OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Comments on Written Representations and other Deadline 4 Submissions

October 2024

Document Ref: EN010122/D5/13.3

Version: Deadline 5

CONTENTS

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").

1.1.2 This Document provides the response by the Applicant to submissions made at Deadline 4 by Interested Parties. A total of four submissions were submitted to the Planning Inspectorate at Deadline 4 in addition to the responses to the Examining Authority's ("ExA's") second set of written questions ("ExQ2") (to which the Applicant has responded separately in its comments on responses to ExQ2 [Document 13.2]).

1.1.3 In addition to the documents submitted at Deadline 4, four Additional Submissions ("AS") were made by IPs following Deadline 4 and accepted at the discretion of the for the ExA. These were all from Statutory Bodies, comprising the Environment Agency, Natural England, Leicestershire County Council and Staffordshire County Council. The Applicant has commented on those submissions in this document.

1.1.4 This document has been prepared as part of the DCO application ("the Application") and should be read in conjunction with the other documents submitted by the Applicant as part of the Application, prior to the Examination commencing and at the Examination Deadlines.

2 APPLICANT'S COMMENTS TO SUBMISSIONS MADE BY INTERESTED PARTIES AT DEADLINE 4

2.1 ENVIRONMENT AGENCY

2.1.1 The Applicant acknowledges the Environment Agency's ("EA") comments on the Applicant's Deadline 3 submissions and the updated EA Work Package Tracker. The Applicant has continued to engage with the EA since Deadline 4 and expects the EA to provide an updated Work Package Tracker as part of its Deadline 5 submissions, which confirms the current position on the various matters. The Applicant has provided a summary of the position of discussions with the EA in its Summary of the Status of SOCGs document [Document 8.0] submitted at Deadline 5.

2.2 DISTRICT COUNCILLOR AMY WHEELTON

2.2.1 The Applicant welcomes the identification by Councillor Wheelton of a proposed Battery Energy Storage System ("BESS") on land to the southwest of the Drakelow Substation. It is noted that this scheme is at the early stages of pre-application consultation with the local community.

2.2.2 The Applicant is in the process of reviewing the position on all cumulative projects and is engaging with South Derbyshire District Council and Derbyshire County Council to agree a position regarding cumulative projects in order to then review the assessment undertaken in the ES of cumulative effects. An Addendum to the ES assessing the effects of any additional cumulative sites is due to be submitted prior to Deadline 6 of the Examination.

2.3 DIANE ABBOTT

2.3.1 Diane Abbott provided comments at Deadline 4 on a range of topics. Following Deadline 4, Ms Abbott provided oral submissions at ISH1 and OFH2 and indicated that she would be providing written submissions summarising those comments at Deadline 5.

2.3.2 For the purposes of Deadline 5 the Applicant has therefore provided an update on the different topics on which comments were made by Ms Abbott at Deadline 4, including signposting where appropriate to other aspects of its Deadline 5 submissions which deal with those matters. A complete response to the comments raised by Ms Abbott to date is in following tables. The Applicant will then review any further submissions by Ms Abbott at Deadline 5 before responding where necessary at Deadline 6.

- **Habitats Constraints Plan –** the Applicant notes the comments made at Deadline 4 on this topic and has submitted at Deadline 5 an amended OCEMP which now includes habitats constraints plans, to ensure that features to be retained are identified and properly protected during construction.

  In respect of the proposed construction access at Coton Road, Figure 4.9 [APP-099] shows an indicative design for that access and demonstrates that the proposed access track will sit to the west of the Twin Oak and that it will be possible to use features like no dig construction to prevent impacts on that tree. The Works Plans identify areas within which features such as construction compounds will be provided, with specific details of their location and extent of those features to be defined at the detailed design stage.

  In cases where there is not sufficient room for a tractor to access the gap between a hedge and a fence then a tractor with an extended reach cutting arm, combined where necessary with manual cutting, would be used.

- **Skylarks, Barn Owl and Great Crested Newts –** The Applicant has provided an update on its position in respect of these species in its Written Summary of Oral Submissions at ISH1, submitted at Deadline 5 [Document 13.4]. As that document notes, offsite mitigation is now proposed in respect of skylark. Mitigation measures are being introduced into the OCEMP in respect of Barn Owl and Great Crested Newts.

- **Visualisations –** the Applicant has provided at Deadline 5 a detailed summary of its submissions on the topic of visualisations at ISH1, which is Document 13.11.

