on that position in early October 2024.</p> <p>e) No response required.</p>		<p>d) The proposed buffer for badger/badger sett stands at 30m. In most circumstances the buffer should be adequate but a detailed scope of works in relation to badger/badger setts would help clarify the appropriate buffer.</p> <p>e) A detailed scope of proposed work in relation to badger/badger setts would also help clarify suitable mitigation if it is required.</p>	<p>DCC would refer to the advice provided by NE and the SDDC Ecologist regarding badgers and licencing. DCC would welcome the measures to ensure that mammals are able to disperse freely throughout the site due to the provision of 'mammal gaps' in the fencing.</p>	<p><i>No response</i></p>	<p>The Applicant has submitted at Deadline 5 a Letter of No Impediment (LoNI) from Natural England, with the measures set out in that letter, including buffer zones around badger setts and the design of mammal gaps in perimeter fencing, reasonable and deliverable.</p> <p>The Applicant has added the details of the LoNI to Section 2.8.2 of the OCEMP which includes commitment to the details to be provided in the formal license application submission.</p>

7.11	Applicant, SDDC, DCC			
<p>Draft DCO [REP3-008] Requirement 21 – Protected Species</p> <p>Species Protection Plans</p> <p>SDDC [REP1-029] consider that the Outline CEMP [REP1-007] should provide Species Protection Plans for Otter, Great Crested Newt/ /Ponds, Hedgerows & Trees and Woodland and identify important zones for each species to feed into mitigation strategies. DCC [REP1-026] suggest that outline Species Protection Plans. should be provided in outline during the Examination.</p> <p>The Applicant has updated paragraph 2.81 of the Outline CEMP [REP1-007] to set out the high level contents for a Species Protection Plan to be included in the final CEMP.</p> <p>The ExA notes the series of concerns raised by SDDC [REP1-029, REP2-001] in relation to scoping, surveys and potential impacts on a number of protected species, including skylark, barn owl, great crested newt, and otter.</p> <p>a) Please could the Applicant, in consultation with SDDC and DCC, submit an updated Outline CEMP [REP1-007] at Deadline 4 to include more detail of Species Protection Plans so that specific measures are identified for individual species and address SDDC's concerns?</p> <p>b) Site preparation works which include (amongst other things) remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and the demolition of existing buildings and structures, typically fall outside the Outline CEMP [REP1-007]. Should Species Protection Plans be required for the site preparation works?</p> <p>c) Please could SDDC and DCC comment on the provisions for Species Protection Plans in the updated Outline CEMP at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>				
Applicant at D4		SDDC at D4	DCC at D4	Applicant at D5
<p>a) The Outline CEMP has been updated at Deadline 4 to include more detail on specific protection measures for various species:</p> <ul style="list-style-type: none"> • Paragraph 2.8.6 – Barn owl; • Paragraph 2.8.7 – Great Crested Newt (GCN); • Paragraph 2.8.8 – Otter. <p>Further mitigation for hedgerows, trees, woodland etc is included in Section 2.8 of the Outline CEMP. The Applicant's commitment to providing a Habitats Constraint Plan has been added to the Outline CEMP (Paragraph 2.8.5). The delivery of the CEMP, and the Habitats Constraint Plan, is secured by Requirement 9 (construction environmental management plans). As detailed in its Status of Statements of Common Ground document at Deadline 4 [Doc 8.0] the Applicant is arranging a meeting with the local planning authorities to discuss ecological matters and will be using that to discuss the measures to be used to protect specific species and ecological features. The Applicant will endeavour to provide an update to the ExA ahead of the issuing of the agenda for the Issue Specific Hearings to be held in October 2024.</p> <p>b) The Applicant does not consider it necessary for Species Protection Plans to be required for the site preparation works that fall outside the scope of the CEMP secured by Requirement 9 of the dDCO. Requirement 9 secures the delivery of Species Protection Plans for the relevant phase of the authorised development. The Applicant considers the site preparation works carved out of the definition for "commence", that is those not comprising of site clearance, are not "so extensive that they would be likely to have significant environmental effects themselves".</p> <p>c) No response required.</p>		<p>b) SDDC considers that until the extent of site preparation works are clearly established, there are still concerns that these works could carry significant environmental effects as those identified in the Outline CEMP. It is entirely feasible that Species Protection Plans will be required for site preparation works.</p> <p>c) DEADLINE 5</p>	<p>b) DCC would welcome the drafting of an updated CEMP to include more detail of Species Protection Plans and the requirement for Species Protection plans to be agreed prior to site preparation works.</p> <p>c) Deadline 5</p>	<p>The Applicant notes the comments made by the Interested Parties at Deadline 4 and considers its revisions to the Outline CEMP (Paragraphs 2.8.6 – 2.8.8) to have dealt with those concerns. No further action is therefore necessary.</p>

7.12	SDDC, EA			
<p>Invasive non-native species</p> <p>Do EA or SDDC have any concerns regarding non-native species that need to be addressed at this stage? How might their concerns be resolved?</p>				
Applicant at D4	SDDC at D4	EA at D4	Applicant at D5	
<p>The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.</p>	<p>SDDC is content provided mitigation measures are adhered to and robustly enforced, paying particular attention to invasive species associated with watercourses and consequently the River Mease SAC.</p>	<p>The WFD assessment states Himalayan Balsam, Rhododendron, Cherry Laurel and Buddleia were recorded within the site boundary</p> <p>Where possible these should be removed and replaced with native species of local providence during the works. If this is not possible then the risk of managing and spreading INNS can be appropriately controlled during the works e.g. providing toolbox talks.</p> <p>Works near the watercourse should be timed appropriately to avoid spreading Himalayan Balsam when it's in seed (August to October) or the area should be cleared of Himalayan Balsam before the works begin.</p> <p>No further concerns at this stage as management of INNS are part of the normal working method procedures stated within the CEMP.</p>	<p>The matter of invasive non-native species was addressed at ISH1 and by the ExA's ISH1 Action Point 5 k). As noted in the Applicant's Written Summary of Oral Submissions at ISH1, the Applicant has at D5 updated the OCEMP (Section 2.8.2) to clarify the approach to invasive non-native species.</p>	

8.1	Applicant, DCC, Historic England (HE)		
<p>Potential harm to designated heritage assets</p> <p>Historic England [AS-021] and DCC [REP2-001] comment on the potential harm to designated heritage assets. DCC suggest magnitudes of harm, whereas Historic England don't.</p> <p>a) Does Historic England have any comments on the magnitude of harm to the heritage assets that it mentions?</p> <p>Historic England mention some assets that DCC does not comment on, including:</p> <ul style="list-style-type: none"> • Church of St Giles and Cauldwell Hall, Caldwell; • Catton Hall at Coton in the Elms; • Grade II listed buildings in Walton-on-Trent, Caldwell, Rosliston, Coton in the Elms; and • buildings related to the former Drakelow Hall. <p>b) Please could DCC and the Applicant comment on the magnitude of harm to those assets?</p> <p>The Applicant [REP3-033] says that it is engaging with Historic England, including to progress a SoCG, and suggest that Historic England have indicated that the Proposed Development would create a level of harm at the lower end of less than substantial.</p> <p>c) Please could the Applicant provide a draft copy of the SoCG with Historic England at Deadline 4, set out the matters yet to be agreed with Historic England including any in relation to the potential harm to designated heritage assets, and the next steps to be taken to address them?</p>			
	Applicant at D4	DCC at D4	HE at D4
	<p>a) No response required.</p> <p>b) With the exception of the buildings at the former Drakelow Hall's southern entrance, the assets referred to in part (a) of ExQ 8.1 were assessed as not susceptible to effects from the Proposed Development and, consequently, would experience no harm. As the assets were not susceptible to effects, detail on them is presented in ES Appendix 7.1: Historic Environment Assessment (Document Ref: EN010122/D1/6.1/Chp 7/ Appx 7.1) rather than the ES chapter.</p> <p>The Church of St Giles (List Entry No. 1334611) and Cauldwell Hall (List Entry No. 1334612) lie adjacent to one another in the hamlet of Caldwell, c.1.3 km east of the Site. For both assets see ES Appendix 7.1: para. 3.41 (p.25) for description of the assets and Appendix B p. B-25 for appraisal of the setting of these assets and their relationship to the Site and Proposed Development.</p> <p>Catton Hall (List Entry No. 1334609) lies immediately east of the River Trent, c. 2 km southwest of the Site. See ES Appendix 7.1: p.28 for description of the asset and Appendix B p. B-25 for appraisal of the setting of this asset and their relationship to the Site and Proposed Development.</p> <p>For a description of the Grade II listed buildings at Walton-on-Trent, appraisal of their significance and role of setting, see Appendix 7.1, paragraphs 4.34 – 4.37 (p.42-44). The statement at paragraph 4.37 that the setting of buildings within the village is discrete applies to those listed buildings not mentioned by name in the text (i.e. listed buildings at Walton-on-Trent other than St. Laurence and those at Walton Hall). The setting of these Grade II listed buildings being confined within the village means that the Proposed Development would have no effects upon their significance or how that is appreciated (see Appendix 7.1, Appendix B for building-by-building appraisal).</p> <p>For a description of the Grade II listed buildings at Caldwell, appraisal of their significance and role of setting, see Appendix 7.1: paragraph 3.41 (p.25) and Appendix B for building-by-building appraisal of the setting of these assets and their relationship to the Site and Proposed Development.</p> <p>For the Grade II listed buildings at Rosliston an appraisal of their significance and setting is set out in Appendix 7.1: Appendix B, which provides a building-by-building appraisal of the setting of these assets and their relationship to the Site and Proposed Development.</p> <p>For a description of the Grade II listed buildings at Coton in the Elms, appraisal of their significance and role of setting, see Appendix 7.1: paragraph 3.40 (p.24-5) and Appendix B for a building-by-building appraisal of the setting of these assets and their relationship to the Site and Proposed Development.</p> <p>For an overview and description of the listed buildings relating to the former Drakelow Hall, see Appendix 7.1: paragraph 3.49 (p.29). A detailed description of significance of the southern park entrance structures is presented at paragraph 4.30 – 4.33 (p.41-2) with assessment presented at paragraphs 4.69-4.70 (p.60-61). This assessment concludes that the Proposed Development will have no effects and, hence, cause no harm to either the entrance gate listed building or the non-designated lodge. Appendix 7.1: Appendix B presents an appraisal of the setting of the other listed buildings related to the former Drakelow Hall and their relationship to the Site and Proposed Development (see p. B-15 and B-25).</p> <p>c) The Applicant has provided a signed copy of the SoCG with Historic England at Deadline 4.</p>	<p>Regarding the following additional historic assets identified by HE:</p> <ul style="list-style-type: none"> • Church of St Giles and Cauldwell Hall, Caldwell; • Catton Hall at Coton in the Elms; • Grade II listed buildings in Walton-on-Trent, Caldwell, Rosliston, Coton in the Elms; and • buildings related to the former Drakelow Hall. <p>None of the above listed buildings fall within the development boundary and so I am satisfied that there will be no direct harmful impacts. Owing to the distance of the proposed development from these designations, existing intervening landforms, mature vegetation, and, in some instances, existing built forms, it is unlikely that the solar farm will be visible. Therefore, I am of the opinion that it is unlikely that there will be an impact on their immediate setting.</p> <p>While there is likely to be some level of visual impact on their wider setting, it is likely that the majority of any views of the proposed development, from the surrounding road network at least, will be restricted to glimpsed views through hedgerows or gateways. I am therefore of the opinion that the level of harm likely to be experienced can be considered as less than substantial harm albeit at the lower end of this measure of harm as defined in the NPPF.</p> <p>Given the very rural location of the proposed development, I am therefore supportive of any comments made by my colleague in landscape which can help keep any visual impacts to an absolute minimum</p>	<p>Email following site visit of 17th July 2024 states Historic England consider the harm caused will be low level less than substantial harm.</p> <p>The Applicant is continuing to discuss this matter with Historic England (HE) in order to fully understand the nature of the "low level of less than substantial harm" which HE considers would be caused. The Applicant intends to agree a revised SoCG with HE to clarify this point and expects to be able to provide that SoCG at Deadline 6.</p>

