



Application by Oaklands Farm Solar Limited for an Order Granting Development Consent for Oaklands Farm Solar Park
The Examining Authority's third written questions and requests for information
Issued on Tuesday 12 November 2024

The following table sets out the Examining Authority's (ExA's) third set of written questions and requests for information (ExQ3).

Please respond no later than Deadline 6, which is on Tuesday 26 November 2024.

These questions have arisen from the ExA's consideration of the application documents and subsequent representations. The answers to them will help the ExA to consider the application against relevant legislation and policy.

References in these questions set out in square brackets (e.g. [APP-016]) are to documents catalogued in the [Examination Library](#).

The meanings of abbreviations are set out in the List of Abbreviations and References [PD-007].

If you require an editable Microsoft Word version of ExQ3, please contact the Case Team by email to OaklandsFarmSolar@planninginspectorate.gov.uk or by telephone to 0303 444 5000.



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| 1. Draft Development Consent Order (dDCO) and other consents | | |
| | <p>Reference is made to the version of the dDCO submitted by the Applicant at Deadline 5 [REP5-003]. Other questions on dDCO matters are included under later headings, for example in relation to securing mitigation measures.</p> | |
| | General points | |
| 1.1 | Applicant | <p><u>Submissions at the close of the Examination</u></p> <p>Please could the Applicant submit the following at Deadline 8, addressing the matters detailed in Appendix D of the Rule 6 Letter [PD-006]:</p> <ul style="list-style-type: none"> • updates to the dDCO and Explanatory Memorandum; • schedule of the latest versions of the Applicant’s submission documents and documents to be certified; and • schedule of progress in securing other consents. |
| Part 1 - Preliminary | | |
| 1.2 | <p>Applicant</p> <p>South Derbyshire District Council (SDDC)</p> | <p><u>Article 2 – Interpretation - Site preparation works</u></p> <p>SDDC [REP5-040] refer to the definitions of ‘enabling works’ in the dDCO [REP5-003] and Outline Construction Environmental Management Plan (Outline CEMP) [REP5-011] and say that the dDCO [REP5-003] 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> <p>Since the Application, including in response to the ExA’s questions, the Applicant has updated various dDCO [REP5-003] provisions in relation to ‘site preparation works’, including Requirements 8(4), 9(4), 9(5), 10(4), 13(1), 16(2), 16(6), 16(7), and 18(1).</p> <p>The Outline CEMP [REP5-011] and Outline Landscape and Ecological Management Plan (Outline LEMP) [REP4-040] do not appear to refer to ‘site preparation works’ and have few measures in relation to ‘pre-commencement’, which would include ‘site preparation works’.</p> |

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| | | <p>a) Please could the Applicant carry out a detailed review of the Outline CEMP [REP5-011] and Outline LEMP [REP4-040] and other relevant draft management and mitigation plans to ensure that they are fully consistent with the provisions for ‘site preparation works’ in the dDCO [REP5-003]?</p> <p>b) Please could the Applicant consider whether it can clarify/ simplify the use of terms such as ‘pre-commencement’, ‘enabling works’ and ‘pre-construction’ in the Outline CEMP [REP5-011] and Outline LEMP [REP4-040] for consistency with the dDCO [REP5-003]?</p> <p>c) Please could the Applicant and SDDC discuss SDDC’s comments and each provide an update, including any proposed updates to the dDCO [REP5-003], Outline CEMP [REP5-011], and Outline LEMP [REP4-040]?</p> <p>d) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| | Part 2 - Principal Powers | |
| 1.3 | Applicant | <p><u>Article 5 – Consent to transfer benefit of Order</u></p> <p>Reference is made to:</p> <ul style="list-style-type: none"> • Article 5(3) of the dDCO [REP5-003]; • paragraph 9.7 of the Gate Burton Energy Park decision letter; • paragraph 9.5 of the Mallard Pass Solar Project decision letter; and • Article 5 of Schedule 1 of the Infrastructure Planning (Model Provisions) Order 2009 (lapsed). <p>Article 5(3) allows the benefit of the Order to be transferred to another person without the consent of the Secretary of State if <u>either</u> Article 5(3)(a) <u>or</u> 5(3)(b) is satisfied.</p> <p>a) Please could the Applicant comment on whether the DCO should only allow the benefit of the Order to be transferred if <u>both</u> Article 5(3)(a) <u>and</u> 5(3)(b) are satisfied? What is the justification for either of these not being satisfied?</p> |

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| | | b) Please could the Applicant justify why any transfer should be allowed without the Secretary of State's consent? |
| | Part 3 - Streets | |
| 1.4 | SDDC | <p><u>Article 11 - Temporary stopping up of public rights of way</u></p> <p>a) Further to Issue Specific Hearing 1 [EV4-002] Item 9m), please could SDDC set out any concerns about Article 11?</p> <p>b) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| | Schedule 1, Part 2 - Requirements | |
| 1.5 | Applicant | <p><u>Requirement 9 - Landscape and ecological management plan</u></p> <p>Should Requirement 8(4) read "...the local planning authority in consultation with ..."?</p> |
| | | |
| 2. Land rights, related matters, and statutory undertakers | | |
| 2.1 | Applicant | <p><u>E.ON UK Plc</u></p> <p>The Applicant [REP4-025] says that E.ON directed them National Grid as the appropriate person to grant the voluntary rights required by the Applicant.</p> <p>The Statement of Reasons [REP4-025] indicates some plots for E.ON which are not included for National Grid.</p> <p>Please could the Applicant comment on how it can be satisfied that E.ON's interests are being considered through its discussions with National Grid?</p> |
| 2.2 | National Grid Electricity Transmission Plc | <p><u>Statutory Undertakers' rights and Protective Provisions</u></p> <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</p> |