- **The National Forest –** the Applicant has provided its position in respect of the National Forest at Document 13.2 in its comments on the responses to ExQ2 – 9.3.

- **Glint and Glare –** the Applicant has provided a response to the points raised at ISH1 at Deadline 5, which is Document 13.12.

- **Noise –** since Deadline 4 the Applicant has submitted a draft SoCG with SDDC and DCC which confirms that the local planning authorities are content in respect of noise. As noise matters (Item 8 f) and g)) were not specifically discussed at ISH1, the Applicant has responded in turn to Ms Abbott's individual points on noise as follows:

COMMENT	APPLICANT RESPONSE
I remain convinced that the noise targets for the site should be based on the actual measured baselines from this tranquil area and should not be derived (either wholly or partially) from inappropriate standards such as BS8233. The British Standard's website includes the following information: BS8233:2014 "Guidance on sound insulation and noise reduction for buildings." BS 8233 provides guidance for the control of noise in and around buildings. BS 8233 is applicable to the design of new buildings, or refurbished buildings undergoing a change of use, but does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building. Similarly, the WHO guidelines are designed to minimise health risks from noise levels, and should therefore be considered to be the very highest threshold allowable from a new development. As such they are therefore not appropriate for use in quiet rural areas.	BS8233 is referenced in the National Policy Statement EN-1 at 5.12.9, where it is stated "Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance" and is therefore considered appropriate. The criteria used in BS8233 is based on that in WHO guidelines. The WHO Night Noise Guidelines state "40 dB $L_{night,outside}$ is equivalent to the lowest observed adverse effect level (LOAEL) for night noise". This is based on the threshold of adverse effects determined from available evidence. The guidance recommends a higher threshold for daytime noise, however, as a conservative approach, and in recognition that this is a relatively quiet area, we have used the same LOAEL for both daytime and night-time. The assessment has also taken account of sound character when comparing to absolute threshold criterion.
Although the Applicant's state that BS4142 indicates that absolute sound levels may be more appropriate as a measure, this is in the context of maintaining a tranquil soundscape, rather than referring to absolute maximum thresholds such as WHO guidance. This is clarified by the IEMA Guidelines for Environmental Noise Impact Assessment which notes: "The Influence of Absolute Noise Level: Relying solely on the change in noise level is not appropriate because it risks ignoring the context of the noise change…For an area which is valued because of the soundscape, a relatively small impact could be considered as having a potentially substantive effect if	Reference is being made to the IEMA Guidelines Environmental Noise Impact Assessment (2014) and The Influence of the Absolute Level from paragraph 7.54 of these guidelines. At the next paragraph 7.55 of the guidelines it is stated that "consideration also must be given to the absolute levels being encountered and how they compare with any relevant standards, guidance or relevant research. There are two aspects to this element: • How the existing or before noise level compares with the appropriate guideline; and

the quality of the noise environment were to be eroded. This particularly relates to tranquil, quiet or calm areas."	• How the final noise level relates to any relevant guidance." It is therefore appropriate to consider relevant standards and guidance. In this case both the existing and predicted levels are below the guidelines. The relevant aims of NPS EN-1 and the NPPF relate to impacts on health and quality of life from noise. The predicted noise levels are sufficiently low that effects on heath and quality of life are not considered likely. Reference is also made to tranquil areas. With reference to paragraph 191 of the NPPF, tranquil areas are considered to be those "which have remained relatively undisturbed by noise and are prized for their recreational and amenity value", and with reference to National Planning Policy Guidance on Noise are those "relatively undisturbed by noise from human sources that undermine the intrinsic character of the area". Thus tranquil areas are normally regarded as those that are both undisturbed by human sources of noise and have intrinsic amenity value. The Applicant is not aware of any areas on or bounding the site, which are specifically designated for their recreational or amenity value. The surveys have identified that many of the receptors are close to sources of farming activity, some of which have agricultural plant operating. It should also be noted that the change in noise levels referred to in the IEMA guidelines is not the same as the difference between rating and underlying background noise levels as used in BS 4142, but rather the change in ambient sound level which is normally expressed as the L_{Aeq} parameter. The ambient sound levels at nearest properties to the site are much higher than the background noise levels and due to the relatively low predicted levels, the change to the ambient L_{Aeq} would be minimal however, this was not considered an appropriate assessment for operational noise due to being different types of sound source; this IEMA approach would be more applicable to, say, a new road being introduced in an area whose soundscape was road noise dominant.
I therefore suggest that the LOAEL and SOAEL are derived from the mean of the measured baseline noise levels provided by the Applicant – these are 35dB (day) and 28dB (night) which would create LOAEL max figures of 40dB (day) and 33dB (night) and SOAEL max figures of 45dB (day) and 38dB (night). The high magnitude threshold of 10dB over baseline will therefore be >45dB (day) and >38dB (night).	The Applicant does not agree with the proposed alternative criteria put forward here. It is not appropriate to average background noise levels from different positions across a large site area. Background noise levels are determined by factors including distance to road local and national road networks, topography and local screening, and local sources of sound. This is the reason why many locations are selected to establish the varying soundscape across a large area.