8.2	DCC		
<p><u>Archaeology – potential harm to assets subject to the policies for designated heritage assets</u></p> <p>Paragraph 5.9.21 of NPS EN-1 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets. Paragraph 5.9.31 says that where there would be substantial harm to (or total loss of significance of) a designated heritage asset then consent should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or various conditions apply.</p> <p>DCC [REP1-026, REP2-001] says that there are no recorded Roman assets within the site, there have been late Mesolithic and early neolithic finds and further assets cannot be ruled out, and there is a potential for medieval features. It considers that the lack of information on archaeological assets is likely to reflect a lack of sustained investigation rather than an absence of archaeology. DCC considers that the works could potentially result in total loss or substantial harm to significance.</p> <p>The Applicant [REP1-025, REP3-033] says that following analysis of the geophysical survey results which suggests extensive disturbance of the Site in the past, it considers that assets of later prehistoric to Roman date of demonstrably equivalent value to designated heritage assets are unlikely to be present and there would not be any harm due to the controls in place through the Outline CEMP [REP1-007] and Written Scheme of Investigation secured by Requirement 18 of the dDCO [REP3-008].</p> <p>a) Please could DCC comment on the likelihood of any archaeology of demonstrably equivalent value to Scheduled Monuments being present within the site?</p> <p>b) Does DCC consider it likely that the Outline CEMP [REP1-007] and Written Scheme of Investigation secured by Requirement 18 of the dDCO [REP3-008] would avoid harm to archaeology and, if not, is the potential harm likely to amount to substantial harm, total loss, or less than substantial harm to its significance?</p>			
Applicant at D4	DCC at D4	Applicant at D5	
<p>The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.</p>	<p>a) It seems very unlikely that archaeology of demonstrably equivalent value to a Scheduled Monument is present within the site. Derbyshire HER has no data to suggest the presence of such archaeology, the applicant's geophysical survey does not suggest the presence of any complex or high significance archaeology, and there is no other data e.g. on air/satellite photos or LiDAR providing an indication of unusual archaeological importance.</p> <p>b) Solar farm development has an uneven impact on below-ground archaeological remains. Typical ground mounting of solar arrays involves regular support posts or ground anchors which are driven into the ground causing a series of very localised spot impacts at intervals over a large areas. Other impacts can be caused by access roads, fencing arrangements, cable trenches, compounds, inverter and substation housing, but these are localised to the restricted and often small parts of the development. There is also potential for designing out of archaeological impacts over sensitive areas by no dig construction – e.g. by ballasting or weighting of the panels instead of ground anchors. Where significant archaeology is identified it is therefore often possible to retain it in situ. Where impacts to archaeological remains are unavoidable these would tend to be at the 'less than substantial harm' level because of the patchy and mostly fairly light ground impact of this type of development.</p> <p>A Written Scheme for investigation and recording of archaeological remains within the site at the post consent stage has potential to allow archaeological significance to be identified and impacts designed out, thereby avoiding harm to archaeology. Failing this there would be recording of the relevant archaeological remains in line with NPPF para 211, in advance of subsequent harms or losses likely to be 'less than substantial harm' as per above.</p>	<p>The Applicant notes the comments by DCC at D4 and does not consider any further action to be required.</p>	

8.4	Applicant, DCC		
<p>Draft DCO [REP3-008] Requirement 18 – Archaeology</p> <p>This requirement does not apply to the site preparation works, which are excluded from the definition of “commence”. Site preparation works include (amongst other things) intrusive archaeological surveys, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and the demolition of existing buildings and structures.</p> <p>The Applicant [REP1-025, REP3-032] considers that it is not necessary for the Requirement to apply to the site preparation works and suggests that the site preparation works might be required to inform the Written Scheme of Investigation.</p> <p>The ExA is concerned that some of the site preparation works may have the potential to harm archaeology, including any that might be subject to the policies for designated heritage assets, for which Requirement 18 provides key mitigation. On that basis the ExA is considering whether Requirement 18 should apply to the site preparation works.</p> <p>a) Please could DCC comment?</p> <p>b) Please could the Applicant comment and suggest wording for Requirement 18 to apply to the site preparation works in case the ExA wishes to include it?</p>			
Applicant at D4		DCC at D4	Applicant at D5
<p>(a) No response required.</p> <p>(b) The Applicant proposes Requirement 18(1) is updated as follows:</p> <p>“No phase within the authorised development, <u>and no part of the site preparation works for that phase requiring archaeological works</u>, is to be commenced until a written scheme for the investigation of areas of archaeological interest within that phase has been submitted to and approved by the local planning authority in consultation with the county archaeologist.”</p>	<p>a) Depending on the nature of ‘site preparation work’, this does have potential to harm below-ground archaeological remains. In terms of the examples listed above, remedial work and diversion and laying of services would involve aspects of ground excavation and could well harm any below-ground archaeological remains. It is therefore essential that the initial phase of the archaeological work – agreement of the WSI and the on-site evaluation trenching – is carried out first and before any other intrusive groundworks. If significant areas of archaeology are identified during this process, then these areas must also be excluded from further disturbance until the appropriate mitigation is agreed whether by design or by recording.</p>	<p>The Applicant updated the draft Development Consent Order at Deadline 4 to require the Written Scheme of Investigation to be submitted and approved prior to commencement of site preparation works involving archaeological works.</p> <p>As set out at the ISH1, there are various non-intrusive assessment and evaluation methods which may be used, and the Applicant considers that trial trenching is likely to be disproportionate. The Applicant is seeking clarification from Derbyshire County Council's archaeologist regarding the reference to "evaluation trenching" in [REP4-012] and hopes to able to confirm at Deadline 6 whether Requirement 18 is agreed, or to put forward an agreed, amended version of Requirement 18.</p> <p>For completeness, the Applicant reiterates its position in its Written Summary of Oral Submissions at ISH1 [Document 13.4] that references to "updating" the Written Scheme of Investigation in the Cottam Solar Project made Order and Mallard Pass Solar Farm made Order appear to have been required because a Written Scheme of Investigation had been included in the application documents. In this case, the Applicant would not expect to update the Written Scheme of Investigation after it has been submitted and approved, unless there is a change in circumstances.</p>	

9.1	Applicant, SDDC, Diane Abbott (DA)			
Visualisations				
Diane Abbott [REP1-043] has submitted sample images which compare some of the Applicant's views with her own photos and measurements. She suggests that the Applicant's visualisations do not seem to be accurately calibrated and misrepresent the actual effects. Diane Abbott recommends that the Applicant's visualisations are correctly calibrated, that revised images are provided that offer a better degree of accuracy, and that the assessment is revisited accordingly.				
It appears to the ExA that there are typos in Diane Abbott' references [REP1-043] to the Applicant's figures [APP109, APP-110] and that her reference to Figure 5.11c should read Figure 5.10c, and that Figure 5.10gc should read Figure 5.10g.				
The Applicant [REP3-031] says that the details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain data used to create visualisations, which provide a proxy for exact ground levels, but have a slight variation from what is 'true' to the actual landscape. It says that it complies with Landscape Institute guidance, including the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013). It states that the visualisations are a tool used to help understand the nature of the effects and the slight variations to ground level are normal limitations of the process and do not change the resulting assessment of effects.				
Paragraph 3.23 of GLVIA3 identifies that it is important that the basis of professional judgements is transparent and understandable, so that the underlying assumptions and reasoning can be understood by others. Paragraph 8.15 states that " <i>Photographs can have an important role to play in communicating information about the landscape and visual effects of a proposed development, although it is acknowledged that they cannot convey exactly the way that the effects would appear on site</i> ". Paragraph 8.16 says that " <i>The predicted changes must be described in the text but should also be illustrated by means of visualisations showing, from representative viewpoints, how the changes in views will appear</i> ".				
The ExA is considering the potential for misleading inaccuracies in the Applicant's visualisations and any implications of that for its consideration of the landscape and visual impact assessment.				
<ul style="list-style-type: none"> a) Does Diane Abbott agree with the ExA's interpretation of typos in her references to the Applicant's figures? b) Please could the Applicant set out the calibration undertaken of the digital terrain model to actual ground levels? c) Please could the Applicant provide a detailed response to the comments made by Diane Abbott [REP1-043] on Figures 10c, 10f, 10g, 10j, 10k, 10o and 10p [APP109] (Viewpoint 1: Coton Road), and Figure 11c [APP-110] (Viewpoint 2: Cross Britain Way), in each case setting out how accurate it considers that its own visualisations are, with reasoning? d) Please could the Applicant comment on the potential for inaccuracies in the other visualisations used for the landscape and visual assessment? e) Please could SDDC comment? 				
Applicant at D4		SDDC at D4	DA at D4	Applicant at D5
<ul style="list-style-type: none"> a) No response required. b) The Applicant is provided the details of the calibration in a separate response which is being finalised and will be submitted immediately following Deadline 4. c) The Applicant considers that its visualisations are accurate to the required standard for Landscape and Visual Impact Assessment. Justification for this opinion for each of the stated figures is provided in the separate response mentioned above, which will be provided immediately after Deadline 4. d) Whilst all visualisations will have the same potential for variation in height based on the terrain data used, the impact of this variation is significantly reduced with each viewpoint as they increase in distance from the site, and when viewed within the visualisation documents would be unlikely to be noticeable at all. Viewpoints 1 and 2 are within the site and will be subject to the most change between datasets. e) No response required. 		e) SDDC is content with landscape and visual assessment and consider that any potential inaccuracies in the visualisations would not undermine the conclusions of the document.	Firstly I confirm the typos identified by the ExA in reference to the Applicant's visual representations. The two references should read 5.10c and 5.10g as noted (thanks for correcting these errors).	The Applicant acknowledges the responses from the Interested Parties and considers that no further response is required. The Applicant notes these matters were discussed further during ISH1 and details of the Applicant's position and a response to the ExAs Action Point 6 a) is provided in the Applicant's Written Summary of Oral Submissions at ISH1 (Document 13.4).

9.3	SDDC, The National Forest Company (NFC)			
<p>The National Forest</p> <p>SDDC [REP1-029] considers that the Proposed Development is consistent with Local Plan Policy INF8 in relation to tree planting and connectivity depending on the amount and extent of necessary tree felling for the safe delivery of the Proposed Development. It requests greater identification of areas that would be subject to tree felling to help identify whether the mitigation measures are adequate.</p> <p>The Applicant [REP3-030, REP3-032] says that the Arboricultural Survey Report [APP-133] includes a Tree Removal and Retention Plan that identifies where trees would be removed, and anticipates providing an update at Deadline 4.</p> <p>a) Please could SDDC comment on the updated Arboricultural Survey Report at Deadline 5 in relation to its concerns regarding compliance with Local Plan Policy INF8, set out any remaining concerns regarding compliance with Local Plan Policy INF8, and suggest how the issues might be resolved?</p> <p>b) Does The National Forest Company have any remaining concerns? How might they be addressed?</p>				
Applicant at D4		SDDC at D4	NFC at D4	Applicant at D5
<p>a) The Applicant has submitted an updated Arboricultural Survey Report [6.1 – ES Appendix 6.14] at Deadline 4 which corrects the figures stated in respect of hedgerow removal, as discrepancies had been identified with those.</p> <p>The Applicant is continuing to work to update the Arboricultural Survey Report to provide further detail on the approach to be taken to the construction of the access and cable route at Drakelow and now anticipates providing a further updated Arboricultural Survey Report at Deadline 5. The Applicant will endeavour to engage with SDDC regarding the amended report ahead of Deadline 5.</p> <p>b) No response required.</p>		<p>a) DEADLINE 5</p>	<p>The NFC has remaining concerns with the proposal relating to the lack of woodland planting and landscaping and the impact of the development on habitat connectivity. For a development of over 10hectares, the NFC would be anticipating at least 30% of the site to be woodland planting and landscaping to contribute to the creation of the Forest. This National Forest planting would be in addition to any mitigation planting for lost trees/woodlands. The illustrative landscape strategy shows significantly less woodland planting and landscaping than this. Additionally, the scale of the development will form a barrier to habitat connectivity.</p> <p>Our concerns were detailed in our response dated 6 August 2024, and we would ask you to continue to consider this response. It remains our opinion that a development of this scale should recognise and acknowledge the site's location by making a significant contribution to the creation of the National Forest. To do this and to comply with the National Planning Policy Framework, The National Forest Strategy and Policy INF8 of the Local Plan, the illustrative landscape strategy should be amended to deliver significantly more woodland planting and ensure that any barrier to habitat connectivity is minimised. Tree planting should be allowed to realise its potential rather than being restricted by the conflict between shading and the solar panels and should be located in areas where the planting offers the highest benefits to both nature and people as shown on a map appended to our previous response.</p>	<p>The Applicant notes the National Forest is not a nationally designated site, such as a SSSI, National Nature Reserve or National Landscape but an environmental initiative. The Applicant therefore considers that appropriate weight should be attributed to the National Forest that does not exceed its non-statutory status.</p> <p>The Applicant's position is that the Proposed Development does make a sufficient and reasonable contribution to the creation of the National Forest, particularly in the context of the Proposed Development being a Critical National Infrastructure Project.</p> <p>As documented in the Design Statement [REP4-053] and Chapter 4 of the Environmental Statement [REP4-049], the Proposed Development has from the outset sought to retain existing woodland and other scattered trees across the Site. There are localised impacts expected on the woodland adjacent to the Drakelow substation, but the Applicant is undertaking further survey and assessment work to ensure that those impacts have been minimised and expects to submit that at Deadline 6.</p> <p>The Proposed Development also provides for 5.5 hectares of woodland planting and 6.3 hectares of scattered tree planting, as shown on the landscaping scheme presented within the outline Landscape and Ecological Management Plan [REP4-040]. Those are areas which would contribute to the creation of the National Forest by increasing woodland and tree planting across the Site compared to the current situation, and compared to the "No-scheme scenario" where it would be reasonably assumed that the Site would be continued to be used for similar agricultural purposes as it is now.</p> <p>South Derbyshire District Council provided a response to ExQ1 – 7.15 at Deadline 1 [REP1-029] to confirm that, dependant on the amount and extent of tree removal necessary, the Council considered the Proposed Development to be consistent with its Local Plan Policy INF8 in respect of tree planting and connectivity regarding the National Forest.</p> <p>The Applicant notes that Policy INF8 refers to National Forest Planting Requirements, which set out expected levels of landscaping and new planting for different types of developments. Solar farms are not included as a development typology. The Applicant's position is that it would not be possible to substantially increase the level of woodland or scattered tree planting proposed within the Proposed Development without directly reducing the extent of the solar arrays and therefore the generating capacity of the solar farm.</p> <p>The Proposed Development is critical national infrastructure for which there is a recognised and urgent national need, as set out in National Policy Statement EN-1, where Paragraph 4.1.7 of EN-1 requires an Applicant to mitigate a particular impact as far as possible, but where it is likely that the need case will outweigh the residual effects in all but the most exceptional cases.</p> <p>The Applicant acknowledges it is appropriate to recognise the aspiration to create the National Forest and considers the Proposed Development to make a reasonable contribution to that aspiration through the retention of existing woodland and trees and through the new woodland and tree planting proposed. The Applicant's proposals will result in an increase in woodland and tree planting across the site whilst maximising the generating capacity of the Site as Critical National Infrastructure.</p>