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| | National Grid Distribution (East Midlands) plc | <p>dDCO [REP5-003], set out any remaining concerns, and suggest how their issues might be resolved?</p> <p>b) 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>c) Please could each Statutory Undertaker also set out its' position at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 2.3 | Applicant | <p><u>Funding</u></p> <p>Responding to concerns summarised by the ExA [PD-012, EV6-002], the Applicant [REP5-028] reiterated its previous submissions, saying that BayWa r.e.'s shareholders and financing partners remain fully committed to the long-term development of renewable energy projects, which is evidenced by the recent funding uplift provided to BayWa r.e. AG.</p> <p>Please could the Applicant provide evidence to support its assertions?</p> |
| 2.4 | Applicant | <p><u>Submissions at the close of the Examination</u></p> <p>Please could the Applicant submit the following at Deadline 8, addressing the matters detailed in Appendix D of the Rule 6 Letter [PD-006]:</p> <ul style="list-style-type: none"> • updates to the Book of Reference, Statement of Reasons and Land Plans; • schedule of progress regarding any outstanding matters, objections, and agreements in relation to land rights; and • schedule of progress regarding Protective Provisions and Statutory Undertakers. |
| | | |
| <p>3. General and cross-topic planning matters</p> | | |
| 3.1 | Applicant | <p><u>Statements of Common Ground (SoCG)</u></p> <p>The Applicant submits a Summary of the Status of SoCG [REP5-023].</p> |

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| | | <p>The ExA would like to ensure that there is time in the Examination to consider clarifications to matters raised in the SoCG, including anything not agreed between the parties.</p> <p>Please could the Applicant provide latest draft or final signed copies of <u>all</u> SoCG at Deadline 6, and then again at Deadline 8:</p> <ul style="list-style-type: none"> • SDDC and Derbyshire County Council (DCC); • Environment Agency (EA); • Natural England (NE); • Historic England (HE); and • National Grid. |
| 3.2 | Applicant DCC SDDC | <p><u>Local Planning Authority (LPA) resources</u></p> <p>a) Please could the Applicant, DCC, and SDDC provide an update about discussions about council resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation?</p> <p>b) Please could the Applicant set out how it is proposed that any resources are secured, for example through a Deed of Obligation or Planning Performance Agreement, and demonstrate that it is secured?</p> <p>c) Please could DCC and SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 3.3 | Applicant SDDC | <p><u>Solar panel and battery storage replacement during the operation stage</u></p> <p>The ExA notes the potential for adverse impacts in relation to Heavy Goods Vehicle (HGV) movements during the operation stage in various chapters of the Environmental Statement (ES), including for the replacement of solar panels and other equipment. It refers to the Mallard Pass Solar Farm Outline Operational Environmental Management Plan, which includes related provisions in paragraphs 2.2.2, 2.2.3 and 2.2.5.</p> |

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| | | <p>The Applicant [REP5-024, REP5-026] has updated paragraph 3.1.4 of the Outline Operational Environmental Management Plan (Outline OEMP) [REP5-013] to “provide greater certainty on the HGV vehicle movements associated with any solar panel replacement”:</p> <p><i>“3.1.4 Solar panels are not expected to be replaced during the operational life of the Proposed Development, 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. This results in an estimated 500 panels replaced per year. A standard HGV can hold approximately 750 solar panels.</i></p> <p><i>Therefore, a single HGV two-way movement and associated unloading vehicle (telehandler) is sufficient to deliver/remove the annual amount of panels that need to be replaced due to damage or unexpected failure. To clarify, wholesale replacement/upgrade of all panels on site is not anticipated.”</i></p> <p>The ExA is seeking firmer and more precise commitments and suggests the following, or similar:</p> <ul style="list-style-type: none"> • Annually during the operational lifetime of the Proposed Development, the Applicant will provide notification, which is not subject to approval, of planned maintenance activities to the local planning authority for the forthcoming year. The notification will include supporting environmental and traffic information to evidence that there will be no materially new or materially more adverse environmental effects arising from any planned maintenance activities when compared to those identified in the assessment of the operational phase in the ES. This supporting information must include confirmation that the approach to planned maintenance set out in the notification is consistent with the approved Operational Environmental Management Plan. • The replacement of the solar panels cannot take place until the local planning authority has provided confirmation that they agree that the activities will not lead to materially new or materially different environmental effects to those identified in the assessment of the operational phase in the ES. The traffic movements associated with the replacement of solar panels, whether planned or not, must be no more than one HGV two-way movement per year. <p>a) Please could the Applicant and SDDC comment?</p> |

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| | | b) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 3.4 | Applicant | <p><u>Consistency with recent guidance</u></p> <p>Please could the Applicant carry out a general review of compliance with Nationally Significant Infrastructure Projects: Advice on Good Design published on 23 October 2024 and either make any updates that are needed to comply with that guidance or justify any differences?</p> |
| 3.5 | Interested Parties Applicant | <p><u>Summary statements at the close of the Examination [PD-009 Appendix A]</u></p> <p>a) Please could all parties provide a summary statement at Deadline 8 to set out matters that they have previously raised during the Examination and that have not been resolved to their satisfaction with suggestions about how they might be addressed?</p> <p>b) Please could the Applicant provide a closing summary statement at Deadline 8?</p> |
| | | |
| 4. Need case, effects on climate change, alternatives, electricity generation, and grid connection | | |
| | | No questions currently. |
| | | |
| 5. Project lifetime and decommissioning | | |
| 5.1 | Applicant SDDC DCC EA NE | <p><u>End state after decommissioning</u></p> <p>Section 3.1 and paragraph 1.7 of Appendix A of the Outline Decommissioning Environmental Management Plan (Outline DEMP) [REP5-015] set out the anticipated end state after decommissioning.</p> <p>The Applicant [REP5-024, REP5-025] considers that it is not necessary to review and agree updates to the description of the end state through the construction and operational phases.</p> <p>a) Do SDDC, DCC, EA, or NE have any comments?</p> |