This is summarised in the following table (my proposed figures shown in green):

			Applicant's noise thresholds.		Defined by measured baseline		Response / Action
Magnitude of effect / Threshold			Day	Night	Day	Night	
High	SOAEL	>10dB above background	>50dB	>50dB	>45dB	>38dB	Unacceptable adverse effect / Prevent
Medium	SOAEL	> 5dB above background	45-50dB	45-50dB	40-45dB	33-38dB	Significant Adverse Effect / Avoid
Low	LOAEL	<5 dB above background	40-45dB	40-45dB	35-40dB	28-33dB	Present and Obtrusive / Mitigate and reduce to a minimum
Minimal		Less than or equal to background	<40db	<40dB	35dB	28dB	Present Not Intrusive / No action
		Measured baseline noise level (mean)			35dB	28dB	

The Applicant maintains that it is appropriate to consider the absolute sound level as well as the difference with the background sound level, otherwise the impact is overstated where both existing background sound levels, and predicted rating levels are low. For reference the previous response at D3 (EN01011/D3/11.2 was: "As stated clearly in BS 4142, the initial estimate of the impact of the specific sound compared to the background sound, must take account of context, which includes consideration of the absolute level of sound. It is noted in BS 4142 that ***"Where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night."*** There is a minimum level for a noise source at which an observable adverse impact occurs. It is therefore not reasonable to continue to assess the level of impact from the source level relative to the background where the background level is significantly below this threshold."

The LOAEL threshold is also described in National Planning Policy Guidance on Noise as where "Noise can be heard and causes small changes in behaviour, attitude or other physiological response". It is not considered that any change in behaviour or other physiological response would occur at the suggested external noise levels LOAEL of 28-33 dB L_{Aeq} at night, which equates to internal levels of approximately 15-20 dB L_{Aeq} inside allowing a typical attenuation of 13 dBA through an open window.

The Applicants criterion makes reference to WHO Night Noise Guidelines which state "40 dB $L_{night,outside}$ is equivalent to the lowest observed adverse effect level (LOAEL) for night noise". This is based on the threshold of adverse effects determined from available evidence. However, it is relevant to note that if the criteria used in the Applicant's assessment were reduced by 5 dBA, such that the LOAEL is set at a rating level of 35 dB $L_{Aeq,}$ the assessment remains Not Significant in EIA terms; Some receptors would change to Low Significance. This lower threshold would take account of 'limited evidence' of complaints at levels above 35 dB L_{night} with reference to research reported in WHO Night Noise Guidelines.

It should be noted that a 10dB increase equates to a subjective doubling of perceived noise level. Therefore, the original suggested thresholds would have nighttime noise levels more than doubling before whilst remaining within the LOAEL threshold and there would be a subjective quadrupling of perceived noise within the SOAEL category.

Whilst it is acknowledged that a change of 10dB is widely accepted as the difference in level that is perceived by most listeners as "twice as loud", this is not considered a relevant fact for this assessment as the predicted levels are low; the worst case external rating noise levels of 29 to 34 dB L_{Aeq} would equate internal levels of approximately 16 to 23 dB L_{Aeq} inside allowing a typical attenuation of 13 dBA through an open window. Perception of audibility

