



# OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Draft Statement of Common Ground with Natural England

November 2024

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## **SoCG between the Applicant and Natural England** **Oaklands Farm Solar Park**

Oaklands Farm Solar Limited

November 2024 – Second Draft by Applicant



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# DOCUMENT CONTROL

## Statement of Common Ground between Oaklands Farm Solar Limited and Natural England

Applicant: Oaklands Farm Solar Limited

Project: Oaklands Farm Solar Park

Version/Date: Version 3/November 2024

Application Reference: EN010122

Version 1	First draft of SoCG	July 2024
Version 2	Second draft of SoCG	November 2024
Version 3	Third draft of SoCG	26 <sup>th</sup> November 2024

# CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>2</b>
1.1	CONTEXT .....	2
1.2	THE APPLICATION SITE .....	2
1.3	THE PROPOSED PROJECT .....	2
1.4	THE ROLE OF NATURAL ENGLAND .....	3
<b>2</b>	<b>ENGAGEMENT BETWEEN THE PARTIES .....</b>	<b>5</b>
<b>3</b>	<b>MATTERS AGREED/NOT AGREED/IN-DISCUSSION.....</b>	<b>6</b>
<b>4</b>	<b>SIGNATURES.....</b>	<b>12</b>

# 1 INTRODUCTION

## 1.1 CONTEXT

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- 1.1.1 Oaklands Farm Solar Limited (“the Applicant”) is applying to the Secretary of State for Energy Security and Net Zero 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 a Battery Energy Storage System (“BESS”) on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire (“the Proposed Development”).

## 1.2 THE APPLICATION SITE

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- 1.2.1 The Site lies within the administrative boundaries of South Derbyshire District Council and Derbyshire County Council. It is located approximately 0.25km west of the village of Rosliston and 0.7km south-east of Walton-on-Trent, and extends from the former Drakelow Power Station, north of Walton Road, to the south of Coton Road. The Site (Order Limits) occupies a total area of approximately 191 hectares.
- 1.2.2 The Site mainly comprises agricultural land of arable and pastoral fields, enclosed by low clipped hedgerows with occasional hedgerow trees, and post and wire fencing. A small area of the northern section of the site is located within land associated with the operational National Grid Drakelow Substation and this area comprises scrub and trees and a series of overhead power lines.
- 1.2.3 The Site is crossed by a series of large scale power lines connecting into the Drakelow Substation. A small section of the Cross Britain Way / National Forest Way long distance path crosses the Site.

## 1.3 THE PROPOSED PROJECT

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- 1.3.1 Oaklands Farm Solar Limited (“the Applicant”) is applying to the Secretary of State for Energy Security and Net Zero 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 a Battery Energy Storage System (“BESS”) on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire (“the Project”).
- 1.3.2 A full description of the Project is provided within the Environmental Statement (Doc 6.1).

1.3.3 The Proposed Development is split into a number of key works within the Order Limits including areas where ancillary works are required for the construction and operation of the key works. A plan showing the DCO boundary and location of the key works is provided in Doc 2.3 and submitted with the application.

1.3.4 The different elements of the works pertaining to the Project is set out in the Table below.

Proposed Development Works
Work No. 1 - a ground mounted solar photovoltaic generating station
Work No. 2 - a battery energy storage system compound
Work No. 3 - works in connection with a new 132/33kV onsite substation
Work No. 4 - works to trench and lay 132 kilovolt electrical cables connecting Work No. 3 to Work No. 5
Work No. 4A - crossing Rosliston Road with electrical cabling
Work No. 4B - temporary stopping up of water courses to trench and lay cables, installation of culverts, drainage and other features to cross watercourses
Work No. 4C - crossing Walton Road with electrical cabling
Work No. 4D - crossing Coton Road with electrical cabling
Work No. 5 - connection and installation works to the existing transmission network substation, including works to trench and lay 132 kilovolt electrical cables connecting to Work No. 4C
Work No. 5A - construction, operational maintenance and decommissioning access for Work No. 5
Work No. 5B - access to National Grid operational land for the construction, maintenance and decommissioning of Work No.5
Work No. 6 - temporary construction and decommissioning of access tracks and compounds
Work No. 7 - general works
Work No. 8 - works to facilitate access for all works excluding Work No. 5
Work No. 9 - works for areas of habitat management
Work No. 10 - works to implement new permissive path through Order limits

