



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Summary of the Status of Statements of Common Ground

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STATUS OF STATEMENTS OF COMMON GROUND

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CONTENTS

1	INTRODUCTION.....	2
1.1	OVERVIEW	2
1.2	PURPOSE OF THIS DOCUMENT	2
1.3	STRUCTURE OF THIS DOCUMENT.....	3
2	OVERVIEW OF STATEMENTS OF COMMON GROUND	4
2.2	SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL.....	4
2.3	ENVIRONMENT AGENCY	4
2.4	NATURAL ENGLAND.....	4
2.5	NATIONAL HIGHWAYS	4
2.6	HISTORIC ENGLAND	5
2.7	NATIONAL GRID	5
2.8	EMERGENCY SERVICES	5
2.9	HEALTH AND SAFETY EXECUTIVE	5
3	SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL	6
3.2	STATUS OF THE SOCG AT DEADLINE 6.....	6
3.3	APPROACH AND TIMINGS	7
4	ENVIRONMENT AGENCY	8
5	NATURAL ENGLAND	9
6	HISTORIC ENGLAND.....	11
7	NATIONAL GRID.....	12

1 INTRODUCTION

1.1 OVERVIEW

- 1.1.1 Oaklands Farm Solar Limited (“the Applicant”) is applying to the Secretary of State for Energy Security and Net Zero (“SoS”) for a Development Consent Order (“DCO”) under Section 37 of the Planning Act 2008 (“PA 2008”) for the construction, operation, maintenance and decommissioning of ground mounted solar photovoltaic arrays and an associated Battery Energy Storage System (“BESS”) on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire.
- 1.1.1 The Oaklands Farm Solar Park comprises a proposed solar farm with an associated Battery Energy Storage System (‘the Proposed Development’). The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire. The solar park itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. New high voltage 132kV underground electricity cabling would be installed by the Applicant from the project substation located within the proposed development on Oaklands Farm through land to the north at Fairfield Farm and Park Farm to connect the Proposed Development to the national grid at Drakelow electricity substation, located at the former Drakelow Power Station which sits south of Burton-upon-Trent.
- 1.1.2 This document has been prepared at Deadline 6 as part of that DCO application (“the Application”) and should be read in conjunction with the other documents submitted with the Application.

1.2 PURPOSE OF THIS DOCUMENT

- 1.2.1 The Applicant intends to enter into Statements of Common Ground (SoCGs) with a number of parties, in order to assist the Examining Authority (ExA) in his examination of the Application by recording the respective position of different parties on various issues of relevance to the Application.
- 1.2.2 This document has been requested by the ExA in his Rule 6 letter of the 4th June 2024 and provides an update on:
- The status of each SoCG;
 - The matters agreed between the Applicant and each Interested Party;
 - The main outstanding concerns held by each Interested Party;

- When it is anticipated that any draft Statements of Common Ground will be finalised and when the finalised signed and dated copies will be submitted to the Examination.

1.3 STRUCTURE OF THIS DOCUMENT

- 1.3.1 Section 2 provides an overview summary of the parties with whom the Applicant is seeking to agree Statements of Common Ground.
- 1.3.2 The subsequent sections then deal each party in turn to provide the updates requested by the ExA, as follows:
- (1) South Derbyshire District Council and Derbyshire County Council;
 - (2) Environment Agency;
 - (3) Natural England;
 - (4) Historic England;
 - (5) National Grid.

2 OVERVIEW OF STATEMENTS OF COMMON GROUND

- 2.1.1 At the point of the application being submitted the Applicant identified a number of parties with whom it expected to seek Statements of Common Ground. The ExA then identified a number of additional parties in his Rule 6 letter. This section summarises the approach being taken in each case.
- 2.1.2 Appendix G of the ExA's Rule 6 letter of the 4th June 2024 then sets out the ExA's procedural decision to request the preparation of SoCGs between the Applicant and certain Interested Parties.

2.2 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

- 2.2.1 South Derbyshire District Council (SDDC) and Derbyshire County Council (DCC) are acting jointly in respect of the Application. Both the Applicant and the ExA identified SDDC and DCC as a SoCG party and the Applicant is engaging with the Councils to agree a SoCG. Section 3 of this document provides an update on the position of that SoCG.

2.3 ENVIRONMENT AGENCY

- 2.3.1 Both the Applicant and the ExA identified the Environment Agency (EA) as a SoCG party. The Applicant is engaging with the EA to agree an SoCG and Section 4 of this document provides an update on the status of that SoCG.