	is subjective, however, this range may be described as silence and below typical design criterion used for applications such as recording studios. Therefore one would be trying to distinguish between an indiscernible sound without the solar farm source and indiscernible sound with the solar farm source. It is also potentially misleading as it relates to the difference to the background level and not the change in ambient noise level.
In Section A11.3.4 (Appendix 11.3 Operational Noise Source Data) it is stated that the string inverter fans will run when the ambient temperature is above 20°C and solar output is above 70kW. The Applicants claim (without presenting evidence) that this is unlikely to occur before 7am and therefore the night-time noise predictions "assume" that the inverters only emit 62dB (rather than 84dB with fans running). Due to climate change, we are now seeing more tropical nighttime temperatures (exceeding 20°C) in the UK, and this trend will continue. As the sun rises as early as 5am in the summer, I believe it is quite likely that during warmer periods the cooling fans could be running well before 7am. This therefore needs to be factored into the night-time noise predictions. Could the Applicants provide more evidence regarding the likelihood of the inverter fans running in the early morning or late evening and / or resubmit noise predictions based on fan noise at nighttime.	The operational inverter unit data obtained by the Applicant indicated that the inverter unit would operate at approximately 50% of full load at an ambient temperature of 20°C, which would incur a lower cooling fan requirement and therefore a lower noise output than the full load used for daytime noise modelling (inverter noise is due to the operation of cooling fans). The Applicant has also inspected publicly available weather records for the local area for 2023 and found the highest temperatures reached before 7am were approximately 18°C (on 20th July, 24th August and 10th September). Whilst it is recognised that this is only a limited sample, it is considered that exceeding 20°C before 7am is unlikely to be frequent in the foreseeable future. To discharge Requirement 15 (operational noise) prior to construction, exact inverter unit specifications and noise outputs will be assessed and selected in order to comply with noise requirements and ensure the operation does not exceed allowed levels, and if required, noise mitigation measures such as screens and fittings could be employed (though the Applicant is confident there will be no exceedance for summer hours of sunlight).
NB: Mallard Pass section 10.5.7 assumed the worst case; that fans would run at maximum power during all daylight hours: "This plant will mainly operate during the daytime, in which background noise levels tended to be more elevated; however, during the summer months, daylight periods may extend to early morning periods (05:00 to 07:00) and evening periods (18:00 to 23:00). Therefore, as a worst case, the plant noise from the Proposed Development has been considered against these quieter periods. Also, the plant has been assumed to operate at full duty (with its maximum level of noise emission) during this period."	As stated above, the Applicant does not consider that the cooling fans on the string inverters will be operating at these times and is therefore not a realistic worst case.

With reference to the existing noise levels at Oakland's Farm, the Applicant states that they are controlled by the fans on the cow sheds. "The background noise levels during both survey visits at this location were observed to be controlled by ventilation fans on Oaklands Farm." Whilst the sound power levels of these fans are not known, the recorded noise levels from these four fans ranged between 63 and 71dB LA90 (at 5m) which elevated background noise at Twin Oaks House to 41dB (day) and 36dB (night). The sound power levels of the string inverters with the fans running is shown in the documentation to be 84dBA. It might therefore be reasonable to assume that the inverter fans will become the dominant background noise surrounding the site (both day and night). This needs to be considered in line with the potentially revised LOAEL and SOAEL.	This assumption is not correct. The existing ventilation fans are closer to these receptors than the inverter fans and have different sound propagation paths. The predicted rating noise levels from all solar farm operational sources, including the inverter fans are lower than the existing background noise levels at these particular receptors.
The Applicants state that it is necessary to have string inverters at both of the ends of long rows of panels, meaning that some inverters are sited near to some local receptors. "Where practicable, string inverters have been located on the ends of rows within the development or away from the nearest receptors. Where there are longer rows, it is likely to be necessary to have inverters located at both ends." Would it not be just as effective to have a central access route between the panels, so that the inverters can be sited in the centre of these large fields?	Based on the indicative design, the inverters will be mounted on the back of the solar arrays, at the end of the row of panels. After the inverter unit, AC cabling will be buried underground to move electricity across the Site and to the National Grid Drakelow substation. The position of the inverter units will be dictated by the location of the underground cabling which will typically run around the perimeter of the solar arrays, within the field boundaries which need to provide a suitable buffer distance. As such, inverters are typically on the end of the rows, around the perimeter of the fields. This represents a worst case in terms of noise assessment. At detailed design stage, the inverters may be located in a more central position within the solar arrays however, doing so would be less efficient - reducing number of panels and solar output (as buffers of field boundaries would need to be maintained).