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| | | <p>b) Please could the Applicant set out the consideration given to potential conflicts between restoring land to agricultural use after operation with any habitats established on the same land at that time, and how these potential conflicts are addressed by the Outline DEMP [REP5-015]?</p> <p>c) Please could SDDC, DCC, EA, NE also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 5.2 | SDDC | <p><u>Funding for decommissioning</u></p> <p>The ExA is considering whether, to respond to concerns and provide security, a commitment should be made to building a decommissioning fund during operation.</p> <p>The Applicant [REP5-026] states that it is not appropriate for a decommissioning bond to be secured under the dDCO [REP5-003], but proposes the following wording if it is required:</p> <p><i>"Requirement 27 – Decommissioning fund</i></p> <p><i>27— (1). No phase of the authorised development may commence until a decommissioning fund or other form of financial guarantee that secures the cost of performance of all decommissioning obligations under Requirement 22 of this Order has been submitted to and approved by the local planning authority.</i></p> <p><i>(2) The value of the decommissioning shall be agreed between the Undertaker and the local planning authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning obligations referred to in Requirement 22 of this Order.</i></p> <p><i>(3) The decommissioning fund shall be maintained in favour of the local planning authority until the date of completion of the works to be undertaken in accordance with Requirement 22 of this Order.</i></p> <p><i>(4) The value of the decommissioning fund shall be reviewed by agreement between the Undertaker and the local planning authority by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning obligations and best practice prevailing at the time of each review."</i></p> |

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| | | <p>a) Please could SDDC comment?</p> <p>b) Please could SDDC also summarise any outstanding concerns about funding for decommissioning at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 5.3 | Applicant | <p><u>Decommissioning timescales</u></p> <p>The ExA is considering whether it is necessary to secure that decommissioning must start no later than a specific period following generation or supply of electricity stopping, including to limit the duration of any periods when the benefits of electricity generation and storage of all or part of the Proposed Development do not offset the various adverse impacts at that time.</p> <p>The Applicant [REP5-026] considers that Requirement 22 in the dDCO [REP5-003] sufficiently provides for the decommissioning of the scheme at any point during its operational life.</p> <p>In case it is required, please could the Applicant suggest wording for Requirement 22 to secure that it applies when any part of the solar farm works and grid connection works is no longer required for the generation, storage, or transmission of electricity, rather than when “<i>the undertaker decides</i>”?</p> |
| <p>6. Agriculture and soils</p> | | |
| 6.1 | Applicant SDDC | <p><u>Impact of water drip-line from panel edges</u></p> <p>SDDC [REP5-040] raises concerns about impact on soils during the construction and decommissioning where bare soil can quickly erode due to surface water runoff. It quotes a report which suggests that rivulets can form along the trailing edge of the panel with potential risk of soil erosion creating rills and gullies across a site.</p> <p>a) Please could the Applicant respond to SDDC’s concerns and ensure that any necessary related mitigation is secured?</p> <p>b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |

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| 6.2 | Applicant NE SDDC | <p><u>Outline Soil Management Plan (Outline SMP)</u></p> <p>NE [AS-022, AS-033] sets out a number of concerns regarding the Outline SMP, including that it 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 Agricultural Land Classification (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; • 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, reseeded, draining or irrigating, applying fertiliser, or cutting and grazing the site. <p>The Applicant [REP4-011, REP5-024, REP5-025, REP5-026] has responded and updated the Outline SMP embedded in the Outline CEMP [REP5-011] and Outline DEMP [REP5-015].</p> |

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| | | <p>SDDC [REP5-039] generally concur with NE’s comments, adding that the site foreman should be a suitably qualified soil scientist, and that soil handling should be avoided during the months of October to March (inclusive) irrespective of soil moisture conditions, except in special circumstances that have been agreed.</p> <ol style="list-style-type: none"> a) Please could NE address each of the above concerns individually, in each case setting out whether it is satisfied, and either how it is satisfied or how it could be? b) Does NE have any other concerns about the Outline SMP? c) Please could the Applicant respond to SDDC’s additional concerns and ensure that any necessary related mitigation is secured? d) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 6.3 | Applicant NE SDDC | <p><u>Agricultural Land Classification (ALC)</u></p> <p>NE [AS-022] [REP1-037] raise various concerns regarding ALC, including:</p> <ul style="list-style-type: none"> • where Best and Most Versatile (BMV) agricultural land is not expected then a semi detailed survey (1 auger per 2 ha plus representative pits) will suffice; • in areas that BMV agricultural land 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 |

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| | | <ul style="list-style-type: none"> • the ALC survey will inform the SMP. <p>NE [AS-033] say that they have no further concerns regarding ALC survey methodology, but did not provide any further detail.</p> <p>The Applicant [REP3-032], [REP4-011], [REP5-024], [REP5-025], [REP5-026] has responded and provided an Additional Land Classification Survey at Park Farm [REP5-036].</p> <p>SDDC [REP5-039] generally concur with NE’s comments, adding that soil scientists (surveyors) should be British Society of Soil Science standard, and that ALC survey must inform the SMP.</p> <ol style="list-style-type: none"> a) Please could NE address each of the above concerns individually, in each case setting out whether it is satisfied, and either how it is satisfied or how it could be? b) Please could the Applicant respond to SDDC’s additional concerns and ensure that any necessary related mitigation is secured? c) Do NE or SDDC have any comments on the Additional Land Classification Survey at Park Farm [REP5-036]? d) Does NE have any other concerns about ALC? How might they be addressed? e) Please could SDDC and NE set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? f) Please could the Applicant update ES Chapter 15 [APP-169] to reflect the Additional Land Classification Survey at Park Farm [REP5-036] and also update any related mitigation in the relevant management and mitigation plans? |
| 6.4 | Applicant EA SDDC | <p><u>Potential loss of BMV agricultural land</u></p> <p>The Applicant [REP5-024], [REP5-025] says that soils would be restored to the pre-construction ALC grade and that a programme of monitoring for up to 5 years post-decommissioning would be set out to ensure the correct ALC criteria have been reached and that the habitats created are in a suitable condition.</p> <p>Paragraph 1.1.5 of the Outline SMP embedded in the Outline CEMP [REP5-011] include that it “commits to ensuring that land quality is not adversely affected, and where moved and</p> |

