

**DERBYSHIRE COUNTY COUNCIL'S RESPONSE TO  
THE ACTIONS REQUESTED FOLLOING THE ISSUE SPECIFIC HEARING 1**

Oaklands Farm Solar Farm NSIP

(Construction and operation of a solar farm plus energy storage with  
associated infrastructure and connection to the grid)

Application by Oaklands Farm Solar Ltd

Item	Party	Action	Deadline	Response
<b>7</b>	<b>Traffic and Transport</b>			
a)	DCC	Consider whether compensation measures are available for the recovery of any DCC costs in relation to the use of construction routes.	D5	Requirement 10 (2) (c) relates to the repair of the highway, by the applicant/applicant's contractors, where it can be demonstrated that traffic associated with the development has caused damage to the highway. DCC Highways considers that it would be appropriate for the provision of an explicit mechanism to enable the Highway Authority to recover costs for maintenance works should these be carried out by the Highways Authority rather than the applicant's contractor.
<b>8</b>	<b>Other Planning topics</b>			
a)	DCC	Set out how it is proposed that any resources are secured, for example through separate Planning Performance Agreement, and demonstrate that it is secured.	D5	<p>The Applicant has suggested to both DCC and SDDC that S111 of the Local Government Act 1972 (Local Government Act 1972) gives local authorities a general power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of their functions. They state that this provision is one which has been used to ensure that an agreement is being entered into which is similar to a PPA but which would be a formal contract, which would be legally binding and enforceable.</p> <p>At this point in time the council's view is that a Deed of Obligation set out within the DCO is the most appropriate mechanism to address these concerns. However, DCC and SDDC would be prepared to explore other options with the Applicant.</p> <p>From the Derbyshire County Council's point of view, it was successful in a bid in 2023 to the previous Government's NSIP Innovation and Capacity Funding round and has received its first tranche of funding with the second tranche expected shortly. The bid was made specifically to support the County Council's and</p>

				<p>SDDC's input to the Oaklands DCO application and examination and especially to pay for the costs of commissioning consultants to prepare a Local Impact Report, Glint and Glare Assessment, Transport Appraisal and soils geology and agricultural land assessment. All of these studies have been commissioned and used to inform the County Council's and SDDC's input to the recent Topic Specific Hearing Sessions and responses to the ExA's Written Questions.</p> <p>On the basis of the costs of the four commissions so far, it is likely that some of the NSIP capacity funding will remain unspent and so the County Council is currently seeking advice from DHCLG on whether any of the excess funding could also be used to support the additional costs for the County and District Council's in resourcing their consideration of any submissions, approvals and monitoring necessary for impact mitigation post DCO approval if granted. This has been discussed with the applicant who has agreed their willingness in principle to providing additional funding to cover these post DCO approval costs should the Council's remaining NSIP funding be insufficient to cover these costs, which is likely to be the case. A further update will be provided at Deadline 6, particularly to include any further advice received from DHCLG.</p>
e)	DCC	Update of the mitigation in the dDCO in relation to archaeological investigations required to inform an update to the Written Scheme of Investigation and the timing in relation to the site preparation works.	D5	<p>DCC suggests alternative wording for requirement 18 in relation to the Written Scheme of Investigation for the following reasons:</p> <p>The wording introduced at part 1) of requirement 18 "and no part of the site preparation works for that phase requiring archaeological works" is potentially difficult to work, as the archaeological scheme would involve evaluation trenches admittedly on restricted parts of the site, but which could then expand depending on the results of that evaluation. For example if the evaluation found that the</p>

			<p>geophysical had masked a significant area of archaeology which then needed investigating over an expanded area. It is difficult therefore at the outset to define what the areas of archaeological interest are – that would only be achievable following the evaluation trenching.</p> <p>Part 2) – the WSI must specify the nominated archaeological contractor and specialists for approval.</p> <p>The wording at part 3) “and any written analysis, reporting, publication or archiving required as part of the approved scheme must be deposited with the Historic Environment Record of the local planning authority.” is not quite right because an HER will only take reports, not archives and other outputs. For example a material archive would go to a museum, a digital archive might go to the ADS (Archaeological Data Service) etc etc. The idea of having a written scheme of investigation (WSI) is to capture all this detail in what becomes an agreed and enforceable scope of work, and thus the level of detail on outputs can form part of the WSI and we only need to say ‘in accordance with the WSI’.</p> <p>The alternative wording below is therefore suggested:</p> <p>“Archaeology 18.—</p> <p>(1) No phase within the authorised development, and no part of the site preparation works for that phase, is to be commenced until an archaeological written scheme of investigation (WSI) for that phase has been submitted to and approved in writing by the local planning authority in consultation with the county archaeologist.</p> <p>(2) Any archaeological works or programme of archaeological investigation carried out under the approved WSI must be carried out by an organisation registered with the Chartered</p>
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<b>9</b>	<b>Draft Development Consent Order</b>			
b)	SDDC	Set out any outstanding concerns in relation to Article 2 – Interpretation – site preparation works, and the mitigation provided during the site preparation works (i.e. before commencement), including for archaeology, traffic, and the River Mease SAC and SSSI.	D5	<p>SDDC considers that this issue is more appropriately addressed by DCC.</p> <p>In relation to the River Mease SAC and SSSI, DCC would defer to the advice and comments provided by NE. DCC have no further comment on the River Mease SAC and SSSI.</p> <p>DCC have no further comment regarding Article 2 – Interpretation.</p>