9.4	Applicant, SDDC		
	<p><u>Glint and glare assessment modelling</u></p> <p>In the context of the above questions on the accuracy of the visualisations used for the landscape and visual assessment, please could the Applicant comment on the accuracy of the digital terrain and solar panel models used in the glint and glare assessment?</p> <p>Does SDDC have any related concerns? How might they be addressed?</p>		
	Applicant at D4	SDDC at D4	Applicant at D5
	Based on Pager Power's experience of over 1,400 glint and glare assessments, small changes to the actual terrain height compared to the assessed digital terrain model do not significantly change the glint and glare modelling results. The Applicant's position is therefore that the digital terrain model provides an accurate assessment of the expected glint and glare effects.	SDDC advise that as per the submitted assessment, terrain elevation heights have been interpolated based on OS Terrain 50 DTM data. This source of data is considered to be robust. SDDC does not have any concerns in this regard.	The Applicant has provided its position on the accuracy of the digital terrain and solar panel models within Document 13.12 submitted at Deadline 5.

9.6	Applicant, SDDC		
	<p><u>Glint and glare – anti-reflective coating on the solar panels</u></p> <p>SDDC [REP1-029] recommended that a condition be attached to the consent for the submission of details of the solar panels and confirmation that an anti-reflective coating would be applied to them.</p> <p>The Applicant [REP3-032] has added provisions for anti-reflective coating to Table 4.2 of the Project Description [REP3-023] and Appendix B of the Design Statement [REP3-027].</p> <p>Requirement 6(1)(m) of the made Sunnica Energy Farm Order includes for Local Planning Authority approval of the anti-reflective coating to be used on the solar modules. The ExA is considering whether to add a similar provision to the dDCO [REP3-008] to provide clarity, firmness, and the control suggested by SDDC.</p> <p>Please could the Applicant and SDDC comment?</p>		
	Applicant at D4	SDDC at D4	Applicant at D5
	The Applicant has inserted the drafting at Requirement 6(1)(m) of The Sunnica Energy Farm Order 2024 at Requirement 5(1)(k) (detailed design approval) of the dDCO.	SDDC consider that it would be appropriate to require the Local Planning Authority to approve details of the anti-reflective coating to be used on the solar modules.	The Applicant notes the position is agreed by South Derbyshire District Council and that no further action is required.

9.7	Applicant, SDDC		
<p><u>Glint and glare assessment</u></p> <p>Diane Abbott [REP1-043] raises other concerns about the glint and glare assessment, including (paragraph references in brackets):</p> <ul style="list-style-type: none"> • modelling reflections from mid-height of the panel rather than the top (4.3, 4.4, 4.5); • only considering the ground floor of dwellings as possible receptors (4.9); • only considering receptors within a 1km radius (4.10); • local road users are only given a low sensitivity (4.12); • local residents only have a medium sensitivity (4.13); • significance of effect thresholds not to best practice guidance (4.14, 4.16, 4.17, 4.18); and • assessment of morning glare at properties near Oakland’s Farm (4.21). <p>The Applicant’s responses [REP3-031] include that:</p> <ul style="list-style-type: none"> • the midpoint of the solar panel is used to undertake the geometric modelling as the model uses just a single height, but visibility and screening recommendations for glint and glare effects are based on the maximum height of the panels (4.3, 4.4, 4.5); • an observer on the ground floor is used for modelling purposes, but the upper floor is considered when determining the potential impacts of glint and glare (4.9); • a 1km study area for ground-based receptors is adopted because the proportion of an observer’s field of vision taken up by the reflecting area diminishes as separation distance increases and although solar reflections could be experienced from the panels at further distances than this, they are not considered significant (4.10); • the justification for local roads being of low sensitivity is provided in ES Chapter 14 [APP-167], which says that they typically have the lowest traffic densities and low potential impact of a distraction or degradation to safety and/ or operation (4.12); • the justification for dwellings being of medium sensitivity is provided in ES Chapter 14 [APP-167], which says that there is some capacity for observers to experience solar reflections for certain durations throughout the year or on any given day without causing a significant reduction in residential amenity (4.13); • the impact levels have been accepted on several projects in the UK and the assessment approach is considered appropriate (4.14, 4.16, 4.17, 4.18); and • the modelling output for the dwelling can be provided to Diane Abbott (4.21). <p>a) Please could the Applicant justify how consideration of modelling using the mid-point of the panel is a reasonable worst case rather than modelling using a higher point?</p> <p>b) Please could the Applicant clarify how it considers visibility, screening, and impacts on the upper floors of dwellings if this does not (as the ExA understands) make use of the geometric model?</p> <p>c) Please could the Applicant justify how it concludes low potential degradation of safety to users of local roads, including horse riders, agricultural vehicles, and lorries?</p> <p>d) Please could the Applicant comment on the potential human health and well-being impacts of glint and glare, including on the occupiers of dwellings and horse riders?</p> <p>e) Does SDDC have any concerns in relation to glint and glare? How might they be addressed?</p>			
Applicant at D4		SDDC at D4	Applicant at D5
<p>a) In almost all cases, the difference between assessing the midpoint and the top point of the panel would be negligible. In a very small number of cases, typically when assessing flat tracking panels, the panel height being above the receptor can mean that the modelling output would show no solar reflections are geometrically possible. Pager Power’s modelling approach of using the ground height at the specific reflector points rather than taking an average of the ground height using the ground height at the panel area vertices mitigates against this.</p> <p>b) The geometric modelling is undertaken using a point on the ground floor of the dwelling. The modelling output using these points are then used as a proxy for the output of the upper floors because, in Pager Power’s experience, the difference in the modelling results from the ground floor and from the first floor is negligible. The judgement of visibility, screening, and impacts is then made qualitatively along with views from the ground floor using the available imagery and site photography.</p> <p>c) Low potential degradation is concluded as local roads have the lowest traffic densities and speeds. Traffic densities and speeds have a significant effect on the sensitivity of a road user because this has implications on their workload. A road user will require much greater level of concentration to safely travel along busy roads at high speeds, compared to the level of concentration required to safely travel along empty roads at slower speeds. This has been acknowledged in the Mabbett review as being a reasonable approach.</p> <p>d) Solar reflections from solar panels are similar to those from still water such as lakes, ponds, or wetlands (detailed further in Appendix B of the Appendix 14.1). These bodies of water are common in a rural environment and are often visible to residents and horse riders without risk to human health. The potential human health and well-being impacts of glint and glare arising from the Proposed Development on the occupiers of dwellings and horse riders are considered the same.</p> <p>e) No response required.</p>		<p>e) SDDC does not have any concerns in relation to glint and glare.</p>	<p>The Applicant notes the position is agreed with SDDC and that no further action is required.</p>

10.2	SDDC		
	<p>Assessment criteria</p> <p>Diane Abbott [REP1-043] paragraphs 3.17 and 3.20] raises concerns about the baseline noise levels used in the assessment and the identification of Lowest Observable Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Levels (SOAEL).</p> <p>In its response the Applicant [REP3-031] says that the assessment criteria are agreed with SDDC.</p> <p>Does SDDC have any concerns in relation to the noise assessment criteria? How might they be addressed?</p>		
	Applicant at D4	SDDC at D4	Applicant at D5
	The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.	SDDC does not have any concerns in regard to the noise assessment criteria,	The Applicant notes that South Derbyshire District Council does not have any concerns and that no further action is required.

10.3	Applicant, SDDC		
	<p>Piling for the solar panels</p> <p>SDDC [APP-160 paragraph 11.101] is quoted as identifying piling during construction as the most significant noise impact.</p> <p>The Applicant [REP1-025 response to question 10.1] refers to mitigation including scheduling the work at times to minimise impact on nearest receptors, employing multiple rigs to reduce the time taken for piling in a given area before moving on, screening or low-noise plant models. It refers to mitigation measures set out in paragraph 2.2.3 of the Outline CEMP [REP1-007].</p> <p>Not all of the mitigation mentioned by the Applicant is included in the Outline CEMP [REP1-007] and none of it specifically refers to piling.</p> <p>a) Given the potential for noise impacts from piling during construction and SDDC's comments, and for clarity, please could the Applicant, in discussion with SDDC, update the Outline CEMP [REP1-007] to include the specific mitigation measures for piling?</p> <p>b) Please could SDDC comment at Deadlines 4 and 5?</p>		
	Applicant at D4	SDDC at D4	Applicant at D5
	a) The Applicant has added a commitment to securing mitigation relating to noise generated from piling solar panels to the Outline CEMP, specifically Paragraph 2.2.3.10, the delivery of which is secured by requirement 8 (construction environmental management plans) of the dDCO. b) No response required.	b) SDDC has yet to hold further discussions with the Applicant on this specific matter, but SDDC will be content once the Outline CEMP is updated accordingly.	The Applicant updated the Outline CEMP at Deadline 4 and therefore no further action is required based on the SDDC response at Deadline 4.

10.5	Applicant, SDDC		
<p>Operation stage noise limits</p> <p>SDDC [APP-160 Table 11.2] recommend that a condition be provided for a site noise limit at the boundary to be validated upon completion and maintained thereafter. SDDC [REP1-029 response to question 10.2] is satisfied with the proposed site noise limits.</p> <p>The Applicant [REP1-025 response to question 10.2] states that it is in discussion with SDDC and will ensure that the position is confirmed through a SoCG.</p> <p>Requirement 15 of the dDCO [REP3-008] makes provision for an “ ... <i>operational noise assessment containing details of how the design of the authorised development has incorporated mitigation to ensure the operational noise rating levels as set out in the environmental statement are to be complied with</i> ...”.</p> <p>The Outline OEMP [REP1-009 paragraph 4.5.1] refers to the need to submit an operational noise assessment and to Requirement 15, but provides no further detail.</p> <p>The ExA seeks to ensure that the proposed mitigation is secured in the dDCO [REP3-008] and Outline OEMP [REP1-009].</p> <p>a) For clarity, please could the Applicant, in discussion with SDDC, update the dDCO [REP3-008] and Outline OEMP [REP1-009] to ensure that they:</p> <ul style="list-style-type: none"> • are consistent with each other and, between them, clearly secure the necessary mitigation without, for example, having to refer to the ES for operational noise rating levels; • incorporate SDDC’s requirements, including any for validation and maintenance of noise limits; and • ensure that there would not be any materially new or materially more adverse environmental effects compared to those identified in the ES? <p>b) Please could SDDC comment?</p>			
Applicant at D4		SDDC at D4	Applicant at D5
<p>a) The text in the Outline OEMP (Paragraph 4.5.1) has been updated to ensure it is consistent with Requirement 15 (operational noise) in the dDCO and therefore, the dDCO does not require updating in this respect. The operational noise rating levels from the ES have been included in the Outline OEMP (Paragraph 4.5.2) to ensure mitigation is clearly secured without need to reference the ES. Requirement 15 of the dDCO has also been updated to refer to the operational noise rating levels as set out in the Outline OEMP, rather than the ES. The subsequent bullet points in ExQ2 Q10.5 have also been incorporated into the Outline OEMP, submitted at Deadline 4.</p> <p>b) No response required.</p>		<p>b) The SoCG is still under discussion, but SDDC would be content once the Outline OEMP is updated accordingly.</p>	<p>The Applicant updated the Outline CEMP at Deadline 4 and therefore no further action is required based on the SDDC response at Deadline 4.</p>