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| | | <p><i>restored soils are brought back to the pre-existing land quality, as recorded in the ALC reports”.</i></p> <p>Section 4.6.2 of the Outline OEMP [REP5-013] includes that the “<i>detailed OEMP will set out a programme of soil health monitoring to be undertaken throughout the operation of the Proposed Development, to rectify any significant adverse impacts on soil health. Soil will be sampled every five years by suitably qualified personnel.</i>”</p> <p>Paragraph 1.7 of the Outline SMP embedded in the Outline DEMP [REP5-015] includes that “<i>following decommissioning, soils will be restored to the pre-construction ALC grade, without exception. A programme of monitoring for up to 5 years will be set out, to ensure that the correct ALC criteria have been reached (on land restored to agriculture) and the habitats created are in a suitable condition.</i>”</p> <ol style="list-style-type: none"> a) Please could the Applicant update any references to ‘pre-existing land quality, as recorded in the ALC reports’ and ‘pre-construction ALC grade’ for consistency, to ensure precision in terms of identifying the specific ALC reports, and to avoid any confusion in the meanings of ‘pre-existing’ or ‘pre-construction’ in relation to site preparation works. b) Please could the Applicant update paragraph 1.1.5 of the Outline SMP embedded in the Outline CEMP [REP5-011] to clarify which areas would not be restored to the current ALC grade after construction (the area of the BESS and onsite substation?), and which would be restored to the current ALC grade after construction (all other areas)? c) Please could the Applicant update Section 4.6.2 of the Outline OEMP [REP5-013] to clarify what measures would be taken should the soil monitoring during operation identify that any soils are not at the current ALC grade? Would it then be restored to the current ALC grade? <p>EA [REP4-017] request that the Applicant takes the ecological enhancements achieved during the development’s lifetime into account.</p> <ol style="list-style-type: none"> d) Please could the Applicant clarify what is intended by ensuring “<i>the habitats created are in a suitable condition</i>” in the Outline CEMP [REP5-011] and Outline DEMP [REP5-015]? |

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| | | <p>e) What conflicts does the Applicant anticipate between restoring of soil to the current ALC grade and any development of habitats or other ecological enhancements achieved during up to 40 years of operation? How is it secured that these would be identified and resolved during operation and decommissioning?</p> <p>SDDC [REP5-039, REP5-040] say that the DEMP should include provision for a drainage specialist to consider any damage and works needed to remedy, and that a pre-entry survey of the soil should be established to determine its current health, and this needs to include the percentage of organic matter, pH, nutrient status and general soil structure. It suggests that the soil restoration strategy should be in accordance with Natural England Guidance.</p> <p>f) Please could the Applicant respond to SDDC's concerns and ensure that any necessary related mitigation is secured?</p> <p>g) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> <p>Paragraph 2.6.9 of the Outline CEMP [REP5-011] says that the use of Sustainable Drainage Systems (SuDS) or land drains to rectify construction-related surface drainage issues would be detailed in the final CEMP.</p> <p>Paragraph 4.2.4 of the Outline OEMP [REP5-013] states that SuDS features would be utilised to ensure the surface water drainage strategy adequately attenuates and treats runoff from the Proposed Development, whilst minimising flood risk to the Order limits and surrounding areas.</p> <p>DCC [REP4-012] say that 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.</p> <p>h) Please could the Applicant advise whether the use of SuDS should be removed from the Outline CEMP [REP5-011] and Outline OEMP [REP5-013]?</p> <p>i) Please could EA set out any remaining concerns in relation to the restoration of BMV agricultural land at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |

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| | | <p>j) Please could SDDC set out any remaining concerns in relation to the potential loss of BMV agricultural land at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 6.5 | <p>Applicant EA SDDC</p> | <p><u>Decommissioning of underground cables</u></p> <p>The ExA [EV4-002] requested that the Applicant respond to SDDC’s concerns that cables left in place after decommissioning could conflict with future agricultural land uses including in relation to the reinstatement of land drainage.</p> <p>Chapter 4 of the ES [REP5-019] secures a minimum depth of cables of 0.9m, apart from a minimum depth of 0.7m at onsite cabling between PV modules and inverters and from inverters to transformers and the crossing of Coton Road.</p> <p>NE [AS-033] say that “<i>the maximum possible depth of a soil profile is generally considered to be 1.2 m and 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 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.</i>”</p> <p>Paragraph 2.6.9 of the Outline CEMP [REP5-011] includes that “<i>During construction of the Proposed Development, piling of solar panel mounts and / or the 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, other measures (e.g., repairing or installing new land drains) would be available to rectify such drainage issue. Once established, the drainage on-site will be monitored, and drainage measures altered or improved as necessary.</i>”</p> <p>Section 3.1.4 of the Outline DEMP [REP5-015] says that “<i>the Applicant intends to remove buried cables after decommissioning, though will be led by the planning authority and relevant policy in place at the time of decommissioning. The cables may be left in situ, depending on the method which is likely to have the least environmental impact at the time.</i>”</p> <p>Paragraph 1.6 of the Outline SMP embedded in the Outline DEMP [REP5-015] includes that “<i>The Applicant commits to the repair of land drains or the installation of new land drains where removal of solar panel mounts and/or the removal of underground electrical cabling results in</i></p> |

