

**SOUTH DERBYSHIRE DISTRICT COUNCIL’S ANSWERS  
TO THE EXAMING AUTHORITY’S ISSUE SPECIFIC HEARING 1 ACTION POINTS**

**ANSWERS FOR DEADLINE 5**

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

**PINS Reference: EN010122**

**EN010122 - Oaklands Farm Solar Park NSIP – SDDC’s Answers to the ExA’s Issue Specific Hearing 1 Action Points**

Item:	Action	SDDC Answer:
<b>6. Landscape, visual, glint, and glare</b>		
c)	Provide the details of any independent reviews undertaken of the glint and glare assessment.	The response from the council’s glint and glare consultant is provided separately.
<b>8. Other planning topics</b>		
a)	<p>Provide an update in relation to discussions about council resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation.</p> <p>Set out how it is proposed that any resources are secured, for example through a separate Planning Performance Agreement, and demonstrate that it is secured.</p>	<p>The Applicant has suggested to the council’s 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, SDDC would be prepared to explore other options with the Applicant.</p>
c)	Set out whether any buried archaeology is likely to be in Historic England’s remit and therefore whether its consideration should be added to Historic England’s SoCG with the Applicant.	SDDC would defer to Derbyshire County Council on this matter as they have the necessary in-house expertise. SDDC understands that DCC will respond on this point.
g)	Consideration of the noise assessment concerns raised by Diane Abbott [REP4-022] and any implications for SDDC being content with the assessment and mitigation.	Diane Abbott has provided SDDC with her comments relating to the Applicant’s noise assessment. However, whilst SDDC has an internal specialist in this regard, due to holiday commitments over Derbyshire’s school holiday period, it has not been possible for those comments to be consider by SDDC. However, SDDC will look to do so as soon as possible and will provide comments on this matter separately.

Item:	Action	SDDC Answer:
9. Draft Development Consent Order (dDCO)		
b)	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.	<p>The definition of "commencement" and the provisions related to site preparation works in the DCO raise potential concerns regarding the flexibility allowed before full compliance with all pre-commencement conditions. The guidance under the Planning Act 2008 recommends that site preparation works permitted before the official commencement of the development should be limited in scope, particularly to prevent significant environmental or community impacts from occurring without proper oversight.</p> <p>In the DCO, the definition of "commencement" and what is considered preliminary works is relatively broad. Activities such as site clearance, vegetation removal, or setting up of temporary facilities could potentially commence without the full discharge of all pre-commencement conditions, which could result in significant impacts—such as the disturbance of wildlife habitats or heritage sites—without adequate controls being in place. The guidance advises that preliminary works should not include actions that would have substantial environmental consequences or trigger material concerns that ought to be managed through the development consent process. As such, the inclusion of more extensive preparatory activities in the DCO could lead to concerns about insufficient environmental oversight during early stages of the development.</p> <p>The Outline Construction Environmental Management Plan August 2024 refers to ‘Enabling Works’ as:</p> <ul style="list-style-type: none"> <li>• Construction of site entrances.</li> <li>• Establishment of construction compounds, which include site offices/welfare area and parking area.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Upgrading, modification or improvement of highways where required for site construction.</li> <li>• Preparation of land for construction, including localised site levelling (where required) and vegetation clearance.</li> <li>• Import of construction materials, plant and equipment to site.</li> <li>• Establishment of the construction area fence where required for construction works to progress (the installation of the perimeter fence will progress with site construction in each area and therefore will not be complete at the start of site construction).</li> <li>• Construction of the internal access roads.</li> <li>• Marking out the location of the operational infrastructure.</li> <li>• Installation of site drainage.</li> </ul> <p>The DCO refers to site preparation works as including:</p> <p>(a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings and removal of plant and machinery;</p> <p>(b) above ground site preparation for temporary facilities for the use of contractors;</p> <p>(c) remedial work in respect of any contamination or other adverse ground conditions;</p> <p>(d) diversion and laying of services;</p>