2.4 NATURAL ENGLAND

- 2.4.1 Both the Applicant and the ExA identified Natural England (NE) as a SoCG party. The Applicant is engaging with NE to agree an SoCG and Section 5 of this document provides an update on the status of that SoCG.

2.5 NATIONAL HIGHWAYS

- 2.5.1 The Applicant identified National Highways (NH) in the Application as a party with whom it was intending to discuss a SoCG. NH submitted a Relevant Representation on the 9th April 2024 which reserved their right to make written representations if an impact of construction traffic on the Strategic Road Network (SRN) is identified, or if changes to the application are made which result in impacts to the SRN.
- 2.5.2 NH were not included by the ExA in the Rule 6 letter as a party where a SoCG was being requested. The Applicant therefore contacted NH following the issuing of the Rule 6 letter and suggested that on that basis it would not progress a SoCG unless there was a need identified during the Examination for an SoCG. NH confirmed to the Applicant that they were content with that approach.

- 2.5.3 The Applicant at this stage is therefore not progressing with a SoCG with National Highways.

2.6 HISTORIC ENGLAND

- 2.6.1 Both the Applicant and the ExA identified Historic England (HE) as a SoCG party. The Applicant is engaging with HE to agree an SoCG and Section 6 of this document provides an update on the status of the SoCG.

2.7 NATIONAL GRID

- 2.7.1 The Applicant identified National Grid (NG) as a party it was intending to agree an SoCG with. NG are not included as a SoCG party in the Rule 6 letter but the Applicant intends to agree a SoCG and is progressing discussions, with Section 7 of this document providing an update on those discussions.

2.8 EMERGENCY SERVICES

- 2.8.1 The Applicant contacted the Derbyshire Fire and Rescue Service in June 2024 who provided the National Fire Chiefs Council Grid Scale Battery Energy Storage System Planning guidance document and an accompanying letter identifying detailed design recommendations in respect of BESS facilities. The Applicant notes that guidance; Requirement 12 of the dDCO makes provision for a Battery Safety Management Plan to be submitted and approved by the Local Authority, which must be in accordance with the outline BSMP, or agreed with the HSE and Derbyshire Fire and Rescue Service if changes are proposed from the outline BSMP. The outline BSMP [APP-093] references the National Fire Chiefs Council BESS guidance, thereby demonstrating that account has been taken of that guidance by the outline BSMP.
- 2.8.2 The Fire and Rescue Service have not indicated that they require a SoCG with the Applicant and on the basis of the above the Applicant is not pursuing a SoCG with them.

2.9 HEALTH AND SAFETY EXECUTIVE

- 2.9.1 The ExA requested that the Applicant seek an SoCG with the Health and Safety Executive (HSE) in the Rule 6 letter. The Applicant sought clarity on that SoCG at the Preliminary Meeting on the 10th July 2024 and subsequently the ExA confirmed in the Rule 8 letter that the Applicant could either provide a SoCG with the HSE, or that the HSE could provide a letter setting out any concerns.
- 2.9.2 The Applicant contacted the HSE following the Preliminary Meeting and the HSE submitted a letter, dated 19th August 2024, which was published alongside Deadline 2 submissions [REP2-005]. That letter states that the HSE do not consider a SoCG to be required for the Proposed Development and on that basis the Applicant has not engaged further with the HSE regarding a SoCG.

3 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

- 3.1.1 The Applicant has engaged with South Derbyshire District Council and Derbyshire County Council throughout the preparation and since the submission of the Application.
- 3.1.2 The Local Authorities are acting jointly on the SoCG and are using a combination of internal Officer and external consultant resource on the various topics which will be covered within that document.
- 3.1.3 SDDC have submitted an Adequacy of Consultation Representation [AoC-012], a Relevant Representation [RR-295], suggested locations for the site inspection [PDA-002], a further response on suggested site inspection locations [REP1-028] and responses to the 1st Written Questions [REP1-029]. It has then submitted a Response to the ExA's Second Written Questions [REP4-014] and submissions at Deadline 5, providing further responses to the Second Written Questions [REP5-039] and Responses to the ISH1 action points [REP5-040].
- 3.1.4 DCC have submitted an Adequacy of Consultation Representation [AoC-004], a Relevant Representation [RR-078] and a response to the 1st Written Questions [REP1-026]. It then submitted Responses to the ExA's Second Written Questions [REP4-012] and at Deadline 5 a response to ISH1 action points [REP5-037].
- 3.1.5 SDDC and DCC then submitted a joint Local Impact Report at Deadline 2 [REP2-001].