11.1	Applicant, DCC		
<p>Field surveys for non-motorised users (NMU)</p> <p>DCC [REP1-026] say that a summer survey would be appropriate to assess the use of the site, including by non-motorised users, particularly during the summer holiday period of July and August.</p> <p>SDDC [REP1-029] consider that the timing of the field work is not detrimental to the assessment work submitted.</p> <p>The Applicant [REP1-025, REP3-032] says that it has adopted a proportional approach to assessing NMU that does not rely on NMU counts. It examines the local walking and cycling facilities and the sensitive receptors that are likely to act as an attractor for NMUs, and analyses the highway operation and the additional traffic, to assess a significance of effect.</p> <p>Does DDC have any remaining concerns in relation to field surveys for NMU? How might they be addressed?</p>			
Applicant at D4		DCC at D4	Applicant at D5
<p>The Applicant has undertaken further engagement with DCC regarding Non-Motorised Users (NMU). During a meeting on 20th August 2024, DCC explained that during the summer months, there may be more NMUs and therefore this should be considered within the assessment presented in ES Chapter 10 [APP-155].</p> <p>It was agreed with DCC that NMU surveys would be undertaken during the school summer period, in locations near to a Public Right of Way (PRoW) and equestrian facilities. On that basis, NMU surveys were undertaken at two locations outlined below:</p> <ul style="list-style-type: none"> • Site 1: Walton Road / PRoW • Site 2: Cotton Lane / PRoW <p>Additionally, Walton Road and Cotton Road are both identified within ES Chapter 10 [APP-155] as being near to receptors with 'Medium' sensitivity and are therefore potentially more likely to be susceptible to changes in construction traffic.</p> <p>The NMU surveys were undertaken over the course of three days from Tuesday 27th August – Thursday 29th August 2024, to ensure that a 'typical' volume of daily NMU movements could be captured.</p> <p>It should be noted that the camera at Site 2 was removed after the first survey day by a local resident who was concerned that the camera was overlooking their property and hence intruding on their privacy. However, it should be emphasised that the survey still obtained a full days' worth of data which remained useable.</p> <p>As part of further engagement on 19th September 2024, the results of the NMU survey were presented to DCC and are provided at Appendix A of this document. The number of NMU movements were relatively low, with a maximum of 59 NMU movements across the three-day survey at Site 1, and 81 NMU movements at Site 2. The Applicant emphasised that the potential impact of construction traffic will not surpass the threshold to change the scoring within the ES Chapter 10 [APP-155]. DCC agreed with the methodology and outcome of the NMU surveys and agreed that no further assessment would be required.</p>		<p>Surveys have been provided by the applicant and DCC do not wish to raise any further concerns. The Public Rights of Way team at DCC have raised no objections to the proposed changes to the off-road network or the impacts on non-motorised users.</p>	<p>The Applicant notes the comments by DCC at Deadline 4 and that no further action is required.</p>

11.2	Applicant, DCC, SDDC, SCC				
<p>Securing the construction traffic routes</p> <p>The Applicant [REP1-025 response to question 11.4] says that subject to responses from others, it is content to amend the Outline CTMP [REP1-009] to secure that:</p> <ul style="list-style-type: none"> • construction route Scenario 2A to only be used if Scenario 1 (using Walton-on-Trent bypass) is not available; and • construction route Scenario 2B to only be used if Scenarios 1 and 2A are not available. <p>a) Are DCC, SDDC, or SCC content for the Outline CTMP [REP1-009] to be updated to secure the above?</p> <p>b) Please could the Applicant, following discussion with DCC, SDDC, and SCC, update the Outline CTMP [REP1-009] accordingly?</p>					
Applicant at D4		SDDC at D4	DCC at D4	SCC at D4	Applicant at D5
<p>a) No response required.</p> <p>b) Paragraphs 3.31-3.32 of the OCTMP submitted at Deadline 4 have been updated to secure the following:</p> <ul style="list-style-type: none"> • Construction route Scenario 2A to only be used if Scenario 1 (using Walton-on-Trent bypass) is not available; and • Construction route Scenario 2B to only be used if Scenarios 1 and 2A are not available. <p>SCC have queried if construction route Scenario 2B could be used to assign a proportion of HGV traffic regardless of the availability of Scenario 2A route. The Applicants justification for a Scenario 2A 'default' is set out in [REP3-029] and is further discussed in the Applicant's response to ExA Q11.4.</p>		<p>a) SDDC are content for the Outline CTMP to be updated to secure those matters.</p>	<p>a) DCC are content for the Outline CTMP to be updated to secure the identification of construction routes. Given the situation regarding progress on the Walton-on-Trent bypass, it is unlikely that this will remain a realistic option for routing.</p> <p>DCC have no further concerns, but have raised the need for the proposed Traffic Management Group, along with the Highway Authority, to provide information to the public regarding traffic routing and timing.</p> <p>Route 2a is considered as the best available option to enable development.</p>	<p>a) We are content with the first bullet point. However, in relation to the second bullet point we have an outstanding matter raised in relation as to why routes 2A and 2B cannot be used in conjunction with one another if route 1 is not available (see Q11.4). For example Route 2A will not be available during the afternoon school run period and potentially for a period overlapping the AM network peak hour. It is our understanding that assessment has only been undertaken to compare each route being used in isolation and not whether impacts could be further lessened by spreading the load over two routes should the preferred scenario 1 be unavailable.</p> <p>The OCTMP can only be agreed when the issue has been resolved. Should the ExA determine routes 2A and 2B should be kept separate then the wording proposed in the OCTMP as set out in the two bullet point is acceptable.</p>	<p>The Applicant will be providing an updated draft SoCG with SDDC and DCC following Deadline 5, which provides an agreed position in respect of highways matters.</p> <p>The Applicant is continuing to engage with SCC and will provide an updated OCTMP and a summary of the respective position of the parties at Deadline 6.</p>

11.3	Applicant, SDDC, DCC
<p>Construction traffic – DCC and SDDC concerns</p> <p>DCC and SDDC [RR-078, RR-295, REP1-026, REP2-001] raise concerns including in relation to:</p> <ul style="list-style-type: none"> • infringement of the 7.5 tonne Environmental Weight Limit in the locality; • further assessments are required to establish the impacts of HGV movements during construction and decommissioning, particularly regarding the impacts of goods vehicle access through urban areas and along relatively quiet country roads; • the Applicant to work in consultation with the Highway Authority and the organisers of events in the locality to ensure that vehicle movement routes and timings can be coordinated for the avoidance of congestion; • weight and width restrictions on bridges, traffic control and monitoring to ensure compliance with routing and timing requirements, working in consultation with the Highway Authority to reduce the potential for related adverse impacts on congestion; • a pinch point at Cotton-in-the-Elms with very narrow local roads where residents park on either side of the road (reference construction route Scenario 2B); • disruption to farm traffic and rural business through the increase of road usage by HGVs accessing the site during the construction stage; • safe and satisfactory means of access to each of the individual compounds comprising the wider site; • ensuring that there are no fundamental safety considerations regarding the wider highway network, including that suitable manoeuvring of HGV vehicles (swept-path analysis) can be readily achieved along the narrow country lanes; and • it is anticipated that the Applicant would be responsible for keeping the highway clear of debris, preventing the trafficking of mud onto the road and rectifying of additional harm caused to the network assets demonstrably caused by the Applicant or its contractors to the satisfaction of the Highway Authority. <p>The Applicant [REP1-025] reports that DCC and/ or SDDC require review or clarification of:</p> <ul style="list-style-type: none"> • cumulative traffic impact - other projects and event management; • communication plans with the local community, stakeholders, and events during construction; • controls on vehicle movements during highway incidents and emergency road closures; • controls on vehicle movements during school pick up/ drop off times; • remedial measures to address infringement of designated construction vehicle route; and • communication plans with local community, and stakeholders. <p>The Applicant's responses [REP1-023, REP1-025, REP3-032] include that:</p> <ul style="list-style-type: none"> • paragraph 5.15 of the Outline CTMP [REP1-021] contains a firm commitment by the Applicant to engage with Catton Hall, the National Memorial Arboretum, DCC and SCC to agree the timing of construction vehicles so as to not disrupt event traffic; • HGVs would not be permitted to travel through the villages of Walton-on-Trent or Rosliston, table 3-3 of the Outline CTMP [REP1-021] identifies the sensitive built up areas to be avoided by construction traffic including Walton-on-Trent and outlines mitigation in the form of a signing strategy (Section 4), contractor information packs (paragraph 5.36), and compliance measures (paragraph 6.10); • Section 6 of the Outline CTMP [REP1-021] includes for a Traffic Management Group (TMG) to oversee the implementation of the CTMP and the appointment of a Transport Co-ordinator, accountable for monitoring and reporting to the TMG; • it is expected that full details of monitoring systems would be agreed with the relevant highway authorities in the preparation and approval of the CTMP; • DCC confirm that it is reviewing the highway asset provisions and measures and will revert with any concerns; and • it is engaging with DCC and SCC on transport matters to be agreed in a SoCG and additional measures will be added to the Outline CTMP [REP1-021] if needed. <p>a) Please could the Applicant provide a draft copy of the SoCG with DCC and SDDC at Deadline 4, and set out the construction traffic matters yet to be agreed with DCC and SDDC, and the next steps to be taken to address them?</p> <p>b) Please could the Applicant submit the updated Outline CTMP [REP1-021]?</p> <p>c) Please could DCC and SDDC set out any remaining construction traffic or highway asset protection concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>	

Applicant at D4	SDDC at D4	DCC at D4	Applicant at D5										
<p>a) The Applicant has provided a full summary of the position reached with SDDC and DCC in respect of the SoCG in its Deadline 4 version of the Statements of Common Ground – Status Document [Doc 8.0]. The Applicant is continuing discussions with SDDC and DCC , including transport matters, and will provide a further update on the status of the SoCG with those parties in early October 2024.</p> <p>b) The Applicant confirms that an updated OCTMP has been submitted at Deadline 4.</p> <p>A meeting was held between the Applicant, DCC and SDDC on 19th September 2024 and the Applicant has addressed the residual matters in the Deadline 4 OCTMP. The following table sets out the matters raised and where they are addressed in the document. The Applicant considers all residual matters to be addressed.</p> <table border="1" data-bbox="195 611 1026 1089"> <thead> <tr> <th data-bbox="195 611 350 674">Doc ref</th> <th data-bbox="350 611 1026 674">Issue</th> </tr> </thead> <tbody> <tr> <td data-bbox="195 674 350 764">5.3-5.5</td> <td data-bbox="350 674 1026 764">Agreements with highway authorities for alteration and maintenance of the highway</td> </tr> <tr> <td data-bbox="195 764 350 884">5.43</td> <td data-bbox="350 764 1026 884">Commitment to a detailed survey and review of the AIL route prior to commencement of construction when the haul vehicle specification established.</td> </tr> <tr> <td data-bbox="195 884 350 1003">6.3-6.4</td> <td data-bbox="350 884 1026 1003">Establishment of the Traffic Management Group 6 months prior to construction. Frequency of meeting increased to 2 months.</td> </tr> <tr> <td data-bbox="195 1003 350 1089">6.6</td> <td data-bbox="350 1003 1026 1089">Additional Traffic Management Group engagement for events and other projects</td> </tr> </tbody> </table>	Doc ref	Issue	5.3-5.5	Agreements with highway authorities for alteration and maintenance of the highway	5.43	Commitment to a detailed survey and review of the AIL route prior to commencement of construction when the haul vehicle specification established.	6.3-6.4	Establishment of the Traffic Management Group 6 months prior to construction. Frequency of meeting increased to 2 months.	6.6	Additional Traffic Management Group engagement for events and other projects	<p>c) Additional information was requested by SDDC as part of the review and response to the applicant submission. Discussions have been held with DCC as the LHA in relation to use of the narrow bridge at the southern end of Rosliston Road (along construction Route 2A) and DCC consider increased use of bridge to be acceptable given the low levels of construction</p>	<p>The applicant is working with DCC Highways officers seeking to minimise the impacts of construction traffic on the locality. The CTMP will, as far as practicable, seek to resolve issues identified. Along with the Highways Authority, the applicant is to establish a Traffic Management Group, comprising representatives of interested parties, with the aim of ensuring that construction and maintenance traffic issues are kept to a minimum or resolved.</p> <p>DCC Highways officers are holding regular meetings with the applicant to resolve any ongoing concerns relating to traffic management and the content of the CTMP. Further details will be provided at Deadline 5.</p> <p>DCC has considered the possibility of introducing traffic signals at the bridge on Rosliston Road (construction rout 2A) but believes that this may introduce wider negative impacts given the existing good visibility across the bridge.</p> <p>Some questions remain relating to swept path analysis of the abnormal load rout, but this cannot be resolved until the vehicle specifications have been confirmed. The highway Authority is content for this to be submitted at later. It is accepted that some temporary mitigations are likely to be required along the abnormal load rout. The Highway Authority is content for these measures to be discussed once vehicle specifications are confirmed.</p>	<p>The Applicant notes the comments by SDDC and DCC at Deadline 4. An updated SOCG with those parties will be provided as soon as possible following Deadline 5, which confirms the position in respect of highways matters. The Applicant intends to provide an updated version of the OCTMP at Deadline 6.</p>
Doc ref	Issue												
5.3-5.5	Agreements with highway authorities for alteration and maintenance of the highway												
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6.6	Additional Traffic Management Group engagement for events and other projects												