## 1.4 THE ROLE OF NATURAL ENGLAND

1.4.1 Natural England is the statutory adviser to Government on nature conservation in England and promotes the conservation of England's wildlife and natural features.

1.4.2 Natural England's role in relation to the DCO process derives from the Planning Act 2008 (the 2008 Act).

1.4.3 In the context of the Planning Act 2008 Act (the PA 2008), Natural England's main responsibilities relate to EIA, the Habitats Regulations, the regulation of SSSIs under the Wildlife and Countryside Act (WCA) 1981 and the licensing body in respect of protected species.

1.4.4 The main roles and responsibilities of Natural England fall into the following categories:

- as one of the prescribed consultees under section 42 of the 2008 Act that applicants are required to consult before submitting a NSIP application;
- as one of the consultation bodies that the Planning Inspectorate must consult before a scoping opinion is adopted in relation to any EIA and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- as a statutory party in the examination of DCO applications;
- as a statutory nature conservation body under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) or the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007 (Offshore Regulations) in respect of the HRA;
- as a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of SSSIs pursuant to the Wildlife and Countryside Act 1981 (as amended) (WCA 1981) and in relation to European protected species under the Habitats Regulations; and
- as a prescribed consultee under the Marine and Coastal Access Act (2009) for proposals within the area of the English territorial sea capable of affecting, other than insignificantly, any of the protected features of a Marine Conservation Zone (MCZ) or any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.



## 2 ENGAGEMENT BETWEEN THE PARTIES

2.1.1 Natural England has been formally consulted by the applicant concerning the Project up to the submission of the application as follows:

- EIA Scoping - August 2021
- Preliminary Environmental Information Report April – June 2022
- Further targeted consultation March – April 2023

2.1.2 The Applicant has had subsequent Teams calls with Natural England on 29<sup>th</sup> May, 2<sup>nd</sup> August 2024 and 29<sup>th</sup> September 2024 in addition to email exchanges.

2.1.3 This Statement of Common Ground has been prepared pursuant to the representations received from the Natural England and seeks to agree on all matters raised.



### **3 MATTERS AGREED/NOT AGREED/IN-DISCUSSION**

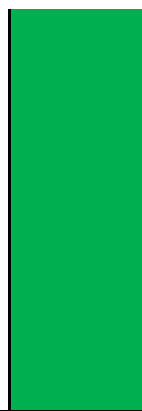
- 3.1.1 The following Table identifies the relevant environmental topics within the remit of Natural England where agreement on the baseline, impact and proposed mitigation is sought to agree that the environmental impact is acceptable in this regard. The status of these ongoing discussions is identified as 'agreed', 'in discussion' or 'not agreed'. Through collaboration and consultation, the intention is for all matters to be 'agreed' before the end of the DCO Examination.