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Item:	Action	SDDC Answer:
		<p>(e) the provision of temporary means of enclosure and site security for construction,</p> <p>(f) the temporary display of site notices or advertisements, or</p> <p>(g) site clearance (including vegetation removal, demolition of existing buildings and structures).</p> <p>In this context it is quite clear that the DCO as drafted has the potential to allow for extensive and destructive works to take place in advance of pre-commencement conditions having been fully scrutinised and discharged.</p>
m)	Outstanding concerns and suggested changes to wording in relation to Article 11 - Temporary stopping up of public rights of way	<p>The temporary stopping up of public rights of way as provided for in the DCO, particularly under Article 11, also raises concerns, as it grants broad powers to stop up, divert, or alter public rights of way without extensive restrictions. Whilst it is recognised that public rights of way may need to be temporarily obstructed to facilitate construction, the guidance suggests that such powers should be exercised with caution to minimise disruption to the public.</p> <p>The DCO allows for the stopping up of rights of way without clearly defined or stringent criteria for restoring access or mitigating impacts. There is also flexibility for the applicant to use public rights of way for temporary worksites, which may further inconvenience local communities. The guidance emphasises that access for pedestrians and affected communities should be carefully managed to minimise disruption, and provisions for restoring rights of way after works should be clear and enforceable. The absence of specific measures in the DCO for quickly reinstating public access, or for providing sufficient alternative routes, raises concerns about how public convenience and access will be safeguarded during the development.</p>



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Item:	Action	SDDC Answer:
Other matters SDDC noted as Action Points not listed by the ExA		
a)	Clarification on areas of concern around the Haul Road.	<p>The submitted Works Plan from Pell Frischman reference Sheet 2, Drawing number SK02 (Examination Library ref APP-007) shows the route of proposed haul road. The HSE recommends that haul roads should be three and a half time the width of the widest vehicle using them, in this case HGVs.</p> <p>The ‘Site Works Plan’ Sheet 2, ref: SK02 shows that areas between works areas 4 and 6 will be directly affected by the proposed haul road, that will cut a swath through the valley bottom, dissecting and disconnecting areas of dense and mature vegetation and habitat, cutting across the watercourse, in locations where there are known to be otters, barn owls and bats. Further, works 4 and 4b will cut across the water course three times, through dense and mature habitat, with attendant clearance and disturbance that will radically alter the tranquil and bucolic appearance of the landscape in this location.</p>
b)	<p>In relation to ISH1 agenda item 7 d), which states:</p> <p>“Whether sufficient consideration has been given to enhancing active, public and shared transport provision and accessibility in accordance with paragraph 5.14.18 of the Overarching National Policy Statement for Energy (NPS-EN1), as referenced by Diane Abbott [REP4-022].”</p>	SDDC would support the requirement for the provision of additional footways on Walton Road at Drakelow, and in the proximity of Coton Road, Walton-on-Trent, to enhance active travel, as referenced by Diane Abbott.

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c)	Impact of water drip-line from panel edges.	<p>Whilst the application does include a Soil Management Plan; a detailed soil management plan which sets out the methodology for the construction, operation and decommissioning of such a solar site, is essential.</p> <p>The impact on soils both short and long term, is not fully considered; particularly during the construction and decommissioning, where bare soil can quickly erode due to surface water runoff, and potentially, be lost, ending up where it is not wanted, for example in other fields, watercourses, and on roads.</p> <p>Section 2.2.4 of the ADAS / Welsh Government report explains and illustrates, at Figure 6 – Photo that ‘There is likely to be some instances of run-off from the solar panels, which could result in the compaction of soils at the base of the panels (Choi et al, 2020). Over time rivulets can form along the trailing edge of the panel with potential risk of soil erosion creating rills and gullies across the site. The sand bed could act as a drain, especially on heavy textured soils, leading to drainage discharges or wet patches at the down slope end of each trench’.</p>

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Item:	Action	SDDC Answer:
		 <p data-bbox="1093 922 1682 962">Kinetic compaction &amp; rivulets forming</p> 



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Item:	Action	SDDC Answer:
d)	Inclusion of 5-year soil restoration strategy	<p>SDDC are of the view that this should be In accordance with Natural England Guidance, such as:-</p> <p><a href="https://www.gov.uk/government/publications/reclaim-minerals-extraction-and-landfill-sites-to-agriculture/planning-and-aftercare-advice-for-reclaiming-land-to-agricultural-use">https://www.gov.uk/government/publications/reclaim-minerals-extraction-and-landfill-sites-to-agriculture/planning-and-aftercare-advice-for-reclaiming-land-to-agricultural-use</a></p> <p>It should, however, be noted that this needs to also consider post development BNG.</p>