- **Traffic and Transport –** the Applicant's position on the outstanding Traffic and Transport matters are set out in its Written Summary of Oral Submissions at ISH1 [Document 13.4]. Separately, this document and the Applicant's comments on

responses by Interested Parties to ExQ2 [Document 13.2] provides an update in respect of the position of discussions between the Applicant and Derbyshire County Council, Leicestershire County Council and Staffordshire County Council. The Applicant is not aware that Derbyshire County Council retains any outstanding concerns in respect of Traffic and Transport and intends to provide a further iteration of the SoCG between the Applicant and South Derbyshire District Council and Derbyshire County Council to confirm the position in that respect. Leicestershire County Council confirmed to the ExA prior to ISH1 that it did not have any outstanding concerns. The Applicant remains in discussion with Staffordshire County Council regarding its remaining outstanding points.

As part of those discussions the Applicant has been continuing to discuss its approach to limiting HGV journeys during school opening and closing times and will be confirming that through an updated CTMP at Deadline 6. The Applicant is also undertaking a review of the cumulative assessment undertaken in the original ES and will be submitting that review by Deadline 6.

In respect of Non-Motorised Users, the Applicant's position is set out in its response to ExQ2 – 11.1 where it notes that NMU movements in the area were recorded as being relatively low, with DCC agreeing with the methodology of that assessment, and that the potential impact of construction traffic would not surpass the threshold to change the scoring within ES Chapter 10.

- **Water Quality, resources, drainage and flooding -** the Applicant's position on the outstanding Water Quality, resources, drainage and flooding matters are set out in its Written Summary of Oral Submissions at ISH1 [Document 13.4].

  The Flood Risk Assessment submitted at Deadline 5 provides the calculations of relating to the sizing of the storage provided for the BESS and confirms that storage areas will generally be underutilised during normal conditions. Section 4.2.4 of the Battery Safety Management Plan sets out the approach to Fire Detection and Suppression, which is a closed system, full details of which would be set out in the Battery Safety Management Plan provided for by Requirement 12.

  The FRA submitted at Deadline 5 sets out at 6.4.1 that the introduction of solar arrays and vegetation growing in and around those is likely to have a positive impact on runoff, as rainfall compaction of bare ground will be eradicated and soakage into the soil will be feasible throughout the year. Requirement 17 provides for full details of surface and foul water drainage to be provided to SDDC for approval and will fully detail the measures to be taken to manage surface water flooding.

2.4 TERRY JONES

2.4.1 The Applicant acknowledges and welcomes the support for the Proposed Development from this Interested Party. No further action is required.

3 APPLICANT'S RESPONSE TO ADDITIONAL SUBMISSIONS

3.1 ENVIRONMENT AGENCY

3.1.1 The Applicant notes the further submission by the Environment Agency ("EA") on the 17th October 2024, ahead of ISH1. It welcomes the confirmation that the EA do not have any remaining concerns regarding the dDCO in respect of site preparation works.

3.1.2 In respect of Requirement 8, the Applicant notes that the EA would not typically be consulted regarding the LEMP, as that would instead fall within the remit of Natural England ("NE"). The dDCO submitted by the Applicant at Deadline 5 removes reference to the EA from Requirement 8.

3.1.3 In respect of Requirement 22 – Decommissioning and Restoration, the Applicant notes that the EA consider that requirement should be approved by the LPA in consultation with the EA and NE. The Applicant confirms that the dDCO submitted at Deadline 5 includes that provision.

3.2 NATURAL ENGLAND

3.2.1 The Applicant notes the submission by NE on the 21st October 2024. The Applicant has been endeavouring to progress discussions with NE regarding a SoCG; having provided a draft SoCG in early August 2024, the Applicant subsequently provided NE on the 25th September 2024 with a detailed and summary response to its ALC points, an amended version of the Oaklands Farm ALC to address NE's earlier comments, a draft ALC report for the remainder of the grid connection route and a position statement in respect of NE's comments on the River Mease SAC.

3.2.2 The Applicant is at Deadline 5 providing a summary of its submissions at ISH1 in respect of agricultural land, soils and decommissioning matters [Document 13.4] and an amended Outline Soil Management Plan, within the OCEMP.

3.2.3 The Applicant has responded to the individual points raised by NE in the table below, and will then continue to progress discussions regarding a SoCG following Deadline 5.