11.4	Applicant, Staffordshire County Council (SCC)		
<p>Construction traffic – SCC concerns</p> <p>SCC [REP1-031] raise concerns including in relation to:</p> <ul style="list-style-type: none"> • why routes 2A and 2B could not be used in conjunction with one another to spread the impacts of construction traffic across the network rather than focussing it on a particular route; • consideration to the movement of young pedestrians who would potentially need to cross and/ or walk along the construction traffic route on their way to/from school for which the Outline CTMP [REP1-021] should restrict the movement of HGV traffic on route 6 during the morning and afternoon school runs during term time; • whether the construction of the Drakelow Park development has been accounted for in the impacts of construction traffic; • the consideration given to potential delays at a narrow bridge on Rosliston Road over the railway as construction traffic Route 6 enters Derbyshire; • potential impacts from construction traffic not using prescribed construction routes; • it is not clear whether the dDCO [REP3-008] provides for works to remedy any damage caused and attributable to the solar farm development to be undertaken by the developer or whether there are powers for the local highway authority to agree the detail of the works and approve the workmanship of any work undertaken; and • the Outline CTMP [REP1-021] include provision for recouping of any costs incurred by the local highway authority in undertaking emergency repair work of damage caused by construction traffic. <p>The Applicant’s responses [REP3-031] include that:</p> <ul style="list-style-type: none"> • during pre-application it was agreed with DCC and SCC that a hierarchy of routes would be supported for HGV, whereas for lighter construction vehicles it was agreed the dispersion of these lighter vehicles across the network would be acceptable; • paragraph 5.5 of the Outline CTMP [REP1-021] has been amended to require all HGV movements to occur outside of the traditional local highway network peak periods, including School Drop off (08:30-09:30) and School Pick up (15:00-16:00); • Drakelow Park is currently being built out and construction traffic has been captured in the baseline traffic surveys that were undertaken in 2022; • the average of 14 HGV movements per day with restrictions to HGV movements to occur outside peak periods mean that there is unlikely to be material delays at the railway bridge above those occurring within baseline condition; and • the Outline CTMP [REP1-021] requires contractors to use the prescribed construction vehicle routes such as contractual agreements and financial penalties for breaches thereby discourage use of non-prescribed construction routes. <p>a) Please could SCC set out any remaining construction traffic concerns and suggest how their issues might be resolved?</p> <p>b) Please could the Applicant comment?</p>			
Applicant at D4		SCC at D4	Applicant at D5
<p>a) No response required.</p> <p>b) Further engagement has been undertaken with SCC on 23rd August 2024 and 18th September 2024 to discuss concerns raised at Examination Deadline 1. The following responses address each listed bullet point:</p> <ul style="list-style-type: none"> • With reference to ES Chapter 10, Figure 10.2, 10.3 and 10.4 [APP 156] it can be noted that the construction routes used as part of Scenario 2A and 2B are similar. The key difference between the two scenarios is the re-routing of Heavy Vehicles, and a proportion of Light Vehicles from Route 6 (through Burton on Trent and Stapenhill) to Route 8 (through Coton in the Elms). <p>The impact of Heavy Vehicle Traffic along Route 6 through Burton on Trent and Stapenhill would result in no more than a 3% increase on baseline daily Heavy Vehicle traffic and less than 1% of total daily traffic, as shown in Table 10.22 of ES Chapter 10 [APP-155].</p> <p>Should Heavy vehicles use Route 8, the impact of Heavy Vehicle traffic through Coton in the Elms would result in an increase of 87% of baseline daily Heavy Vehicle Traffic and 1% of total daily traffic, as shown in Table 10.26 of ES Chapter 10 [APP-155].</p> <p>It is evident that Route 6 caters for Heavy Vehicle movements, compared to links along Route 8 which are more rural in nature. This means sensitive receptors adjoining Route 8 (e.g communities in Coton in the Elms) are more likely to experience a greater level of Severance in comparison to residents in Stapenhill and Burton given they are unfamiliar with Heavy Vehicles routing through the village.</p> <p>In addition, the magnitude of impact of the construction vehicle traffic on Route 8 on links such as Mill Street and Church Street for Fear and Intimidation was assessed as ‘Great’ (50), as shown in Table 10.23 in ES Chapter 10 [APP-155]. In comparison, the magnitude of impact on key links along</p>		<p>We have been in discussions with the Applicant post our deadline 1 submission and understand a revised OCTMP will be submitted at Deadline 4. We are mindful of making substantive comments on a document that has yet to be seen by the ExA at this juncture for the risk of causing confusion. However, the revised OCTMP we have seen should address a number of the points we raised, including relation to schools along the construction traffic route 2A by restricting movements during the school run.</p> <p>The principal points of objection likely to remain are:</p> <ol style="list-style-type: none"> 1. Provisions for the highway authority to recoup costs and/or approve remedial works to the construction traffic route. The OCTMP can set out the basis for how this could take place. However, the DCO does not contain the relevant powers to deliver. Therefore, we suggest a Development Consent Obligation (S106) is required to set out the obligations between the parties and mechanisms for payments to be made. The Applicant has suggested such powers exist in S59 of the 	<p>The Applicant has continued to engage with SCC up to and following ISH1. Those discussions will be continuing after Deadline 5 and the Applicant intends to provide an updated position at Deadline 6.</p>

<p>Route 6 such as Main Street and Rosliston Road for Fear and Intimidation was scored as 'Moderate' (40), as shown in Table 10.27 in ES Chapter 10 [APP-155]. Again, this emphasises that residents within Coton in the Elms are likely to be more susceptible to the impacts of heavy vehicle traffic.</p> <p>Whilst it is noted that the effects outlined are mitigated to minor significance (residual), that is acknowledgement that any impact on Route 8 would be very temporary in nature, so should there be a prolonged period of Heavy Vehicle movements there is a risk the residual negative effects could be significant.</p> <p>On that basis, it has been determined that Scenario 2B would only be suitable to use should an obstruction or closure make Route 6 under Scenario 2A, unusable.</p> <ul style="list-style-type: none"> Further dialogue has been undertaken with SCC to address their concerns in relation to young pedestrians accessing local schools within the vicinity of Route 6. It was noted by SCC during further engagement on 18th August 2024, that schools within proximity to Route 6 do not have uniform school pick-up and drop off periods. <p>On that basis, the OCTMP (Paragraph 5.8-5.9) is updated to confirm that the restrictions on Heavy Vehicle movements during the school pick-up and drop-off periods will be indicative and will be confirmed following further engagement with SCC and the Local Education Authority.</p> <ul style="list-style-type: none"> The Applicant discussed the concern raised by SCC in regard to the cumulative impact of the Drakelow Park development traffic during further engagement on 23rd August 2024. <p>The Applicant can confirm that this was considered within ES Chapter 10 [APP-155], noting the fact that the anticipated construction phase of the Proposed Development will not commence until 2026, by which time the construction phase of the Drakelow Park development is unlikely to be as intensive, however it is noted that there could be an interface with Walton Bypass construction traffic.</p> <p>SCC stated during the engagement session that they would be satisfied through a mechanism within the OCTMP and the final CTMP which commits to continued engagement with Countryside Homes to monitor construction traffic associated with both developments and address any potential issues that could occur as a result.</p> <p>The OCTMP is updated (Paragraphs 6.3-6.6) to provide firm commitment to the establishment of a Traffic Management Group (TMG) which is inclusive of Countryside Homes. Notably, the frequency of engagement has been increased to 2 months to ensure that more regular monitoring can be undertaken, and any issues can be dealt with in a prompt manner.</p> <ul style="list-style-type: none"> The Applicant can confirm that further engagement with DCC was undertaken on 20th August 2024 during which the concern raised in regard to the 'pinch point' on Rosliston Road railway bridge, was discussed. <p>The Applicant confirmed that the number of daily movements together with delivery management to evenly spread Heavy Vehicle demand through the day would ensure that there is unlikely to cause any significant delay. The issue will be monitored and kept under review throughout the construction and on that basis, DCC do not have any material concerns regarding this matter.</p> <ul style="list-style-type: none"> Following discussions with SCC on 23rd August in relation to construction traffic adhering to the prescribed routes, further detail has been added to the OCTMP with regards to locations of potential temporary construction traffic signage and corrective measures enforced on contractors. <p>Specifically, Paragraphs 4.1 to 4.4 of the OCTMP are updated to include details regarding the potential wording that will be placed on temporary signs, along with indicative locations for temporary signage for each construction vehicle routing scenario. It is reiterated that the wording on temporary signs is categorised around Heavy Vehicle restrictions specific to the proposed development so as not to use unprescribed routes unsuitable for Heavy Vehicles, warnings to the general public of the presence of construction traffic, and directional signage to enforce the construction vehicle routes to contractors. A commitment is included to provide a detailed signage schedule pre-construction.</p> <p>To support the signage strategy, further detail has been provided in Paragraphs 6.10-6.11 of the OCTMP on remedial measures and contractual penalties should contractors not comply with the designated construction vehicle routes.</p>	<p>Highways Act. However, this power is seldom used due to the need to prove damage has been caused in court. Here we have known construction traffic routes that will experience increased HGV traffic therefore specific provisions should be made to address.</p> <ol style="list-style-type: none"> We are not yet convinced the provisions in the OCTMP relating to ensuring compliance with use of the approved construction traffic routes are suitably robust. 	
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11.5	Applicant, LCC														
<p>Construction traffic – LCC concerns</p> <p>LCC [RR-170, REP1-027, REP2-002] raises concerns in relation to the potential impact of Abnormal Indivisible Loads (AIL) movements on communities within Leicestershire and says that the application is silent on this. It considers that surface protection, culvert reinforcement and temporary removal of street furniture will be required at locations along the AIL route and seeks protection of its assets and recovery of any associated costs through provisions within the DCO. LCC would welcome engagement with The Applicant as soon as possible to address these concerns.</p> <p>The Applicant [REP1-023, REP3-033] says that the environmental effects for AIL are assessed in ES Chapter 10 [APP-155] and related mitigation measures are secured under Requirement 10 (construction and traffic management plan) of the dDCO [REP3-008] and included in the Outline CTMP [REP1-021]. It does not identify any need for surface protection, culvert reinforcement, and temporary removal of street furniture and says that no mitigation measures are required on section of the AIL route within LCC’s jurisdiction. The Applicant refers to a legal requirement for itself under the Electronic Service Delivery for Abnormal Loads system to provide mitigation and says that AIL movements would be subject to a separate application and permitting scheme, currently administered by National Highways in consultation with the relevant highway authorities and police, a process that would be supported by additional route assessment and validation, including additional surveys as required. The Applicant reports that it will be engaging further with LCC during the Examination and is waiting for a response to correspondence sent on 15th August 2024.</p> <p>a) Please could LCC identify where it considers that surface protection, culvert reinforcement and temporary removal of street furniture would be required at locations along the AIL route?</p> <p>b) Please could the Applicant provide more information on the separate application and permitting scheme that it mentions and set out the extent to which it would address LCC’s specific concerns?</p> <p>c) Does LCC consider that the separate application and permitting scheme mentioned by the Applicant would be sufficient for the protection of LCC’s assets and recovery of LCC’s costs rather than these being matters for the DCO to deal with? If not, why not?</p> <p>d) Please could LCC set out any remaining construction traffic or highway asset protection concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p> <p>e) Please could the Applicant comment?</p>															
Applicant at D4		LCC at D4	Applicant at D5												
<p>a) No response required.</p> <p>b) ESDAL address the processes for securing an AIL movement ensuring that all highway alterations are identified, and that consultation is carried out with the relevant highway and bridge authorities. However, LCC raised residual concerns relating to notice periods (requesting longer notice periods than those specified in ESDAL) and to how the powers for highway alteration would be secured. These matters are addressed in the D4 revisions to the OCTMP as set out in the table below. The Applicant considers this to address LCCs concerns in full, in relation to this specific matter.</p> <p>c) No response required.</p> <p>d) No response required.</p> <p>e) The Applicant met with LCC on the 16 September 2024 and discussed their concerns relating to AILs. The following table summarises how the Deadline 4 OCTMP revision has addressed those concerns:</p> <table border="1" data-bbox="192 1365 1454 1984"> <thead> <tr> <th>Doc ref</th> <th>Issue</th> </tr> </thead> <tbody> <tr> <td>3.14 – 3.16</td> <td>Sets out the Electronic Service Delivery for Abnormal Loads (ESDAL) permitting scheme, which ensures that all highway alterations are identified and that consultation is carried out with the relevant highway and bridge authorities. LCC has agreed ESDAL is the correct permitting scheme for abnormal deliveries in LCC’s area.</td> </tr> <tr> <td>5.3 - 5.5</td> <td>Agreements with highway authorities for alteration and maintenance of the highway</td> </tr> <tr> <td>5.42</td> <td>Sets out the provisions for the relevant highway authorities to recover excess expenses with respect to highway defects caused by extraordinary traffic to facilitate the construction of the authorised development.</td> </tr> <tr> <td>5.43</td> <td>Commitment to a detailed survey and review of the AIL route prior to commencement of construction when haul vehicle specification is established. A mechanism for the technical approval of any highway interventions to facilitate AIL movements.</td> </tr> <tr> <td>6.6</td> <td>LCC added to the list of invitees for the Traffic Management Group to allow AIL movements to be discussed in advance of permit applications.</td> </tr> </tbody> </table>		Doc ref	Issue	3.14 – 3.16	Sets out the Electronic Service Delivery for Abnormal Loads (ESDAL) permitting scheme, which ensures that all highway alterations are identified and that consultation is carried out with the relevant highway and bridge authorities. LCC has agreed ESDAL is the correct permitting scheme for abnormal deliveries in LCC’s area.	5.3 - 5.5	Agreements with highway authorities for alteration and maintenance of the highway	5.42	Sets out the provisions for the relevant highway authorities to recover excess expenses with respect to highway defects caused by extraordinary traffic to facilitate the construction of the authorised development.	5.43	Commitment to a detailed survey and review of the AIL route prior to commencement of construction when haul vehicle specification is established. A mechanism for the technical approval of any highway interventions to facilitate AIL movements.	6.6	LCC added to the list of invitees for the Traffic Management Group to allow AIL movements to be discussed in advance of permit applications.	<p>a) LCC welcomed a meeting with the Applicant on 16th September 2024. The Applicant has confirmed to LCC that no detailed assessment of the AIL route has taken place to date, and nor will it through the course of the DCO examination. The Applicant highlighted that within Leicestershire there are likely to be areas of verge over run. In addition to protecting these areas to facilitate AIL movements, and re-instating post movements, there will be a need to protect any associated utilities. The Applicant has provided LCC with a copy of a draft revised Outline Construction Traffic Management Plan which it intends to submit at deadline 4. This revised document, if it includes amendments that LCC has suggested, could seek to address LCC concerns, together with an appropriately worded requirement/s.</p> <p>c) the draft revised OCTMP as described above includes for entering into agreements with the Highway Authorities outside of the DCO process, including recovery of costs. LCC will be better placed to comment following the Applicant’s deadline 4 submission.</p> <p>d) As above, LCC will be better placed to comment following the Applicant’s deadline 4 submission. However, LCC remains hopeful that an amended OCTMP together with associated requirement/s will address our concerns.</p>	<p>The Applicant noted the comments by LCC at Deadline 4 and has continued to engage with the authority following that deadline.</p> <p>LCC confirmed its position to the ExA on the 15th October 2024, prior to ISH1, and stated that its concerns had been addressed through the OCTMP submitted at Deadline 4 [REP4-032] and through Requirement 10 of the dDCO. No further action is therefore considered necessary.</p>
Doc ref	Issue														
3.14 – 3.16	Sets out the Electronic Service Delivery for Abnormal Loads (ESDAL) permitting scheme, which ensures that all highway alterations are identified and that consultation is carried out with the relevant highway and bridge authorities. LCC has agreed ESDAL is the correct permitting scheme for abnormal deliveries in LCC’s area.														
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11.7	DCC		
	<p>Travel Plan</p> <p>DCC [REP1-026] say that a Travel Plan should be provided in outline during the examination and suggests that early consideration of travel planning will enable the Highway Authority to provide advice and traffic management to keep disruption to a minimum.</p> <p>The Applicant [REP1-025, REP3-032] has updated the Outline CTMP [REP1-021] to provide further detail about the content of the Travel Plan.</p> <p>Please could DCC comment on the provisions for a Travel Plan in the Outline CTMP [REP1-021], set out any remaining concerns in relation to travel planning and suggest how their issues might be resolved?</p>		
	Applicant at D4	DCC at D4	Applicant at D5
	The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.	The reference to 'Travel Plan' is addressed by the provision of, and measures included in the consideration of the OCTMP provided by the applicant.	The Applicant notes the position is agreed by Derbyshire County Council and that no further action is required.