3.2 STATUS OF THE SOCG AT DEADLINE 6

- 3.2.1 The Applicant has, with the agreement of SDDC and DCC, submitted a further draft of the SoCG with those Parties at Deadline 6.
- 3.2.2 At Deadline 6 the Parties have reached an agreed point in respect of the following topics:
- The Application Site
 - The Proposed Development
 - Legislative and Policy Context
 - Principle of development
 - Design and Parameters
 - Climate change and carbon reduction
 - Glint and Glare
 - Landscape and Visual

- Noise
 - Highways
 - Heritage and Archaeology
- 3.2.3 The Parties have agreed some matters relating to DCO Requirements and Practical Matters, with some points remaining under discussion.
- 3.2.4 The Parties are also continuing to discuss EIA Cumulatives, Biodiversity, Ecology and Trees and Water Resources, Flood Risk and Ground Conditions.
- 3.2.5 The main outstanding concern between the Parties relates to Agricultural Land matters. The Parties will be recording their respective positions on Agricultural Land matters in the SoCG. As part of those discussions the Parties are discussing the link between land drainage impacts and BMV agricultural land, as part of the wider discussion on Water Resources, Flood Risk and Ground Conditions.
- 3.2.6 The Parties have agreed that Air Quality, Ground contamination, Public Rights of Way and Minerals do not need to be covered in detail in the SoCG.

3.3 APPROACH AND TIMINGS

- 3.3.1 The Applicant will seek to provide a further version of the SoCG at Deadline 7.

4 ENVIRONMENT AGENCY

- 4.1.1 The EA have submitted a Relevant Representation [AS-019], a response to the 1st Written Questions [REP1-032], a Written Representation [REP1-033] and a supplementary response to the 1st Written Questions [REP2-003], a submission at Deadline 3 [REP3-001] together with a submission [REP4-016] and responses to the ExQ2 [REP4-017] at Deadline 4, together with a further submission on the 22nd October 2024 prior to ISH1. At Deadline 5 the EA submitted Responses to the ISH1 Action Points [REP5-042] and a document commenting on Deadline 4 submissions and providing other information requested by the ExA [REP-043].
- 4.1.2 The Applicant and the National Infrastructure Team of the EA held an initial inception meeting on the 9th May 2024 and have had continued correspondence since that meeting relating to the points which the EA identify in their Written Representation, namely the Flood Risk Assessment, Drainage Assessment, Water Framework Directive Assessment, CEMP and the dDCO.
- 4.1.3 The EA has provided the Applicant with its Deadline 6 submissions on the 26th November 2024, which include its Work Package Tracker. That tracker confirms that all matters have been agreed apart from the following:
- **Sequential Test** – the Applicant has submitted a Sequential Assessment at Deadline 6 which addresses the Sequential Test. It will then be updating its Flood Risk Assessment at Deadline 7, following discussions with the EA on the Exception Test point below. The EA have confirmed in their Deadline 6 work package tracker that once information regarding the Sequential Test is detailed in the FRA they will consider the matter agreed.
 - **Exception Test** – as detailed in the Work Package Tracker the Applicant and the EA met on the 26th November 2024. The Applicant met with the EA on the 26th November 2024 and the Applicant has agreed to provide an updated flooding model, which considers the alternative approach of using a clear span bridge structure instead of a culvert at Crossing 3. The Applicant will be providing that modelling to the ExA soon after Deadline 6 and will provide an update on its discussions with the EA at Deadline 7.
- 4.1.4 The Applicant has provided at Deadline 6 a draft SoCG with the EA, which follows the structure and content of the EA's Work Package Tracker. The Applicant anticipates being able to provide a further version of that SoCG at Deadline 7.

5 NATURAL ENGLAND

- 5.1.1 NE submitted a representation setting out their position on the Application on the 13th June 2024 [AS-022], followed by an additional submission [AS-033] and then submitted a Written Representation and their responses to the 1st Written Questions at Deadline 1 [REP1-037] and a further submission on the 21st October 2024 ahead of ISH1.
- 5.1.2 Alongside the above, the Applicant submitted a draft Badger Licence application to NE on the 10th September 2024. The Applicant received a Letter of No Impediment on the 21st October 2024 and submitted that at Deadline 5 [REP5-032].
- 5.1.3 The Applicant has been engaging with Natural England following the submission of the Application, including meetings on the 29th May 2024 and 2nd August 2024.
- 5.1.4 The Applicant provided a draft SoCG to NE for review on the 5th August 2024. That SoCG follows a tabulated format similar to that used by NE in its Written Representation and addresses the following matters:
- Designated Sites;
 - Protected Species;
 - Biodiversity Net Gain;
 - Ancient Woodland and ancient/veteran trees;
 - Agricultural Land;
 - Protected Landscapes.
- 5.1.5 The Applicant provided NE, on the 9th September 2024, with:
- A detailed point by point response to NE's ALC comments of the 13th June 2024;
 - A summary response to NE's ALC comments;
 - An amended version of the Agricultural Land Classification Report by SES (6.1 – ES Appendix 15.1);
 - A draft Agricultural Land Classification for the remainder of the grid connection route;
 - The Applicant's position statement in respect of NE's comments re. the River Mease SAC.
- 5.1.6 The Applicant and NE then met on the 27th September 2024 to discuss the above.