COMMENT	APPLICANT RESPONSE
Item 4: Agriculture, soils, and decommissioning	
a) NE and SDDC concerns about the Agricultural Land Classification (ALC), including those summarised by the ExA [PD-012 question 6.1]. Natural England have no further concerns regarding ALC survey methodology.	The Applicant acknowledges that NE no longer has any further concerns regarding ALC survey methodology and no further action is required.
b) Whether the agricultural land within the Order Limits should be restored to the same ALC grade following decommissioning. Whether soil health should be monitored for the lifetime of the Proposed Development to inform remediation and the wider understanding of impacts on soil health. Reference: Applicant's response to the ExA [REP4-011 question 6.3] and the Cottam Solar Project decision letter. Natural England notes that this is not highlighted as a question for NE to answer in document REP4-011 question 6.3, however we have the following advice to offer: The SMP should include an aftercare programme for all land to be restored, which would enable a satisfactory standard of agricultural after use to be reached, with regards to cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site. The submitted SMP needs to include restoration and aftercare proposals to demonstrate the ALC grade can be achieved, which would include on-going monitoring to ensure the soils are not damaged. Where soil damage is identified, appropriate remediation will need to be employed, for example the decompaction of soils. Aftercare and associated monitoring (and remediation where required), will provide sufficient evidence that the restored land will retain its longer term capability to be farmed to its land classification potential, thus remaining a high quality resource for the future. For areas of temporary development, the ALC grade determined from the soil survey should be used to inform the restoration criteria, with temporarily disturbed BMV land returned to the same quality as far as practicable to minimise potential loss. The above detail must be provided in the final SMP; it is recommended that the oSMP is updated to ensure the inclusion of these measures is committed to through the DCO.	The Applicant has provided an updated OSMP at Deadline 5 which confirms at Paragraph 1.1.6 that soils will be restored to the pre-construction ALC grade and that a programme of monitoring for up to 5 years will be set out to ensure the correct ALC criteria have been reached and that the habitats created are in a suitable condition. In respect of areas of temporary development, the OCEMP and ODEMP have been updated at Deadline 5 to state that the haul road will be removed immediately after construction and decommissioning.

Natural England would welcome commitment by the applicant to monitor wider soil health for the lifetime of the development to inform the wider understanding of impacts on soil health. However, where the above-described aftercare is secured, Natural England would consider this additional monitoring commitment to be preferred, not essential.	
c) Whether the Outline Soil Management Plan in Appendix 1 of the Outline Construction Environmental Management Plan (Outline CEMP) [REP4-036] satisfies NE's concerns, including those summarised by the ExA [PD-012 question 6.2] and in relation to concerns about the area of the BESS and onsite substation [REP4-055]. The SMP should include an aftercare programme for all land to be restored, which would enable a satisfactory standard of agricultural after use to be reached, with regards to cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site.	As the Applicant notes in the previous comment, the OSMP has been updated at Deadline 5 to include this provision.
d) Mitigation of impacts on agricultural land due to potential damage to existing land drains by piling and cabling, including the suitability of Sustainable Drainage Systems (SuDS). Reference: responses to the ExA by the Applicant [REP4-011 questions 6.3 and 12.7], SDDC [REP4-014 question 12.7] and DCC [REP4-012] question 12.7]; and the Applicant's summary of the status of the SoCG with NE [REP4-055]. It would be expected that a specialist Land Drainage Consultant would be engaged to undertake the preparation of preliminary pre- and post-construction agricultural land drainage plans that will be agreed with the landowners, we note the applicants commitment to appoint a specialist agricultural land drainage consultant as part of the agricultural drainage design works (para 1.1.4 oSMP).	The OSMP confirms at 1.1.4 that *'The OSMP is considered to be a 'live document' to be updated as further information becomes available. The OSMP will be revised prior to commencement of construction operations to consider the site-specific soils data collated by the appointed specialist agricultural land drainage consultant as part of the agricultural drainage design works.'*
e) Mitigation of potential impacts on agricultural land due to underground cables either being left in place or removed after decommissioning. Reference: responses to the ExA [PD-012 question 5.2] by the Applicant [REP4-011], SDDC [REP4-014], DCC [REP4-012], and the EA [REP4-017]. Different Soil Associations exhibit different depths of natural soil profile, however (with the exception of peats) the maximum possible depth of a soil profile is generally considered to be 1.2 m. Therefore, the cables may be laid partially within the depth of the natural soil profile, but will be well below the topsoil layer and the minimum depth of cover over the cables is not considered to compromise the ability of the overlying	The OSMP within the Deadline 5 OCEMP includes provision at paragraph 1.7.7 for the depth of topsoil to be determined on a location-by-location basis and provides a methodology for achieving that approach. As stated in Section 3.1.4 of the outline DEMP, the Applicant intends to remove underground cables at decommissioning, though will be led by the local planning authority and relevant policy in place at the time.