11.9	DCC		
	<p>Maintenance of verges – plots 02-045 and 02-048</p> <p>The Book of Reference [REP3-017] seeks the acquisition of the freehold of a section of verge on Rosliston Road.</p> <p>DCC [REP1-026] say that the maintenance of the verge, for the purposes of highway safety, must be included in the programme of general site maintenance.</p> <p>The Applicant [REP1-025, REP3-032] say that it is not seeking powers to stop up the adopted highway, that DCC's powers as highways authority would not be interfered with and DCC would continue to be able to maintain the verge as necessary.</p> <p>Does DCC have any remaining verge maintenance concerns? How might their issues be resolved?</p>		
	Applicant at D4	DCC at D4	Applicant at D5
	The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.	Given the clarification provided by the applicant, this issue has been resolved to the satisfaction of DCC.	The Applicant notes the position is agreed by Derbyshire County Council and that no further action is required.

11.10	Applicant, DCC		
<p>Draft DCO [REP3-008] Article 9 - Power to alter layout, etc., of streets</p> <p>Draft DCO [REP3-008] Article 10 – Access to works</p> <p>DCC [REP1-026] expect the Applicant to fully engage with the Highway Authority to ensure that any proposed temporary or permanent alterations to the road layout or structure are acceptable in terms of highway safety and for the long-term future maintenance of the highway.</p> <p>Applicant [REP3-032] says that Article 9 (power to alter layout, etc., of streets) ensures that the undertaker will engage fully with the highway and street authorities regarding the acceptability of any alterations to the layout etc. of streets and access to works.</p> <p>Draft DCO [REP3-008] Article 9(5) refers to consent not being required where the undertaker is the street authority for a street in which the works are being carried out.</p> <p>Draft DCO [REP3-008] Article 10(a) and 10(b) does not require Highways Authority consent.</p> <p>a) Please could the Applicant clarify how DCC’s requirement (as the ExA interprets) for Highways Authority consent would be met?</p> <p>b) Please could DCC set out any remaining concerns at Deadline 5 and set out how they might be resolved?</p>			
Applicant at D4			
DCC at D4			
Applicant at D5			
	<p>(a) Article 10(1)(a) and 10(1)(b) grants consent for the undertaker to carry out access works at the locations specified in Schedule 4 (access to works). The detail of these works is subject to Requirement 5 (detailed design approval) whereby, amongst other things, details of the layout of the authorised development, hard surfacing materials, vehicular and pedestrian access, parking and circulation areas must be submitted to and approved in writing by the local planning authority. In practice, this will include the local planning authority consulting the highway authority to approve these details where appropriate. Requirement 10 (construction traffic management plan) also requires the CTMP to be approved by the local planning authority in consultation with the relevant highway authority(ies), further securing the highway authority’s consent where appropriate for the authorised development.</p> <p>Article 10(1)(c) permits the undertaker to form and layout other means of access or improve existing means of access with the prior approval of the local planning authority, in consultation with the highway authority, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development. DCC’s requirement for highways authority consent would subsequently be needed for this limb.</p> <p>The Applicant’s approach set out above is consistent with recent DCO precedent, including Article 12 (access to works) of The Sunnica Energy Farm Order 2024 and Article 13 (access to works) of The Cottam Solar Project Order 2024. The Applicant also considers its approach to be consistent with The Mallard Pass Solar Farm Order 2024 and The Gate Burton Energy Park Order 2024 which differ slightly to the dDCO in respect of this article, but also do not require consent from the highway authority beyond the scope of Article 10(1)(c) of the dDCO.</p> <p>No further action is therefore proposed.</p> <p>b) No response required.</p>	No response	The Applicant has no further comments at D5 in respect of this question, based on there being no response by DCC at D4.

12.1	Applicant, EA		
<p><u>Water Framework Directive (WFD)</u></p> <p>The EA [AS-019, REP1-033, REP3-001] expect an updated WFD Assessment to address matters that have not been agreed:</p> <ul style="list-style-type: none"> • Ecology. Water Environment Report / WFD with regards to potential culverting of Ordinary Watercourses. • Geomorphology. Water Environment Report / WFD. • Groundwater protection. WFD assessment needs to include WFD Groundwater Body. <p>The Applicant [REP1-025] advises that it is providing a revised WFD Assessment to the EA for review and will provide an update on the position of those discussions at Deadline 3. It is engaging with the EA to progress and agree a SoCG.</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with EA at Deadline 4, and set out the WFD Assessment matters yet to be agreed with NE, and the next steps to be taken to address them?</p> <p>b) Please could the Applicant submit the updated WFD Assessment?</p> <p>c) Please could EA set out any remaining WFD concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>			
Applicant at D4		EA at D4	Applicant at D5
<p>a) The Applicant has continued to discuss the Application with the EA since Deadline 3. The EA has provided the Applicant with its submissions at Deadline 4, including its Works Package Tracker, which records the WFD as 'Working on a solution' but on the basis that the EA will record that matter as agreed once the amended WFD Assessment is showing on the PINS website.</p> <p>b) Accordingly, given the context in a), the Applicant has at Deadline 4 submitted clean and tracked versions of the updated WFD Assessment.</p>		<p>c) The Applicant provided us with an updated WFD Assessment 25 September 2024 which we agree with and now have no remaining WFD concerns. See below for further information. Hydro-morphology and Ecology: The WFD Assessment now includes the design details of the proposed culverts for vehicle crossways. The culverts will be set 300mm below the existing channel to maintain fish passage and hydrological connection. Groundwater: We note the inclusion of Chapter 4 - 'Groundwater Classification' within the amended WFD assessment report. The impact assessment now includes assessment of the groundwater body, as well as assessment of the three surface water bodies present locally. The assessment of groundwater now appears appropriate within this report, and we have no further queries.</p>	<p>The Applicant notes the EA's response at D4 and has no further comments at D5.</p>

12.2	DCC		
<p><u>Water Quality and Silt Management Plan</u></p> <p>DCC [REP1-026] suggest that Outline Water Quality and Silt Management Plans should be provided in outline during the examination to help ensure that those actions necessary to prevent adverse impacts on site drainage and local water courses can be fully considered at an early stage in the development process.</p> <p>EA [REP2-003] do not require an Outline Water Quality and Silt Management Plan.</p> <p>The Applicant has added matters to be included in Water Quality and Silt Management Plan to paragraph 2.6.9 of the Outline CEMP [REP1-007].</p> <p>Does DCC have any remaining concerns regarding the Water Quality and Silt Management Plan? How might any issues be resolved?</p>			
Applicant at D4		DCC at D4	Applicant at D5
<p>The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.</p>		<p>DCC believes that risks to water quality and the release of silts are greatest during the construction phase but considers that the concerns regarding water quality and silt management are addressed by the updated CEMP, section 2.6, Water Quality Management. DCC note that the EA do not require an Outline Water Quality and Silt Management Plan.</p>	<p>The Applicant has no further comments at D5, based on the response by DCC at D4.</p>

12.3	DCC		
	<p><u>Stopping up or culverting of water courses</u></p> <p>DCC [REP1-026] say that as Lead Local Flood Authority, it would seek to be consulted prior to any stopping up or culverting of water courses in connection with site works, whether temporary or permanent, for the prevention of flooding or any adverse impacts attributable to the works.</p>		
	Applicant at D4	EA at D4	Applicant at D5
	The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.	DCC is content that Part 7 of Schedule 10 contains adequate provisions for the protection of drainage authorities.	The Applicant has no further comments at D5, based on the response by the EA at D4.

12.4	DCC		
	<p><u>Surface Water Management Plan</u></p> <p>DCC [REP1-026] say that the submission of an Outline Surface Water Management Plan would help to ensure that surface waters are adequately managed for the prevention of flooding, conservation of ecological interest and the prevention of pollution.</p> <p>EA [REP2-003] do not require an Outline Surface Water Management Plan.</p> <p>The Applicant [REP3-032] has updated the Section 2.6 of the Outline CEMP [REP1-007] regarding the management of surface water during construction and suggests that this performs the role of an outline Surface Water Management Plan by identifying the expected measures to be used.</p> <p>Does DCC have any remaining concerns regarding the Surface Water Management Plan? How might any issues be resolved?</p>		
	Applicant at D4	DCC at D4	Applicant at D5
	The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.	DCC considers that the concerns regarding water quality and silt management are addressed by the updated CEMP, section 2.6, Water Quality Management.	The Applicant has no further comments at D5, based on the response by DCC at D4.