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| | | <p><i>damage or disturbance to existing land drains and where an unacceptable surface water issue occurs as a result. Once established, the drainage on-site will be monitored for up to 5 years, and drainage measures altered or improved as necessary.”</i></p> <p>a) Does SDDC have any comments?</p> <p>b) Noting NE’s comments in relation to soils, and the need to provide adequate protection to cables crossing roads, does the Applicant consider that all cables should be laid to a minimum depth of 0.9m? If not, why not?</p> <p>EA [REP5-043] say that:</p> <ul style="list-style-type: none"> • cables in general, unless oil filled, would be unlikely to be considered as a waste if left in the ground; • the Applicant would need to demonstrate that leaving cables in situ would not result in pollution; • 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; and • 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>c) Please could the Applicant respond to the matters raised by the EA and ensure that any necessary related mitigation is secured?</p> <p>d) Please could EA and SDDC summarise any outstanding concerns about the decommissioning of cables in relation to agriculture, soils, and pollution at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
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| 7. Biodiversity | | |
| 7.1 | Applicant NE | <p><u>River Mease Special Area of Conservation (SAC)</u></p> <p><u>River Mease Site of Special Scientific Interest (SSSI)</u></p> |

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| | SDDC | <p>NE [AS-033] would be happy to be included it as a consultee on the final CEMP in Requirement 9 of the dDCO [REP5-003].</p> <p>a) Please could the Applicant add a requirement for approval in consultation with NE to Requirement 9(1)?</p> <p>NE [AS-033] say that with the exception of obviously harmful/ toxic chemicals, where grassland cover is maintained under and around all solar PV areas, any cleaning product or chemical runoff is likely to infiltrate and be attenuated within the soil prior to reaching the SAC.</p> <p>Paragraph 4.2.4 of the Outline OEMP [REP5-013] includes 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 product to be used, which would be agreed with SDDC.</p> <p>b) Do NE have any remaining concerns in the mitigation measures for the chemicals used to clean the panels?</p> <p>The ExA [EV4-002] requested that the Applicant respond to SDDC's suggestion to secure the location and acreage of grassland to mitigate impacts on the River Mease SAC and SSSI.</p> <p>Paragraph 2.6.9 of the Outline CEMP [REP5-011] includes that the area of the Site located within the River Mease SAC Catchment (approximately 2.8 hectares as shown in ES Figure 8.1 [APP-144]) would be sown at the earliest opportunity to further minimise any interaction the River Mease SAC.</p> <p>c) Recognising the importance of this mitigation, please could the Applicant add clarification of what this area would be sown with and secure a commitment to maintain this area of grassland during operation?</p> <p>d) Please could NE and SDDC set out any remaining concerns about the River Mease SAC and SSSI at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 7.2 | SDDC DCC | <p>Draft DCO [REP5-003] Article 38 - <u>Trees subject to Tree Preservation Orders (TPO) Ancient/ veteran trees</u></p> <p>SDDC [REP4-014] and DCC [REP4-012] raised concerns about impacts on ancient/ veteran trees.</p> |

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| | | <p>The ExA [EV4-002] referred to Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects, and suggested that the Applicant identify trees subject to a TPO that would be affected and the works permitted to each tree (e.g. fell, lop, or cut back its roots) in a schedule to the dDCO [REP5-003].</p> <p>The Applicant [REP5-024, REP5-026] responds to the concerns and has revised Article 38 (trees subject to tree preservation orders) of the dDCO [REP5-003] to limit the powers granted by that article to the trees identified in Schedule 13 of the dDCO. Schedule 13 identifies trees within the area identified as W4 in SDDC's TPO No. 122.</p> <ul style="list-style-type: none"> a) Please could SDDC and DCC comment? b) Please could SDDC and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 7.3 | Applicant SDDC DCC | <p><u>Habitat Constraints Plan</u></p> <p>SDDC [REP4-014] and DCC [REP4-012] referred to the need for a Habitat Constraints Plan with interpretable maps to 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>The Outline CEMP [REP5-011] includes provisions for a Habitats Constraint Plan [Section 2.8.5] and buffers [Sections 2.6.4, 2.6.5, 2.8.2, 2.8.3, 2.8.5, and 2.8.6]. The Applicant provides a series of interpretable maps of habitat constraints [REP5-030].</p> <ul style="list-style-type: none"> a) Please could the Applicant add the draft interpretable maps to the Outline CEMP [REP5-011] and secure that interpretable maps be included in the final CEMP? b) Please could SDDC and DCC comment? c) Please could SDDC and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 7.4 | Applicant SDDC | <p><u>Skylark</u></p> |

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| | | <p>SDDC [REP4-014] considers that the Proposed Development would harm skylark or other ground nesting birds and that specific mitigation for skylark would be appropriate in the form of skylark plots to be created within arable fields adjacent to Oakland Farm.</p> <p>The Applicant [REP5-024, REP5-026] considers that specific mitigation for skylark is not necessary, but acknowledging SDDC's differing position is in the process of agreeing the terms of a S106 unilateral undertaking to provide for offsite mitigation in the form of skylark plots. The Applicant's position is that the mitigation being proposed would be sufficient to result in a benefit for this species. It says that the terms of any 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> <ul style="list-style-type: none"> a) Please could the Applicant provide evidence that the S106 unilateral undertaking is secured, as described? b) Please could SDDC comment? c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 7.5 | Applicant SDDC | <p><u>Barn owl</u></p> <p>The ExA [EV4-002] requested that the Applicant clarify the evidence to support that impacts and mitigation can be identified without a barn owl survey and asked it to consider whether a barn owl survey and update of mitigation measures is required before the start of the site preparation works.</p> <p>The Applicant [REP5-024, REP5-026] says that specific barn owl surveys were not undertaken as "<i>there is a very good understanding of barn owl ecology</i>", and provides reasoning to support that view. The mitigation for barn owl in Section 2.8.6 of the Outline CEMP [REP5-011] has been updated and includes pre-construction checks.</p> <p>The ExA notes that, as defined by the dDCO [REP5-003], 'pre-construction' is not necessarily before the site preparation works.</p> <ul style="list-style-type: none"> a) Please could the Applicant consider whether a barn owl survey and update of mitigation measures is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly? |

