

The Planning Inspectorate
[OaklandsFarmSolar@planninginspector
ate.gov.uk]

Our ref: XA/2024/100121/06-L01
Your ref: EN010122

Date: 26 November 2024

Dear Sir

EXAMINATION - OAKLANDS FARM SOLAR DEADLINE 6 (26 NOVEMBER 2024). EA COMMENTS ON THE DEADLINE 5 SUBMISSIONS AND ANY OTHER INFORMATION REQUESTED BY THE EXA FOR DEADLINE 6. OAKLANDS FARM SOLAR PARK, DERBYSHIRE.

We write in response to the Examining Authority's (ExA) invitation to respond to information submitted at Deadline 5.

Please see below the ***Environment Agency & Oaklands Farm Solar Work Package Tracker*** which provides further detail on the progress of each Environment Agency (EA) Relevant Representation point following Deadline 5 submissions.

Environment Agency & Oaklands Farm Solar Work Package Tracker

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Overarching Tracker							
Subject	Topics	Baseline assessment	Impact	Solution/mitigation	Agreed requirement/ or assessment updated to resolve issue	Requirement Number in DCO	Note:
Ecology	Water Environment Report / WFD (with regards to potential culverting of Ordinary Watercourses) (Relevant Representation (RR) Point 2)	Agreed	Agreed	Agreed	Agreed		The amended WFD Assessment [REP4-043] addresses our WFD concerns regarding ecology/biodiversity.
Flood Risk	Sequential Test (RR point 1)	Working on solution	Working on solution	Working on solution	Working on solution		Compliance with policy regarding the Sequential Test is not within the remit of the EA. In regard to our Relevant Representation [AS-019] we emphasised the need for the Applicant to demonstrate that the Sequential Test has been passed. The Applicant has committed to update the FRA to address the Sequential Test at Deadline 6. Once information on the Sequential Test is detailed in the FRA, we will mark this issue as agreed and therefore resolved. However, the Local Planning Authority will need to determine if the test has been passed.
	Vulnerability Classification (RR point 1)	Agreed	Agreed	Agreed	Agreed		FRA now includes correct Vulnerability Classification, 'Essential Infrastructure'



	<p>Exception Test (RR point 1)</p>	<p>Working on solution</p>	<p>Working on solution</p>	<p>Working on solution</p>	<p>Working on solution</p>	<p>The Applicant has committed to removing the new water course crossings (culverts) for the operational phase [REP5-026]</p> <p>The removal of the culverts for the operational phase seems like a reasonable way forward to address the off-site increase in fluvial flood risk. However, there is still a risk that flood risk could be increased off-site during construction if an event were to occur.</p> <p>Following a meeting with the Applicant's consultants on 26 November 2024 they have proposed to install a temporary clear span bridge structure (instead of a culvert) at crossing 3, which is the crossing that causes the offsite increase. This will likely remove the offsite flood increase. We are awaiting updated model runs which include the clear span structure to determine the appropriateness of this approach. We will provide the Examining Authority with an update at Deadline 7.</p>
	<p>Climate Change Allowance (RR point 1)</p>	<p>Agreed</p>	<p>Agreed</p>	<p>Agreed</p>	<p>Agreed</p>	<p>The correct climate change allowances have been used, which is the Higher Central allowance for the 2080's epoch.</p>
	<p>Detailed Flood Modelling (RR point 1)</p>	<p>Agreed</p>	<p>Agreed</p>	<p>Agreed</p>	<p>Agreed</p>	<p>The hydraulic model for the ordinary watercourse and tributary which flows through the development site is considered reasonable. The model is well constructed and uses the latest available Lidar and channel survey information. Assumptions and limitations are clearly reported, and sensitivity testing has been undertaken which has helped to understand the potential variance in model results. The modelling undertaken provides a suitable basis for the Flood Risk Assessment.</p>

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Geomorphology	Water Environment Report / WFD (RR Point 2)	Agreed	Agreed	Agreed	Agreed		The amended WFD Assessment [REP4-043] addresses our WFD concerns regarding geomorphology.
Groundwater Protection	WFD Assessment (WFD assessment needs to include WFD Groundwater Body) (RR Point 2)	Agreed	Agreed	Agreed	Agreed		The amended WFD Assessment [REP4-043] addresses our WFD concerns regarding groundwater.
Waste	Construction Environment Management Plan (CEMP)	Agreed	Agreed	Agreed	Agreed	9	
	Decommissioning Environment Management Plan (DEMP)	Agreed	Agreed	Agreed	Agreed	22	
	Operational Environment Management Plan (OEMP)	Agreed	Agreed	Agreed	N/A so agreed		
	Waste Management Strategy	Agreed	Agreed	Agreed	N/A so agreed	9	The EA Waste Team have confirmed that the topsoil bunds appear to be an appropriate height and profile. We recommend that they are compacted and planted with grass or other suitable vegetation to prevent soil erosion and potential runoff pollution. In respect of leaving cables in situ post decommissioning and in line with the Definition of Waste, cables in general, unless oil filled, would be unlikely to be considered as a waste if left in the ground

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Water Quality	Construction Environment Management Plan (CEMP) 1) daily monitoring by Principal Contractor. The need for an Environmental Monitoring Plan (RR Point 4)	Agreed	Agreed	Agreed	Agreed	9	Updated DCO [REP1-004] and oCEMP [REP1-008] at Deadline 1 has resolved this point.
	Construction Environment Management Plan (CEMP) 2) Environmental Permit for discharges should be reflected in the CEMP (RR Point 4)	Agreed	Agreed	Agreed	Agreed	9	Updated oCEMP [REP1-008] at Deadline 1 has resolved this point.
	Decommissioning Environment Management Plan (DEMP)	Agreed	Agreed	Agreed	Agreed	22	The EA are to be consulted on the Decommissioning Environmental Management Plan in line with Requirement 22. At the time of decommissioning the Applicant would need to demonstrate, as part of the Decommissioning Environmental Management Plan, that leaving cables in situ would not result in pollution to ground or surface water.
	The pollution risks of emergency response have not been appropriately assessed. (Point 7 on RR)	Agreed	Agreed	Agreed	Agreed		REP5-017 & 018 6.1 Environmental Statement - Appendix 8.1 – Flood Risk Assessment and Outline Drainage Strategy (Tracked) addresses our concerns. An automated pollution control valve (linked to the fire detection system) will ensure that surface water runoff will not be discharged during a fire event, preventing it from leaving the locality and allowing the potential contaminants to be removed/ treated.
	Operational Environment Management Plan (OEMP)	Agreed	Agreed	Agreed	Agreed	11	
	Water Environment Report / WFD - Changes to water quality that do not impact WFD Status should still be considered (RR Point 6)	Agreed	Agreed	Agreed	N/A so agreed		This point has been fully resolved. No need for any assessments/ documents to be updated as this was a misunderstanding rather than an issue with methodology.
Development Consent Order (DCO)	Disapplication of s25 of the Water Resources Act (impoundment) (RR Point 3)	Agreed	Agreed	Agreed	Agreed		The Draft DCO have been updated and reference to disapplication of s25 of the Water Resources Act has been removed.
	CEMP Requirement wording changed to include EA to be consulted [submitted to and approved by the local planning authority, in consultation with the Environment Agency] (RR Point 5)	Agreed	Agreed	Agreed	Agreed		Updated DCO [REP1-004] at Deadline 1 has resolved this point.

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Yours faithfully

Mr Lewis Pemberton
Planning Specialist