

Date: 26 November 2024  
Your ref: EN010122



Planning Inspectorate

**BY EMAIL ONLY**

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Dear Sir / Madam

**NSIP Reference Name / Code: Oaklands Farm Solar Park / EN10122**

**Natural England's response to the Examining Authority's third written questions and requests for information**

**Examining Authority's submission deadline 6 with a date of 26 November 2024**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Caolan Gaffney and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Caolan Gaffney  
Senior Officer

## Natural England's response to the Examining Authority's (ExA's) third written questions with a deadline of 26 November 2024

Table 1: Natural England's response to Examiner's third written questions			
ExA question ref	Question addressed to	Question	Answer
5.1	Applicant SDDC DCC EA NE	<p>End state after decommissioning 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? 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]? 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>	<p>The oDEMP commits to restoring land quality to its pre construction condition at the end of operation. The applicant also commits to alleviate localised impacts which will enable them to reinstate land to its original use and ALC grade.</p> <p>Natural England are satisfied with the measures proposed, this combined with pre construction ALC survey data will enable them to restore the land to its pre development condition.</p>
6.2	Applicant NE SDDC	<p>Outline Soil Management Plan (Outline SMP) 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"> <li>- comply with paragraph 5.1 of the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009);</li> <li>- follow the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working;</li> <li>- clarify the level of professional qualification and experience required of the site foreman to ensure that soil</li> </ul>	<p>Natural England note that the oCEMP document has been written to comply with the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) and the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working. However we have not been able to review the oSMP due to resource pressure so will provide comments at deadline 7 &amp; 8.</p>

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		<p>handling and storage of soils adhere to the Defra Construction Code of Practice;</p> <ul style="list-style-type: none"> <li>- set out the target specification for the proposed end uses based on pre-construction Agricultural Land Classification (ALC) grade;</li> <li>- where topsoil is to be stripped, typically for construction compounds; access tracks and laying cabling, the soil handling methodology (movement, storage &amp; replacement) and soil protection proposals are reviewed to ensure that appropriate mitigation is in place to allow for the restoration of the land to theaselyne ALC grade;</li> <li>- avoiding soil handling during October to March inclusive, irrespective of soil moisture conditions;</li> <li>- only allow soils in a dry and friable condition to be handled; and</li> <li>- limit stockpile heights to avoid compaction of soils, typically a maximum of 3m for topsoils and 5m for subsoils;</li> <li>- 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.</li> </ul> <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> <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>	

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ExA question ref	Question addressed to	Question	Answer
		<p>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?</p> <p>b) Does NE have any other concerns about the Outline SMP?</p> <p>c) Please could the Applicant respond to SDDC's additional concerns and ensure that any necessary related mitigation is secured?</p> <p>d) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>	
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"> <li>- 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;</li> <li>- in areas that BMV agricultural land is expected then a full ALC (1 auger per ha plus representative pits) must be undertaken;</li> <li>- it does not concur with the assumption that land quality is mostly 3b within the cable route;</li> <li>- an ALC survey should be undertaken on the cable route;</li> <li>- 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;</li> <li>- the survey requires an experienced ALC surveyor to make the correct professional judgements;</li> </ul>	<p>Natural England note that a soil survey has been undertaken on the cable route to inform the oSMP. Natural England also note that the applicant has committed to providing the qualifications of the soils scientists (surveyors) However we have not been able to review the oSMP due to resource pressure so will provide comments at deadline 7 &amp; 8.</p>

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		<ul style="list-style-type: none"> <li>- detail should be provided of the professional credentials and experience required of soil scientists (surveyors) experience carrying out ALC; and</li> <li>- the ALC survey will inform the SMP.</li> </ul> <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> <ul style="list-style-type: none"> <li>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?</li> <li>b) Please could the Applicant respond to SDDC's additional concerns and ensure that any necessary related mitigation is secured?</li> </ul>	

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ExA question ref	Question addressed to	Question	Answer
		<p>c) Do NE or SDDC have any comments on the Additional Land Classification Survey at Park Farm [REP5-036]?</p> <p>d) Does NE have any other concerns about ALC? How might they be addressed?</p> <p>e) Please could SDDC and NE set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> <p>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?</p>	
7.1	Applicant NE SDDC	<p><u>River Mease Special Area of Conservation (SAC)</u></p> <p><u>River Mease Site of Special Scientific Interest (SSSI)</u></p> <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>Natural England welcome the clarification that the panels will be cleaned with domestic strength cleaner. This kind of activity is unlikely to impact the designated features of the River Mease SAC. Therefore Natural England does not have any remaining concerns about the impact of the Oaklands Solar Farm on the River Mease SAC or SSSI.</p>

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		<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>	

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		<p>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>	
13.2	Applicant SDDC DCC EA NE	<p><u>Cumulative Effects</u></p> <p><u>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.</u></p> <p>a) <u>Please could the Applicant submit the updated cumulative impact assessment and ensure that it is added to Schedule 12 of the dDCO?</u></p> <p><u>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?</u></p>	<p>Natural England are unable to provide comments on the cumulative assessment at deadline 6 and will provide further ocmments at deadline 7.</p>
3.1	Applicant	<p><u>Statements of Common Ground (SoCG)</u></p> <p><u>The Applicant submits a Summary of the Status of SoCG [REP5-023].</u></p> <p><u>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.</u></p>	<p>Natural England note that the applicant has engaged with us full on all aspects of the proposed project. Natural England have agreed with the applicant all aspects of the SOCG which has been submitted to the inspector except from agricultural land. This is only because Natural England have been unable to review the updates that applicant has made to the oSMO, ODEMP and oCEMP. We will provide further comments at deadline 7 &amp; 8.</p>



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		<p><u>Please could the Applicant provide latest draft or final signed copies of all SoCG at Deadline 6, and then again at Deadline 8:</u></p> <ul style="list-style-type: none"><li>• <u>SDDC and Derbyshire County Council (DCC);</u></li><li>• <u>Environment Agency (EA);</u></li><li>• <u>Natural England (NE);</u></li><li>• <u>Historic England (HE); and</u></li><li>• <u>National Grid.</u></li></ul>	