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| | | <p>b) Please could SDDC comment?</p> <p>c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 7.6 | Applicant SDDC | <p><u>Great crested newt</u></p> <p>The ExA [EV4-002] requested that the Applicant consider whether additional precautionary mitigation is required for great crested newt.</p> <p>The Applicant [REP5-024, REP5-026] provides reasoning for why it considers it highly unlikely for great crested newt to occur within the site or to be impacted by the Proposed Development. The mitigation for great crested newt in Section 2.8.7 of the Outline CEMP [REP5-011] has been updated to require “<i>best practice methods</i>” for the construction works.</p> <p>Section 2.8.7 of the Outline CEMP [REP5-011] includes for pre-construction surveys for great crested newt. The ExA notes that, as defined by the dDCO [REP5-003], ‘pre-construction’ is not necessarily before the site preparation works.</p> <p>a) Please could the Applicant consider whether a great crested newt survey is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly?</p> <p>b) Please could SDDC comment?</p> <p>c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 7.7 | Applicant | <p><u>Otter</u></p> <p>Section 2.8.8 of the Outline CEMP [REP5-011] includes for pre-construction surveys for otter. The ExA notes that, as defined by the dDCO [REP5-003], ‘pre-construction’ is not necessarily before the site preparation works.</p> <p>Please could the Applicant consider whether an otter survey is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly?</p> |
| 7.8 | Applicant | <p><u>Badger</u></p> |

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| | SDDC | <p>SDDC [REP4-014] say that the proposed buffer for badger/ badger sett of 30m should be adequate in most circumstances but that a detailed scope of works in relation to badger/ badger setts would help clarify the appropriate buffer and other suitable mitigation.</p> <ul style="list-style-type: none"> a) Please could the Applicant respond to SDDC's concerns? b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 7.9 | Applicant SDDC | <p><u>Construction haul road</u></p> <p>The ExA [EV4-002] requested that the Applicant set out the consideration given to options for the routing of the construction haul road, including in relation to the “<i>wildest parts of the site</i>” expressed by SDDC.</p> <p>The Applicant [REP5-026, REP5-031] requested clarification on the concerns and set out how it considers that it has designed the construction haul road sensitively.</p> <p>The Applicant [REP5-024] updated paragraph 1.14.1 of the Outline CEMP [REP5-011] to include that the “<i>Temporary Construction Haul Road would be removed following construction and reinstated for decommissioning. Following removal of the Temporary Construction Haul Road (after construction and decommissioning), the land will be restored to its current condition. This will include removal of temporary culverts.</i>” Paragraph 3.1.2 of the Outline DEMP [REP5-015] now includes that the “<i>Temporary Construction Haul Road (including temporary culverts) would be removed following decommissioning, and the land will be restored to its current condition</i>”.</p> <p>SDDC [REP5-040] say that the Health and Safety Executive recommends that haul roads should be three and a half times the width of the widest vehicle using them, in this case HGVs. It also considers that the proposed haul road would 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, the works 4 and 4b would 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> |

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| | | <p>a) Please could the Applicant respond to SDDC's clarification of its concerns, its comments regarding the width of the construction haul road and ensure that any necessary related mitigation is secured?</p> <p>b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 7.10 | Applicant | <p><u>Invasive non-native species (INNS)</u></p> <p>Section 2.8.2 of the Outline CEMP [REP5-011] includes for pre-construction surveys for INNS. The ExA notes that, as defined by the dDCO [REP5-003], 'pre-construction' is not necessarily before the site preparation works.</p> <p>Please could the Applicant consider whether a survey for INNS is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly?</p> |
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| 8. Historic environment | | |
| 8.1 | Applicant HE | <p><u>Potential harm to designated heritage assets</u></p> <p>The SoCG between the Applicant and HE [REP4-056] refers to matters not agreed and 'further landscape mitigation' suggested by HE to reduce harm to heritage assets, including in relation to metal security fencing, lighting and closed circuit television (CCTV).</p> <p>a) Please could the detail of mitigation suggested by HE in the SoCG [REP4-056] for the matters not agreed be submitted to the Examination?</p> <p>b) Please could the Applicant and HE provide an update of progress in resolving the matters not agreed and update the SoCG accordingly.</p> <p>c) Please could HE set out any remaining concerns at Deadlines 7 and 8 and suggest how they might be addressed?</p> |
| 8.2 | HE | <p><u>Archaeology – potential harm to assets subject to the policies for designated heritage assets</u></p> |

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| | | <p>The SoCG between the Applicant and HE [REP4-056] does not address archaeology. The Applicant [REP5-026] says that this is because there are no archaeological heritage assets within the remit of HE.</p> <p>The ExA notes that there is some uncertainty about the nature of any potential archaeology. Please could HE comment on the potential for harm to archaeological heritage assets within its remit?</p> |
| 8.3 | Applicant DCC | <p><u>Draft DCO [REP5-003] Requirement 18 – Archaeology</u></p> <p>DCC [REP5-037] comments on Requirement 18 and provides reasoning for suggested alternative wording:</p> <p><i>“(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.</i></p> <p><i>(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 Institute for Archaeologists or by a member of that Institute, and the nominated organisation and its relevant specialists will be identified and agreed within the WSI.</i></p> <p><i>(3) All archaeological works must be carried out in accordance with the approved WSI, including post-excavation analysis, reporting, publication and archiving.”</i></p> <p>a) Please could the Applicant comment and update the dDCO [REP5-003] accordingly?</p> <p>b) Please could DCC set out any remaining concerns about archaeology at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
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| <p>9. Landscape, visual, glint, and glare</p> | | |
| 9.1 | Applicant | <u>Operation stage mitigation – Pennywort Cottage</u> |