12.5	Applicant, EA		
	<p><u>Flood Risk Assessment (FRA)</u></p> <p>The EA [AS-019, REP1-033, REP3-001] expect an updated FRA to address matters that have not been agreed in relation to the Sequential Test, Exception Test, climate change allowance, and detailed flood modelling.</p> <p>The Applicant [REP1-025, REP3-032] expects to submit an amended FRA at Deadline 4. It is engaging with the EA to progress and agree a SoCG.</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with EA at Deadline 4, and set out the FRA matters yet to be agreed with NE, and the next steps to be taken to address them?</p> <p>b) Please could the Applicant submit the updated FRA?</p> <p>c) Please could EA set out any remaining FRA concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>		
	Applicant at D4	EA at D4	Applicant at D5
	<p>a) The EA has provided the Applicant with its submissions at Deadline 4. The Works Package Tracker submitted by the EA at Deadline 4 records that an updated FRA was provided to the EA by the Applicant on the 11th September 2024 and that the EA are currently reviewing that document.</p> <p>The EA expect to be able to provide an update to the Applicant shortly after Deadline 4 and the Applicant will seek to provide an update to the ExA prior to the agenda for the October 2024 Issue Specific Hearings being published by the 15th October 2024.</p> <p>b) The Applicant will await the comments of the EA on the latest amendment of the FRA and will submit the updated FRA once it has resolved any outstanding matters, as it expects to be able to provide an update and the updated FRA shortly after Deadline 4.</p> <p>c) No response required.</p>	<p>b) We are currently reviewing the Flood Risk Model and Flood Risk Assessment and will provide an update shortly after Deadline 4.</p>	<p>The Applicant confirms that it continued to engage with the EA ahead of ISH1. At D5 the Applicant has submitted an amended Flood Risk Assessment, including an Outline Drainage Strategy. The Applicant has set out its position in the Applicant's Written Summary of Oral Submissions at ISH1 (Document 13.4).</p> <p>The Applicant will continue to engage with the EA following D5, as the EA review the amended FRA and will provide an update at Deadline 6.</p>

12.6	DCC, EA		
<p><u>Obstructions to flood waters</u></p> <p>The EA [REP1-032] say that if it is found that water is at sufficient depth to reach the solar panels then a Maintenance Plan would be required, which should be specified under the Outline OEMP [REP1-009], and include:</p> <ul style="list-style-type: none"> • check periodically for penitential debris which could be moved by flood water (fallen trees etc) and removal; • checks and clearance of all flood debris after a storm event; and • checks of the structural integrity of the solar panels after a storm event to reduce the risk of falling and causing blockages. <p>The Applicant [REP1-025, REP3-032] considers that there is no significant potential for debris to build-up on the legs of the solar panel support structures which could create any meaningful implications for flood risk and drainage.</p> <p>a) Does DCC, as Lead Local Flood Authority, consider that the Outline OEMP [REP1-009] should be updated as suggested by the EA?</p> <p>b) Do the EA or DCC have any remaining concerns regarding potential obstructions to flood waters? How might any issues be resolved</p>			
	Applicant at D4	DCC at D4	EA at D4
	The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 5.	DCC agrees that there is little potential for the build-up of significant debris on the panel leg supports given the topography of the site, but would support the inclusion of checks and debris removal in the site maintenance schedules to ensure that blockages, as well as damage to the infrastructure, does not occur. DCC supports the periodic checking for and removal of debris but does not consider it proportionate for the site to be checked after every storm. The Met Office does not have a specific definition of 'a storm' and therefore a requirement to check the site after every storm would also require a definition of 'storm' to be agreed.	b) We are currently reviewing the Flood Risk Model and Flood Risk Assessment and will provide an update shortly after Deadline 4.
	Applicant at D5		
	The Applicant has set out its position in the Applicant's Written Summary of Oral Submissions at ISH1 (Document 13.4). Paragraph 2.6.9 of the OCEMP and Paragraph 6.1.1 of the OOEMP have already been updated to provide for an appropriate maintenance regime to prevent the build-up of debris. The Applicant has also revised paragraph 7.3 of the FRA to align with those management plans.		

12.7	Applicant, DCC, SDDC, EA								
<p><u>Piling and underground cabling</u></p> <p>DCC and SDDC [REP1-026, REP1-029, REP2-001] consider it inevitable that land drains would be compromised by piling and underground cables. They suggest that these may alter localised drainage patterns through the interruption of flows during the construction, operation, and decommissioning stages. Councillor Amy Wheelton [REP1-039] raises related concerns.</p> <p>The Applicant [REP3-031, REP3-033] says that although piling may disturb or break up land drains, the number affected is expected to be minimal and that in the unlikely event that any significant drainage issue emerges due to construction activity, it would use measures such as SuDS, replacing or repairing land drains to rectify the situation.</p> <p>a) Please, following consultation with the EA, DCC and SDDC, could the Applicant set out how it has assessed the potential for the piling and underground cables to impact on land drainage and flooding at each stage of the Proposed Development, and advise how any necessary mitigation measures, including SuDS, replacing or repairing land drains, are secured?</p> <p>b) Do the EA, DCC, or SDDC have any remaining concerns regarding the potential for the piling and underground cables to impact on land drainage and flooding? How might any issues be resolved?</p>									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:48%; text-align: center;">Applicant at D4</td> <td style="width:12%; text-align: center;">SDDC at D4</td> <td style="width:12%; text-align: center;">DCC at D4</td> <td style="width:12%; text-align: center;">EA at D4</td> <td style="width:16%; text-align: center;">Applicant at D5</td> </tr> </table>					Applicant at D4	SDDC at D4	DCC at D4	EA at D4	Applicant at D5
Applicant at D4	SDDC at D4	DCC at D4	EA at D4	Applicant at D5					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:48%; vertical-align: top;"> <p>a) <u>Construction Phase</u></p> <p>As set out in Chapter 8 (Water Resources and Flood Risk) of the ES [APP-143] and the Flood Risk Assessment [AS-014], the Applicant considers that flood risk off-site will not be increased as a result of the Proposed Development. Land drains are designed to speed up the transport of infiltrated surface water from agricultural fields to watercourses, and any damage to land drains would reduce peak run-off rates to watercourses. During construction of the Proposed Development, piling of solar panel mounts and / or installing underground electrical cabling via trenching may result in disturbance or damage to existing land drains. Where this occurs and creates an unacceptable surface drainage issue, SuDS and other measures such as repairing or installing new land drains would be available to rectify such drainage issue. The use of SuDS or land drains to rectify construction-related surface drainage issues is detailed and secured in the Outline CEMP (Paragraph 2.6.9) and Requirement 9 (construction environmental management plans) in the draft DCO.</p> <p>Once the Proposed Development is operational, the drainage on-site will be monitored and drainage measures altered or improved, as necessary. New impacts are unlikely once the construction process is complete and the Proposed Development is fully implemented.</p> <p>Mitigation measures are also proposed in the Outline CEMP to minimise any impacts of the Proposed Development on agricultural land, such as managing impacts on the soils to protect the ability for the land to be returned to an appropriate condition following decommissioning. The management of soil during decommissioning is also captured in the Outline Decommissioning Environmental Management Plan (DEMP).</p> <p><u>Operational Phase</u></p> <p>During the operational life of the Proposed Development, any surface drainage issues arising from piling of solar panel mounts and trenching to install underground electrical cabling would have been monitored and mitigated as described above. Section 4.2 of the Outline OEMP provides further detail on the mitigation measures and monitoring requirements in relation to flood risk, drainage and surface water. This will include regularly cleaning and maintenance of the drainage systems to ensure their function. This is set out on more detail in Appendix 8.1 FRA and Outline Drainage Strategy. Examples include:</p> <ul style="list-style-type: none"> - Removing debris, silt accumulation and leaves to avoid blockages; - Removal or control of tree roots were encroaching on infrastructure; - Replace damaged or failed pipes/gullies/manholes; and / or - Inspect permeable paving for weed growth. <p>The Applicant reiterates that during operation of the Proposed Development, surface water would percolate directly to the ground, and this would be intercepted by vegetation beneath the solar panels and the infiltration reflects that of the greenfield situation. The ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use, there are periods of bare and compacted earth which increase levels of the surface water runoff. Therefore, flood risk during operation, will not be increased as a result of the Proposed Development.</p> <p><u>Decommissioning Phase</u></p> <p>For the decommissioning phase of the Proposed Development, the Applicant has set out in response to ExQ2 Q5.2 the provision of drainage and flood risk assessment as a key consideration in preparing the final DEMP in cooperation with the LPAs, as secured via Requirement 22 (decommissioning and restoration) of the dDCO and set out in the revised Outline DEMP (Paragraph 3.1.9) submitted at Deadline 4. This will ensure necessary measures are implemented to allow the land to return to agricultural use following decommissioning.</p> <p>b) No response required.</p> </td> <td style="width:12%; vertical-align: top;"> <p>b) SDDC considers that broken land drains and ditches need to be maintained to ensure waterlogging/pooling of water does not occur as this could cause compaction and be detriment to BMV. The creation of SuDs measures may remove BMV ground due to associated excavation and SDDC would question whether SuDS features are appropriate as they are not agricultural drainage systems.</p> </td> <td style="width:12%; vertical-align: top;"> <p>DCC consider it inevitable that land drains will be affected by piling and underground cable laying. However, the application of measures such as SuDS are proposed to manage drainage during the operation of the solar farm while reinstatement of drainage may be considered at decommissioning. However, the use of SuDS will remove land from agricultural use (and therefore BMV status) and it remains to be demonstrated whether SuDS would be the most appropriate drainage system following decommissioning. DCC is content that the applicant is undertaking to return the site to the predevelopment uses and that works will be based on the conditions encountered and the best techniques available that time, but considers that land drainage reinstatement works may be required following decommissioning to return the land to the BMV condition.</p> </td> <td style="width:12%; vertical-align: top;"> <p>b) No, the Local Planning Authority/ Lead Local Flood Authority are best placed to answer this.</p> </td> <td style="width:16%; vertical-align: top;"> <p>The Applicant has at Deadline 5 provided an updated Flood Risk Assessment which includes at paragraph 4.2.5 a map identifying where land drains are understood to be present.</p> <p>As set out at paragraph 6.4.4 of the FRA, from a hydrological perspective localised damage to field drains may be viewed as a beneficial impact.</p> <p>However, as also recognised in the FRA, damage to land drains could have implications in terms of agricultural land. The OCEMP therefore at Section 2.6.9 commits to the repair of land drains or the installation of new land drains where piling of solar panel mounts and/or the installation of underground electrical cabling results in damage or disturbance to existing land drains and where an unacceptable surface water issue occurs as a result. The OCEMP provides for the monitoring of drainage measures and the alteration/improvement of those as necessary.</p> <p>The ODEMP provides at Paragraph 1.6 the consideration of land drains at the decommissioning stage.</p> </td> </tr> </table>					<p>a) <u>Construction Phase</u></p> <p>As set out in Chapter 8 (Water Resources and Flood Risk) of the ES [APP-143] and the Flood Risk Assessment [AS-014], the Applicant considers that flood risk off-site will not be increased as a result of the Proposed Development. 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Therefore, flood risk during operation, will not be increased as a result of the Proposed Development.</p> <p><u>Decommissioning Phase</u></p> <p>For the decommissioning phase of the Proposed Development, the Applicant has set out in response to ExQ2 Q5.2 the provision of drainage and flood risk assessment as a key consideration in preparing the final DEMP in cooperation with the LPAs, as secured via Requirement 22 (decommissioning and restoration) of the dDCO and set out in the revised Outline DEMP (Paragraph 3.1.9) submitted at Deadline 4. This will ensure necessary measures are implemented to allow the land to return to agricultural use following decommissioning.</p> <p>b) No response required.</p>	<p>b) SDDC considers that broken land drains and ditches need to be maintained to ensure waterlogging/pooling of water does not occur as this could cause compaction and be detriment to BMV. The creation of SuDs measures may remove BMV ground due to associated excavation and SDDC would question whether SuDS features are appropriate as they are not agricultural drainage systems.</p>	<p>DCC consider it inevitable that land drains will be affected by piling and underground cable laying. However, the application of measures such as SuDS are proposed to manage drainage during the operation of the solar farm while reinstatement of drainage may be considered at decommissioning. However, the use of SuDS will remove land from agricultural use (and therefore BMV status) and it remains to be demonstrated whether SuDS would be the most appropriate drainage system following decommissioning. DCC is content that the applicant is undertaking to return the site to the predevelopment uses and that works will be based on the conditions encountered and the best techniques available that time, but considers that land drainage reinstatement works may be required following decommissioning to return the land to the BMV condition.</p>	<p>b) No, the Local Planning Authority/ Lead Local Flood Authority are best placed to answer this.</p>	<p>The Applicant has at Deadline 5 provided an updated Flood Risk Assessment which includes at paragraph 4.2.5 a map identifying where land drains are understood to be present.</p> <p>As set out at paragraph 6.4.4 of the FRA, from a hydrological perspective localised damage to field drains may be viewed as a beneficial impact.</p> <p>However, as also recognised in the FRA, damage to land drains could have implications in terms of agricultural land. 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Examples include:</p> <ul style="list-style-type: none"> - Removing debris, silt accumulation and leaves to avoid blockages; - Removal or control of tree roots were encroaching on infrastructure; - Replace damaged or failed pipes/gullies/manholes; and / or - Inspect permeable paving for weed growth. <p>The Applicant reiterates that during operation of the Proposed Development, surface water would percolate directly to the ground, and this would be intercepted by vegetation beneath the solar panels and the infiltration reflects that of the greenfield situation. The ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use, there are periods of bare and compacted earth which increase levels of the surface water runoff. Therefore, flood risk during operation, will not be increased as a result of the Proposed Development.</p> <p><u>Decommissioning Phase</u></p> <p>For the decommissioning phase of the Proposed Development, the Applicant has set out in response to ExQ2 Q5.2 the provision of drainage and flood risk assessment as a key consideration in preparing the final DEMP in cooperation with the LPAs, as secured via Requirement 22 (decommissioning and restoration) of the dDCO and set out in the revised Outline DEMP (Paragraph 3.1.9) submitted at Deadline 4. This will ensure necessary measures are implemented to allow the land to return to agricultural use following decommissioning.</p> <p>b) No response required.</p>	<p>b) SDDC considers that broken land drains and ditches need to be maintained to ensure waterlogging/pooling of water does not occur as this could cause compaction and be detriment to BMV. The creation of SuDs measures may remove BMV ground due to associated excavation and SDDC would question whether SuDS features are appropriate as they are not agricultural drainage systems.</p>	<p>DCC consider it inevitable that land drains will be affected by piling and underground cable laying. However, the application of measures such as SuDS are proposed to manage drainage during the operation of the solar farm while reinstatement of drainage may be considered at decommissioning. However, the use of SuDS will remove land from agricultural use (and therefore BMV status) and it remains to be demonstrated whether SuDS would be the most appropriate drainage system following decommissioning. 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13.3	Applicant, SDDC, DCC			
<p>Cumulative effects</p> <p>DCC [REP2-001] and SDDC [REP2-001] refer to general concerns regarding cumulative impacts in relation to the number of developments coming forward in the surrounding area.</p> <p>The Applicant [REP3-033] says that it uses a list of developments agreed with the DCC and SDDC and that it is reviewing the cumulative developments with a view of updating the list in agreement with DCC and SDDC through the SoCG.</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with DCC and SDDC at Deadline 4, and set out the cumulative effects matters yet to be agreed with DCC and SDDC, the next steps to be taken to address them?</p> <p>b) Please could the Applicant submit any updates required to relevant chapters of the ES, ensuring that they include consideration of any cumulative developments added to the list?</p> <p>c) Please could DCC and SDDC set out any remaining cumulative effect concerns, including in relation to any other specific development or any specific planning issue, at Deadlines 4 and 5. How might their issues be resolved?</p>				
Applicant at D4		SDDC at D4	DCC at D4	Applicant at D5
	<p>a) The Applicant is continuing to engage with SDDC and DCC regarding cumulative developments and has noted additional potential cumulative projects identified by the local planning authorities and Interested Parties in their submissions at earlier deadlines.</p> <p>As set out in the Applicant's Statements of Common Ground (SoCG)– Status Document, the Applicant has provided a substantive update as to the position of the SoCG between it and the local planning authorities at Deadline 4. The Applicant is seeking to provide a further update in early October 2024 and will include within that a further update on cumulative projects. The Applicant is working on the basis that it will be able to agree a position on cumulative projects and the assessment of those with the local planning authorities before the end of the Examination.</p> <p>b) The Applicant does not consider any amendments to the ES are required at this time.</p> <p>c) No response required.</p>	<p>c) The cumulative impacts of traffic generated by businesses, developments and festivals in the locality is considered in the CTMP and will be considered by the emerging Traffic Management Group. In addition, the issues associated with planned highway maintenance and its impact on construction traffic access to the site have been discussed with the County Highway Authority.</p> <p>It is clear that the Walton bypass and new Trent crossing will not be completed in time to contribute to the alleviation of traffic in the area during construction. However, the emerging Traffic Management Group is anticipated to assist in managing the cumulative traffic impacts associated with both developments and other businesses and festivals in the area. Concerns remain that the cumulative impacts of traffic have the potential for congestion during the construction period remain, but these are to be addressed through close working with interested parties.</p> <p>In addition to the traffic impacts, a number of developments in the locality will add to the visual impact on the landscape. These developments include the ongoing development of 2,200 homes at the former Drakelow Power Station site, the proposed Walton Bypass, numerous BESS's, and the proposed incinerator plant nearby at Swadlincote. The cumulative impact of these developments will significantly change the character of the landscape in the area.</p>	<p>The cumulative impacts of traffic generated by businesses, developments and festivals in the locality is considered in the CTMP and will be considered by the emerging TMG. In addition, the issues associated with planned highway maintenance and its impact on construction traffic access to the site have been discussed with the Highway Authority.</p> <p>It is clear that the Walton bypass and new Trent crossing will not be completed in time to contribute to the alleviation of traffic in the area during construction. However, the emerging Traffic Management Group is anticipated to assist in managing the cumulative traffic impacts associated with both developments and other businesses and festivals in the area. Concerns remain that the cumulative impacts of traffic have the potential for congestion during the construction period remain, but these are to be addressed through close working with interested parties.</p> <p>In addition to the traffic impacts, a number of developments in the locality will add to the visual impact on the landscape. These developments include the ongoing development of 2,200 homes at the former Drakelow Power Station site, the proposed Walton Bypass, numerous BESS's, and the proposed incinerator plant nearby at Swadlincote. The cumulative impact of these developments will significantly change the character of the landscape in the area.</p>	<p>The Applicant notes the responses at D5 and welcomes the confirmation that the use of a Traffic Management Liaison Group, which is secured through the OCTMP, is considered by the LPAs as sufficient to address concerns regarding congestion during the construction period.</p> <p>The Applicant is undertaking an updated assessment of the cumulative impacts of the Proposed Development and will engage with the LPAs regarding the updated list of cumulative schemes on which that assessment will be based, with the Applicant expecting to be able to submit that assessment ahead of Deadline 6, as requested by the Examining Authority.</p>

