



Planning
Inspectorate

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Oaklands Farm Solar Park

An Examining Authority report prepared with the support of the
Environmental Services Team

Planning Inspectorate Reference: EN010122

12 November 2024

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1 INTRODUCTION

1.1 Background

- 1.1.1 BayWa r.e. UK Limited (BayWa) (the Applicant) has applied for a development consent order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Oaklands Farm Solar Park ('the Proposed Development'). On behalf of the Secretary of State for Housing, Communities and Local Government, an Examining Authority (ExA) has been appointed to conduct an Examination of the application. The ExA will report its findings and conclusions and make a recommendation to the relevant Secretary of State (SoS) as to the decision to be made on the application.
- 1.1.2 For applications submitted under the PA2008 regime, the relevant SoS is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations.
- 1.1.3 This Report on the Implications for European sites (RIES) documents and signposts the information in relation to potential effects on European Sites that was provided within the DCO application and submitted during the Examination by the Applicant and Interested Parties (IPs), up to Deadline 5 (DL5) of the Examination (31 October 2024). It is not a standalone document and should be read in conjunction with the Examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website at the following link:
<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010122/documents>
- 1.1.4 For the purposes of this RIES, in line with the Habitats Regulations and relevant Government policy, the term 'European sites' includes Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, Sites of Community Importance, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. For ease of reading, this RIES also collectively uses the term 'European site' for 'European sites' defined in the Habitats Regulations 2017 and 'European Marine Sites' defined in the Conservation of Offshore Marine Habitats and Species Regulations 2017, unless otherwise stated. The 'UK National Site Network' refers to SACs and SPAs belonging to the United Kingdom already designated under the Directives and any further sites designated under the Habitats Regulations.
- 1.1.5 This RIES is issued to ensure that IPs including the Appropriate Nature Conservation Body (ANCB), Natural England (NE) - are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 63(3) of the Habitats Regulations.

- 1.1.6 It also aims to identify and close any gaps in the ExA's understanding of IPs' positions on Habitats Regulations matters, in relation to all European sites and qualifying features as far as possible, in order to support a robust and thorough recommendation to the Secretary of State.
- 1.1.7 Following consultation, the responses will be considered by the ExA in making their recommendation to the Secretary of State and made available to the Secretary of State along with this report. The RIES will not be revised following consultation.

1.2 Documents used to inform this RIES

- 1.2.1 The Applicant's Habitats Regulations Assessment (HRA) Report comprised the following document:
- Report to Inform HRA [APP-122] (referred to in this RIES at the HRA Report)
- 1.2.2 The Applicant's HRA Report concluded that adverse effects on the integrity of the River Mease SAC could be excluded. Details are provided in Section 3 of this RIES.
- 1.2.3 In addition to the HRA Report, the RIES refers to representations submitted to the Examination by NE, Statements of Common Ground (SoCG) and other Examination documents as relevant. All documents can be found in the Examination Library.
- 1.2.4 Comments on the RIES are timetabled for DL7 (10 December 2024).

1.3 HRA Matters Considered During the Examination

- 1.3.1 The Examination to date has focussed on the following matters:
- The adequacy of mitigation in relation to potential sediment mobilisation during construction and operation which could be transported into the River Mease SAC; and
 - impacts during the operational phase as a result of chemical use from washing panels.

2 LIKELY SIGNIFICANT EFFECTS

2.1 European sites considered

Introduction

- 2.1.1 The Proposed Development is not connected with or necessary to the management for nature conservation of any European site.
- 2.1.2 The Applicant identified European sites within 15km of the DCO boundary. It also extended the search to include sites which are hydrologically connected.

Sites within the UK National Site Network (NSN)

- 2.1.3 The Applicant's HRA Report [APP-122] identified one European site within the UK National Site Network for inclusion within the assessment. This is the River Mease SAC and is located 4km away from the Proposed Development at its closest point. Other sites were ruled out due to being further than 15km from the Proposed Development and no impact pathways being identified.
- 2.1.4 The location of this site relative to the Proposed Development is depicted on Figure 6.2.1 of the HRA Report [APP-122].
- 2.1.5 No additional UK European sites have been identified by IPs for inclusion within the assessment in the Examination to date.

2.2 Potential impact pathways

- 2.2.1 Section 2.9 of the HRA Report details the potential impacts from the Proposed Development, along with the potential geographical extent of effects. Appendix A of the HRA Report lists the qualifying features of the River Mease SAC and the pressures and threats which could affect this site.
- 2.2.2 The Applicant's HRA Report states that the following impact pathways have been screened out on the basis that due to distance between the Proposed Development and the River Mease SAC, such impact pathways would be unlikely to occur:
- physical loss of/damage to habitat;
 - non-physical disturbance (noise, vibration and light);
 - non-toxic contamination;
 - air pollution; and
 - recreation pressure.
- 2.2.3 The impacts pathways which have been considered in the Applicant's HRA Report are:
- changes to hydrology including water quality and quantity; and
 - spread of invasive non-native species.

The HRA Report assesses the potential impacts during construction, operation and maintenance and decommissioning.

No additional impact pathways have been identified by IPs for inclusion within the assessment in the Examination to date.

2.3 In-combination effects

2.3.1 Section 2 of the HRA Report [APP-122] sets out the Applicant's approach to assessing in-combination effects. The projects included in the in-combination assessment are detailed in Appendix C of the Applicant's HRA Report [APP-122]. They are also discussed in Section 2 of ES Chapter 2: The EIA and Methodology [APP-082] and their locations depicted on Figure 2.1 [APP-083].

2.3.2 No additional plans or projects have been highlighted by IPs in the Examination to date.

2.4 The Applicant's assessment

2.4.1 The Applicant's conclusions in respect of screening and effects on integrity are presented in Section 5 the HRA Report [APP-122].