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| | | <p>The Applicant [APP-104 page 14] considers that there would be a reduction in magnitude of change in views and visual amenity because of the Proposed Development at Pennywort Cottage from medium to low-medium at Year 10 due to enhancements to hedgerows.</p> <p>The ExA has observed the topography and notes the elevation of solar panels above intervening hedgerows.</p> <p>Please could the Applicant justify the claimed reduction in magnitude of change in views and update the ES as necessary?</p> |
| 9.2 | SDDC | <p><u>The National Forest</u></p> <p>SDDC [REP5-039] says that it will be content with the proposals in relation to compliance with Local Plan Policy INF8 once detailed tree works are provided for SDDC to consider.</p> <ul style="list-style-type: none"> a) Have SDDC's concerns been addressed? How might they be addressed? b) Please could SDCC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 9.3 | Applicant | <p><u>Glint and glare</u></p> <p>The Applicant [REP5-034] refers to British Horse Society 'Advice on solar farms near routes used by equestrians' that "<i>reflections are unlikely to be a direct problem to horses, riders, or carriage-drivers</i>".</p> <ul style="list-style-type: none"> a) Please could the Applicant provide a full copy of the British Horse Society advice? <p>The Applicant [REP5-034] says that the ground floor of dwellings is modelled as this is typically the main living space during daylight hours, and that its approach represents industry best practice.</p> <ul style="list-style-type: none"> b) Does the Applicant have evidence that any residential dwellings that could potentially be impacted do not have a main living space on an upper floor? c) Please could the Applicant comment on the potential for the upper floors of dwellings to be subject to glint and glare when the ground floor isn't, for example when intervening hedgerows would mitigate effects on the ground floor but not the upper floors? |

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| | | <p>The Applicant [REP5-034] says that the German guidance approach <u>does not necessarily</u> <i>[emphasis added]</i> present a worse case than its own methodology.</p> <p>d) Is the Applicant able to provide more evidence to demonstrate whether its methodology is robust when compared with the German guidance approach?</p> |
| <p>10. Noise and vibration</p> | | |
| <p>10.1</p> | <p>Applicant SDDC</p> | <p><u>Noise assessment and mitigation</u></p> <p>The ExA [EV4-002] requested that SDDC consider the noise assessment concerns raised by Diane Abbott [REP4-022] and any implications for SDDC being content with the assessment and mitigation. The Applicant [REP5-025] comments on Diane Abbott's concerns [REP4-022].</p> <p>a) Please could SDDC comment on Diane Abbott's concerns [REP4-022] and set out the reasons for any disagreement with the Applicant's comments [REP5-025].</p> <p>b) Please could the Applicant update the SoCG with DCC and SDDC [AS-029] as necessary?</p> <p>c) Please could SDDC summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| <p>10.2</p> | <p>SDDC</p> | <p><u>Piling for the solar panels</u></p> <p>SDDC [REP4-014, REP5-039] says that it has yet to have discussions with the Applicant following the ExA's previous question [PD-012 Question 10.3] about the potential for noise impacts from piling during construction and mitigation measures for piling.</p> <p>Paragraph 2.2.3.9 of the Outline CEMP [REP5-011] includes that mitigation measures in relation to piling of the solar panels will include 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, and screening or low-noise plant models.</p> <p>a) Please could SDDC set out its concerns and suggest how they might be addressed?</p> |

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| | | b) Please could SDDC also set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
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| 11. Traffic and transport | | |
| 11.1 | Applicant DCC SDDC | <p><u>Construction traffic – DCC and SDDC concerns</u></p> <p>a) Please could the Applicant submit an update to the Outline Construction Traffic Management Plan (Outline CTMP) [REP4-032] in relation to its reference to using Walton bypass if it opens during construction [REP5-025, REP5-026]?</p> <p>b) Please could the Applicant respond to DCC’s request [REP5-037] 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?</p> <p>c) Please could DCC and SDDC summarise any outstanding traffic and transport concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 11.2 | Applicant Staffordshire County Council (SCC) | <p><u>Construction traffic – SCC concerns</u></p> <p>a) Please could the Applicant submit an update to the Outline CTMP [REP4-032] in relation to its reference to limiting HGV journeys during school opening and closing times and ensuring that construction hours are identified consistently [REP5-025, REP5-026]? Are the construction hours quoted consistently across all documents?</p> <p>b) Please could the Applicant and SCC provide an update on discussion regarding the three matters that SCC [AS-032] identify as being outstanding:</p> <p>i) The use of route 2B in conjunction with 2A.</p> <p>ii) Provisions for the highway authority to recoup costs.</p> <p>iii) Compliance provisions in the Outline CTMP [REP4-032].</p> <p>c) Please could SCC summarise any outstanding traffic and transport concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |

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| 12. Water quality, resources, drainage, and flooding | | |
| 12.1 | Applicant EA DCC | <p><u>Battery Energy Storage System fire risk and related emergency response and pollution</u></p> <p>The EA [REP5-043] said that the pollution risks of emergency response had not been appropriately assessed.</p> <p>a) Is the EA satisfied that the submitted Outline Drainage Strategy included in the updated Flood Risk Assessment (FRA) [REP5-017] addresses its concerns?</p> <p>DCC [REP4-012] suggested that the Applicant consult with the Derbyshire Fire and Rescue Service regarding site safety and particularly fire-fighting response at the BESS.</p> <p>The Applicant [REP5-026] set out the consultation undertaken with the Derbyshire Fire and Rescue Service and said that it will arrange a short letter from Derbyshire Fire and Rescue Service confirming its position.</p> <p>b) Please could the Applicant advise on the progress with Derbyshire Fire and Rescue Service and provide evidence of Derbyshire Fire and Rescue Service’s position?</p> <p>c) Do DCC have any comments?</p> <p>d) Please could DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> |
| 12.2 | Applicant EA SDDC | <p><u>Flood Risk Assessment (FRA)</u></p> <p>The EA [REP5-043] raised concerns about the Sequential Test and flood risk climate change allowance.</p> <p>a) Is the EA satisfied that the submitted update to the FRA [REP5-017] addresses its concerns?</p> <p>The EA [REP5-042, REP5-043] also raised concerns about the proposed river crossings/ culverts and consequent increases in flood risk off site, which it notes is against the Overarching National Policy Statement for Energy (NPS EN-1) policy in relation to the</p> |