13.4	Applicant, DCC, SDDC, EA				
<p><u>BESS fire risk and related emergency response and pollution</u></p> <p>Section 5.6 of the Outline BSMP [APP-093] identifies an additional risk of causing environmental harm from discharge of contaminated water. It says that to prevent this, there would be a drainage system installed around the BESS compound and substation area that will either drain to an underground tank or SuDS pond with shut-off and separating capabilities for containment and testing of water prior to discharge or removal. Paragraph 5.4.7 of the Outline OEMP [REP1-009] refers to the production of an Emergency Response Plan in consultation with Derbyshire Fire and Rescue.</p> <p>DCC [REP2-001] and SDDC [REP2-001] consider that there is a significant risk that the battery storage fire suppression system would fail, resulting in a major incident requiring a disaster response with the use of water to extinguish the battery fires and thereafter their cooling. Given the presence of the aquifers on site, any spent firewater would be likely to be contaminated and hazardous and would need to be contained to avoid any significant environmental impacts, including to aquifers. They note that emergency calls to the fire service locally are directed to Staffordshire and that in an emergency, fire crews are required to cross the River Trent, which can result in some delay in attending incidents and reducing the potential to limit a damaging environmental incident.</p> <p>The EA [AS-019, REP1-033, REP3-001] consider that the pollution risks of emergency response have not been appropriately assessed and that if the firewater isn't adequately controlled this could result in significant pollution risks and cause detrimental impact to the environment. It says that the Applicant should confirm that the flow control valves would close automatically if a fire were detected by the detection system and include any relevant routine maintenance required, to ensure this system remains functional, within the Outline Drainage Strategy.</p> <p>The Applicant [REP1-023, REP3-033] says that the BESS would be set within a bunded slab which drains to a pollution-controlled attenuation tank to contain any contaminated water in the event of a fire. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The tanks would be fitted with automatic control valves which would close in the event of any incident with the BESS or substation and any water contained in order to allow the water to be tested for contaminants and if necessary pumped into a tanker to be taken away from the Site for proper disposal. The Applicant says that the Outline BSMP [APP-093] provides further details on the procedure for dealing with potential contamination issues. It also states that design parameters for the BESS include measures which reduce the risk of fire from the batteries, by providing appropriate spacing between the battery units to mitigate fire spreading between battery units and through locating the BESS in the centre of the Site, away from residential properties. It says that the final BSMP would sit alongside an emergency response plan and provide details of in-built BESS safety features like internal fire suppression systems built into individual battery units, automatic detection and alert systems, remote shut-down, and procedures to alert local emergency services in line with agreed fire-fighting strategy.</p> <p>a) Please could the EA, DCC and SDDC set out any remaining concerns in relation to BESS, fire risk and related emergency response and pollution, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p> <p>b) Please could the Applicant comment?</p>					
Applicant at D4		SDDC at D4	DCC at D4	EA at D4	Applicant at D5
<p>a) No response required.</p> <p>b) The Applicant maintains the position set out in REP1-023 and REP3-033 and will respond to any submissions received at D4 in relation to ExQ2 Q13.4 if considered necessary.</p>		<p>a) SDDC are now content that SDDC's concerns in relation to BESS, fire risk and related emergency response and pollution have been addressed.</p>	<p>DDC are now content that concerns in relation to BESS fire risk and related emergency response, and pollution have been addressed. However, DCC would welcome consultation by the applicant with the Derbyshire Fire and Rescue Service regarding site safety and particularly fire-fighting response at the BESS</p>	<p>We have no remaining concerns. We are satisfied with the proposed approach, incorporating an automatic shut-off valve as part of the fire detection system. The Applicant has confirmed that sufficient storage will be secured to retain the full capacity of the firewater system, and an adequate maintenance plan will be implemented to ensure the system remains functional.</p>	<p>The Applicant notes that the IPs have no remaining concerns and therefore considers that no further action is required.</p>

13.6	Applicant, EA		
<p>Waste Management Strategy</p> <p>The EA [REP1-033, REP3-001] says that the Waste Management Strategy is yet to be agreed with the Applicant.</p> <p>a) Please could the Applicant set out how the strategy is secured for the construction, operation, and decommissioning stages, including how the final strategy would be consulted on and approved? Please could the measures for each stage be included in the Outline CEMP [REP1-007], Outline OEMP [REP1-009], and Outline DEMP [REP1-011]?</p> <p>b) Please could the Applicant provide a draft copy of the SoCG with EA at Deadline 4, and ensure that it sets out the waste management matters yet to be agreed with EA, and the next steps to be taken to address them?</p> <p>c) Please could EA set out any remaining waste management concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>			
Applicant at D4		EA at D4	Applicant at D5
<p>a) The Waste Management Strategy is secured as follows:</p> <ul style="list-style-type: none"> • Construction – Section 2.5 of the Outline CEMP, secured by dDCO Requirement 9 (construction environmental management plans). The discharge of Requirement 9 must be approved by the Local Planning Authority (LPA), in consultation with the Environment Agency. • Operation – Section 4.8 of the Outline OEMP, secured by dDCO Requirement 11 (operational environmental management plan). The discharge of Requirement 11 must be approved by the LPA. • Decommissioning – Section 3.4 of the Outline DEMP, secured by dDCO Requirement 22. The discharge of Requirement 22 (decommissioning and restoration) must be approved by the LPA. <p>b) The EA has provided the Applicant with its submissions at Deadline 4 ahead of the deadline. The Work Package Tracker submitted at Deadline 4 confirms that waste matters, including the Waste Management Strategy, have been agreed by the EA.</p> <p>c) The EA has provided the Applicant a copy of their D4 responses on 30th September 2024. The EA has no remaining concerns regarding the waste management strategy.</p>		<p>c) We have no remaining concerns. The Waste Management Strategy was added to the EA Work Package Tracker in response to a question from the Applicant regarding topsoil storage. We have reviewed the topsoil bunds plans and they 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. It is the Applicant's responsibility to follow industry guidance (CL:AIRE and Definition of Waste: Code of Practice) This is a self-regulating process and we would have no comments to make as long as this guidance is adhered to.</p>	<p>The Applicant has no further comments at D5, based on the response by the EA at D4.</p>

Ends.