Sites for which the Applicant concluded LSE on some or all qualifying features

- 2.4.2 The Applicant concluded that the Proposed Development would be likely to give rise to significant effects, either alone or in combination with other projects or plans, on one or more of the qualifying features of:
- The River Mease SAC (4km south of the Proposed Development)
- 2.4.3 The qualifying features and LSE pathways screened in by the Applicant are detailed in Section 3 of the HRA Report [APP-122].
- 2.4.4 No matters have been raised in the Examination to date in relation to the Applicant's screening assessment.

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 The conservation objectives for the River Mease SAC were included within the HRA Report [APP-122].

3.2 The Applicant's assessment

- 3.2.1 The River Mease SAC and its qualifying features for which LSE were identified were further assessed by the Applicant to determine if they could be subject to AEoI from the Proposed Development, either alone or in combination. The outcomes of the Applicant's assessment of effects on integrity are summarised in Section 4 of the HRA Report [APP-122].

Mitigation measures

- 3.2.2 The Applicant's HRA Report identified mitigation measures in Section 2 [APP-122]. These were taken into account in the Applicant's assessment of effects on integrity.

Sites for which the Applicant concluded no AEoI

- 3.2.3 The Applicant concluded that the Proposed Development would not adversely affect the integrity of the River Mease SAC and its qualifying features, either alone or in combination with other projects or plans.
- 3.2.4 The Applicant's conclusions in respect of the River Mease SAC were disputed by NE and questioned by the ExA during the course of the Examination. See Section 3.3 of this RIES for further details.

3.3 Examination matters

- 3.3.1 Matters raised in the Examination to date, or for which the ExA sought clarity, in relation to AEoIs are summarised in Table 3.1 below.

Table 3.1: Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation/question
River Mease SAC			
	Impacts on water quality due to surface water runoff.	<p>The Applicant's HRA Report [APP-122] identified potential for impacts on water quality of the River Mease SAC, due to surface water run off during construction of the Proposed Development. It identified that there is potential for contaminated surface water to reach the River Mease SAC via existing watercourses, ditches and field drains. The Applicant's HRA Report concluded that potential impacts would only occur during the construction phase. The Applicant suggested a number of mitigation measures in Section 4.4 of the HRA Report which are proposed to be included within the Construction Environmental Management Plan (CEMP) to avoid contaminated run-off entering overland flow paths.</p> <p>For the operational phase, the Applicant's HRA Report [APP-122] stated that it predicted improvements to water quality due to the removal of fertiliser and pesticide load which was attributed with the existing use of the Proposed Development site for agricultural purposes. Therefore, operational effects on water quality were scoped out from further assessment.</p> <p>NE [AS-022] did not agree with the conclusions of the Applicant and stated it considered there could be adverse effects on water quality during both construction and operation.</p> <p>South Derbyshire District Council (SDDC) [REP1-029 and REP2-001] and Derbyshire County Council (DCC) [REP1-026] also raised concerns regarding</p>	n/a – matter resolved.

		<p>potential for impacts on the River Mease SAC from the mobilisation of sediments and use of chemicals.</p> <p>In its first written questions [PD-010], the ExA asked NE, DDC and SDDC if they were satisfied with the Applicant's assessment.</p> <p>DDC [REP1-026] and SDDC [REP1-026] responded, stating that the approach to the assessment in terms of otter contradicted itself. However, the Applicant responded [REP3-032] explaining that this was due to the different approach required for EIA and HRA.</p> <p>NE responded [REP1-037], to first written questions, raising its concerns on the River Mease SAC as follows:</p> <ul style="list-style-type: none"> • impacts from the construction as a result of sediment mobilisation; • impacts from the operational phase as a result of sediment mobilisation which could transport sediments with a nutrient load via tributaries into the River Mease; and • impacts from the operational phase as a result of chemical use resulting from washing panels. <p>NE stated [REP1-037] that it may be possible to mitigate these impacts through the use of SuD's which would intercept the surface water. It would then be possible to treat this surface water prior to being discharged or infiltrated.</p> <p>ExA2 [PD-012], Q1.5 asked the Applicant to comment if there were any updates which addressed the concerns of NE. Q7.1 asked the Applicant to set out how mitigation in relation to chemical cleaning of the solar panels is secured.</p>	
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		<p>At Deadline 5, the Applicant submitted a Summary of the Status of Statements of Common Ground [REP5-023] which stated that “<i>NE have confirmed that it is no longer seeking for the Applicant to provide SUDS within the Proposed Development to manage impacts on the River Mease, as NE acknowledge that the removal of annual inputs from intensive agriculture will provide an overall improvement in water quality. NE have requested that grassland within the Mease Catchment is established at the earliest opportunity in order to help eliminate the possibility of sediment run off during construction. The Applicant has at Deadline 4 amended the Outline LEMP to provide that commitment at Paragraph 4.26.</i>”</p> <p>At Deadline 5, the Applicant [REP5-025] confirmed that paragraph 4.2.4 of the oOEMP [REP5-013] had been updated to confirm that the solution used to clean panels would be similar to household detergent.</p> <p>The Applicant confirmed that this matter and those relating to mitigation measures would be included in a final SoCG with NE.</p>	

3.4 Summary of Examination outcomes in relation to adverse effects on integrity

- 3.4.1 As noted in Table 3.1 of this RIES, the Applicant stated that AEol on the integrity of the River Mease SAC could be excluded, however NE disagreed with this conclusion.
- 3.4.2 To date in the Examination, the matters identified in Table 3.1 of this RIES in respect of disputed AEols are considered to now be resolved.