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| | | <p>Exception Test. It suggested possible solutions, including make all new crossings temporary, to be in situ for only the construction and decommission phases.</p> <p>The updated FRA [REP5-017] Section 8.5] indicates increases in flood risk off site.</p> <p>Paragraph 5.8.11 of NPS EN-1 states that:</p> <p><i>“Both elements of the Exception Test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that:</i></p> <ul style="list-style-type: none"> • <i>the project would provide wider sustainability benefits to the community that outweigh flood risk; and</i> • <i>the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.”</i> <p>The Applicant [REP5-026] updated paragraph 1.14.1 of the Outline CEMP [REP5-011] to include that the <i>“Temporary Construction Haul Road would be removed following construction and reinstated for decommissioning. Following removal of the Temporary Construction Haul Road (after construction and decommissioning), the land will be restored to its current condition. This will include removal of temporary culverts.”</i> Paragraph 3.1.2 of the Outline DEMP [REP5-015] now includes that the <i>“Temporary Construction Haul Road (including temporary culverts) would be removed following decommissioning, and the land will be restored to its current condition”</i>.</p> <ul style="list-style-type: none"> b) Please could the Applicant provide any necessary updates in relation to satisfying paragraph 5.8.11 of NPS EN-1? c) Do EA or DCC (as Lead Local Flood Authority) have any comments? d) Please could EA and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 12.3 | Applicant DCC SDDC | <p><u>Potential damage to existing land drainage</u></p> <p>The ExA [EV4-002] requested that the Applicant demonstrate whether damage to existing land drains could be mitigated to avoid increasing flood risk and asked it to respond to SDDC’s concerns regarding the potential for water no longer in the existing land drains to be directed</p> |

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| | | <p>more towards areas with higher flood risk. The Applicant was requested to secure the necessary mitigation.</p> <p>The Applicant [REP5-024, REP5-026] states that:</p> <ul style="list-style-type: none"> • it broadly knows where the land drains are based on information from the landowner and that several of its team had been through the site field by field and recording them; • it provides a map identifying where land drains are understood to be present [REP5-017 paragraph 4.2.5]; • the land drainage is generally at lower parts of fields, nearer watercourses, where farmers try to speed up water flow through a land drain; • due to the expected low number of land drains on the Site, and the very small area of the Site affected by cable trench excavations (approximately 2% of Site, with trenches almost exclusively routed around the perimeter of fields), the main source of damage to any existing land drains is expected to be piling for the solar panel mounting structure legs; • water flow would be slowed if there is any damage to the drains; • some of the detailed information regarding depth of pipes would need to be investigated and identified using a digger but that this could be dealt with in detail post-consent in the Soil Management Plan; • any problem post-construction would become obvious as there would be a damp area; • if there are patches these can be rectified in the same manner as farmers would, which would not affect flood risk; • new land drains and other drainage features can be installed under and around the piling for the solar panels and buried cables to address any issues identified from land drains found to have been damaged during construction; and • the exact locations of piles and buried cables installed by the Applicant would be known and recorded, and these features can therefore be avoided by careful design and installation of the new drainage. |

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| | | <p>Paragraph 2.6.9 of the Outline CEMP [REP5-011] includes that “<i>During construction of the Proposed Development, piling of solar panel mounts and / or the 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, other measures (e.g., repairing or installing new land drains) would be available to rectify such drainage issue. Once established, the drainage on-site will be monitored, and drainage measures altered or improved as necessary.</i>”</p> <p>Paragraph 1.6 of the Outline DEMP [REP5-015] includes that “<i>The Applicant commits to the repair of land drains or the installation of new land drains where removal of solar panel mounts and/or the removal of underground electrical cabling results in damage or disturbance to existing land drains and where an unacceptable surface water issue occurs as a result. Once established, the drainage on-site will be monitored for up to 5 years, and drainage measures altered or improved as necessary.</i>”</p> <ul style="list-style-type: none"> a) Please could the Applicant ensure that any mitigation required for damage to existing land drainage that is not identified until post-construction is secured in the Outline OEMP [REP5-013]? b) Do DCC (as Lead Local Flood Authority) or SDDC have any comments? c) Please could DCC and SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 13. Other planning topics | | |
| 13.1 | Applicant | <p><u>Air Quality – Air Quality Management Areas (AQMA)</u></p> <ul style="list-style-type: none"> a) Please could the Applicant provide an update on discussions with East Staffordshire Borough Council, including in relation to Air Quality Management Areas and compliance with paragraphs 5.2.12 and 5.2.19 of NPS EN-1? b) Please could evidence be provided of East Staffordshire Borough Council’s position? |
| 13.2 | Applicant | <p><u>Cumulative effects</u></p> |

| Ref: | Question to: | Question: |
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| | SDDC DCC EA NE | <p>The Applicant [REP5-024, REP5-025] says that it is reviewing the position on all cumulative projects, reviewing the assessment undertaken in the ES of cumulative effects, and will submit an Addendum to the ES assessing the effects of any additional cumulative sites.</p> <ul style="list-style-type: none"> a) Please could the Applicant submit the updated cumulative impact assessment and ensure that it is added to Schedule 12 of the dDCO? b) Please could SDDC, DCC, EA, and NE set out any concerns about the cumulative impact assessment at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| 13.3 | Applicant SDDC | <p><u>Socio-economics</u></p> <p>The Applicant [REP5-026] has added Requirement 23 (Skills, supply chain and employment) to the dDCO [REP5-003] and says that it will submit an Outline Skills, Supply Chain and Employment Plan at Deadline 6.</p> <ul style="list-style-type: none"> a) Please could the Applicant submit the Outline Skills, Supply Chain and Employment Plan? b) Please could SDDC set out any concerns about the Outline Skills, Supply Chain and Employment Plan at Deadlines 7 and 8 with suggestions about how they might be addressed? |
| | | |

END