agricultural crops to produce a functioning and effective root system. This depth is expected to be consistent with the industry standard of 0.9m depth.	
f) How and when the end state after decommissioning should be described and secured. Reference: responses to the ExA [PD-012 question 5.1] by the Applicant [REP4-011], SDDC [REP4-014], DCC [REP4-012], and the EA [REP4-017]. The SMP should include an aftercare programme for all land to be restored, including the restoration criteria. The target specification for the restored soils should be based on preconstruction ALC grade. Soils should be monitored for up to 5 years following restoration to ensure the correct ALC criteria has been reached (on land restored to agricultural use) 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.	The Applicant maintains the position set out in response to ExQ2 Q5.1, that it is not necessary to review and agree updates to the description of the end state through the construction and operational phases. The anticipated end state after decommissioning is set out within Section 3.1 of the Outline DEMP. The detail included in the Outline DEMP 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. 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. Following the ISH1, the Applicant has updated the Outline Soil Management Plan (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 1.7 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.
g) Other agriculture, soils, and decommissioning matters. Preferred not essential; The outline Soil Management Plan considers impacts on soils and agricultural land at all phases of the proposed project therefore should be provided as a standalone document rather than an appendix in the oDEMP.	The Applicant's preference, from an operational perspective, remains to have the SMP embedded as part of the final CEMP and final DEMP, as per the OCEMP and ODEMP provided at D5.

Item 5: Biodiversity	
a) **NE and SDDC concerns in relation to the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The suitability of the related mitigation measures, including for chemical cleaning of the solar panels [REP4-038 Section 4.2] and the establishment of grassland within the Mease Catchment [REP4-040 paragraph 4.26].** Construction: Natural England note the mitigation measures set out in oCEMP section 2.6 to avoid water pollution during construction. NE consider that where the final CEMP is completed and implemented in accordance with these measures, an impact on the River Mease SAC could effectively be avoided. NE are satisfied that the CEMP is secured appropriately in DCO requirement 9. NE would be happy to be included as a required consultee on the final CEMP should the ExA feel this necessary. Operation: Natural England note the inclusion at oLEMP paragraph 4.26 that grassland will be established immediately following completion of the proposed development. The commitment to explore the earlier sowing of grassland in the part of the site within the catchment of the River Mease SAC is welcomed; as discussed , sowing of grassland in advance of panel installation would further reduce any silt mobilisation effects during construction. NE consider that where grassland is established across the solar PV site, sediment mobilisation during construction, i.e. via preferential flow pathways & soil erosion, would effectively be avoided. NE would be happy to be included as a required consultee on the final LEMP should the ExA feel this necessary. Operation: Natural England note the mitigation measures specified in section 4.2 of the oOEMP. Whilst it is specified that no 'harsh chemicals' will be used, no detail of the chemicals to be used has been provided. Nonetheless, with the exception of obviously harmful/toxic chemicals, Natural England consider that where grassland cover is maintained under and around all solar PV areas, any cleaning product or chemical runoff is likely to infiltrate & be attenuated within the soil prior to reaching the SAC.	The Applicant notes the comments regarding the construction and operation stages and does not consider further action to be required. The Applicant has updated the OOEMP at Paragraph 4.2.4 to confirm that the panels would be cleaned using a solution similar to a household detergent and that the final OEMP will include precise details of the cleaning material to be used, which will be agreed with SDDC through the discharge of Requirement 11(2)(c) – detailed operational drainage design.

3.3 LEICESTERSHIRE COUNTY COUNCIL

3.3.1 Leicestershire County Council ("LCC") has confirmed in its AS that LCC no longer needed to attend the hearings confirming they are content with the Outline Construction Traffic Management Plan and the wording of Requirement 10 of the Draft DCO following

the Applicant's submissions at Deadline 4. LCC has also confirmed it does not have any further objections or concerns relating to the Proposed Development.

3.3.2 No further action is therefore required.

3.4 STAFFORDSHIRE COUNTY COUNCIL

3.4.1 The Applicant notes the comments by Staffordshire County Council ("SCC") on the 18th October 2024, ahead of ISH1. The Applicant is continuing to engage with SCC following the hearings and Deadline 5 and intends to provide an update at Deadline 6 together with an updated Outline CTMP.