- 5.1.7 The Applicant has, during those discussions with Natural England, undertaken to submit an updated Outline Soil Management Plan and a Soil Management Plan at specifically relating to the BESS/onsite substation.
- 5.1.8 During the course of the discussions Natural England 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. At Deadline 4 the Applicant amended the Outline LEMP to provide that commitment at Paragraph 4.26.
- 5.1.9 The Applicant provided a second draft of the SOCG to NE on the 13th November 2024 and received confirmation on the 26th November 2024 that NE were content for that draft to be submitted to the Examination. NE confirmed in that correspondence that it is continuing to review the changes made to the Outline Soil Management Plan and intends to submit comments on that document at Deadline 7. The Applicant will however continue to engage with NE to obtain a response as soon as possible and ahead of Deadline 7 if possible, and has in the interim at Deadline 6 submitted the draft SoCG.

6 HISTORIC ENGLAND

- 6.1.1 HE submitted a representation on the 9th May 2024 [AS-021], followed by responses to the Second written questions at Deadline 4 [REP4-018].
- 6.1.2 The Applicant engaged with HE following their first representation and sought to clarify matters by email and through a meeting on the 20th May 2024. The Applicant facilitated access to the site for HE who undertook a site walkover on the 5th June 2024.
- 6.1.3 Following its site visit HE confirmed via email to the Applicant on the 11th July 2024 that its position was that the Proposed Development would cause harm due to the change in the setting of listed buildings, but that the harm is not serious and would constitute a low level of less than substantial harm as per paragraph 208 of the NPPF. HE further confirmed that the harm caused by metal fencing along the boundary of the Proposed Development would be mitigated by hedgerow growth.
- 6.1.4 The Applicant provided a signed SoCG with HE at Deadline 4. The SOCG records that all matters have been agreed between the Parties apart from Mitigation and Requirements. The Applicant and HE have set out their respective positions in the SOCG regarding the need to provide further mitigation but are in agreement that the Proposed Development would not result in an effect on heritage that would constitute anything more than a low level of less than substantial harm.
- 6.1.5 Following ISH1 the Applicant has reengaged in discussions with HE in order to address the ExA's ISH1 Action Points 8 b) and 8 c) regarding HE's remit in respect of archaeology and the detail of mitigation suggested by HE, as well as in response to the ExA's third written questions regarding the additional mitigation being sought by HE.
- 6.1.6 HE provided a response to the Applicant on the 25th November 2024, immediately prior to Deadline 6, as well as their submissions to the ExA at Deadline 6. The Applicant is reviewing those submissions and will be responding to HE immediately following Deadline 6. The Applicant will then seek to provide an updated position at Deadline 7.

7 NATIONAL GRID

- 7.1.1 National Grid Electricity Distribution plc (“NGED”) submitted a Relevant Representation [RR-228], followed at Deadline 1 by Responses to the ExA’s First Written Questions [REP1-033].
- 7.1.2 National Grid Electricity Transmission plc (“NGET”) submitted a Relevant Representation [RR-229] and then at Deadline 1 a response to the ExA’s First Written Questions [REP1-035] and a Written Representation [REP1-036]. National Grid then submitted responses to the ExA’s Second Written Questions at Deadline 4 [REP4-019] and an update on Protective Provisions at Deadline 5 [REP5-044].
- 7.1.3 NG have not been identified by the ExA as a party with whom the Applicant has been asked to agree a SoCG. However the Applicant saw merit in providing a SoCG with NG which would provide an agreed position on matters relating to the arrangements for the construction and maintenance of the grid connection relating to the Proposed Development at the Drakelow Substation, which is operated by NG.
- 7.1.4 The Applicant is continuing to engage in discussions with NG and expects either to be able to provide a SOCG or for National Grid to confirm its position regarding those matters at either Deadline 7 or 8.