Subject	Work package	Baseline assessment	Impact	Solution	Agreed requirement	Status
Designated Sites	<ul style="list-style-type: none"> <li>REP5-011 &amp; 012 Outline Construction Environmental Management Plan</li> <li>APP 122 Report to Inform HRA</li> <li>APP-135 ES Chapter 6 Ecology</li> <li>Rep5-017&amp;018 Flood Risk Assessment and Outline Drainage Strategy</li> <li>APP-143 ES Chapter 8 Water Resources and Flood Risk</li> </ul>	Agreed	<p><b>Agreed</b></p> <p>In their response dated 13 June 2024 Natural England were originally concerned about the potential pathway for effects between the southern part of the site below Coton Road which lies in the River Mease SAC catchment during construction. This related to the mobilisation of chemicals and sediment.</p> <p>During operation Natural England were concerned about the potential use of harmful cleaning chemicals.</p> <p>The applicant has committed to a full suite of pollution prevent measures within the outline CEMP.</p> <p>In addition, the applicant has updated the outline OEMP to seek to define the cleaning chemicals to be used confirming their non-toxicity.</p> <p>The applicant has also updated the outline LEMP and CEMP to commit to seeding the area of the site within the Mease catchment as soon a practically possible to minimise the potential for any sediment run off.</p> <p>The applicant and Natural England agree that subject to the implementation of these measures significant affects effects on the integrity of the River Mease SAC can be discounted.</p>	Agreed	<p><b>Agreed</b></p> <p>Requirement 9 Construction Environmental Management Plan</p> <p>Requirement 8 – Landscape and Ecological management plan</p> <p>Requirement 11 – Operational Environmental Management Plan</p>	Agreed
Protected Species	<ul style="list-style-type: none"> <li>APP-122 ES Appendix 6.2 – Report to Inform HRA</li> <li>APP-123 ES Appendix 6.3 – Preliminary Ecological Appraisal (Arcus)</li> <li>APP-124 6.1 ES Appendix 6.4 – Breeding Bird Survey Report</li> <li>APP-125 ES Appendix 6.5 – Phase 1 Habitat Survey Report</li> <li>APP-126 ES Appendix 6.6 – Bat Survey Report</li> <li>APP-127 ES Appendix 6.8 – Otter and Water Vole Survey Report</li> <li>APP-128 ES Appendix 6.9 – Breeding Bird Survey Report</li> <li>APP-129 ES Appendix 6.10 – Great Crested Newt Survey Report</li> <li>APP-130 ES Appendix 6.11 – Reptile Report</li> </ul>	Agreed	<p><b>Agreed</b></p> <p>In their response dated 13 June 2024 Natural England indicated that it would not be able to issue a 'Letter of No Impediment' in respect of the ability of the development proposals to meet the legal tests of The Protection of Badgers Act 1992 and secure the necessary protected species licence in respect of badger.</p> <p>The applicant has now submitted the necessary draft licence to Natural England who have subsequently now issued their 'Letter of No Impediment'.</p>	Agreed	<p><b>Agreed</b></p> <p>Requirement 8 – Landscape and Ecological management plan</p> <p>Requirement 9 Construction Environmental Management Plan</p> <p>Requirement 21 Decommissioning and restoration</p>	Agreed

	<ul style="list-style-type: none"> <li>APP-131 ES Appendix 6.12 – Biodiversity Net Gain Report</li> <li>APP-132 ES Appendix 6.13 – River Conditions Assessment Report</li> <li>REP 4 ES Appendix 6.14 – Arboricultural Survey Report</li> <li>APP-134 ES Appendix 6.15 – Important Hedgerow Assessment</li> <li>APP-135 6.1 ES Chapter 6 - Ecology</li> <li>APP-136 6.1 ES Chapter 6 - Ecology Figures 6.1 to 6.4</li> <li>REP4-040 &amp; 041 ES Appendix 5.6 – Outline Landscape and Ecological Management Plan</li> <li>REP5-032 13.10 Natural England Letter of No Impediment – Badger Licence</li> </ul>		The 'Letter of No Impediment' was submitted at Deadline 5.			
Biodiversity Net Gain	<ul style="list-style-type: none"> <li>APP-131 ES Appendix 6.12 – Biodiversity Net Gain Report</li> <li>REP 4 ES Appendix 6.14 – Arboricultural Survey Report</li> <li>APP-105 ES Appendix 5.6 – Outline Landscape and Ecological Management Plan</li> </ul>	<b>Agreed</b>	<p><b>Agreed</b></p> <p>In their response dated 13 June 2024 Natural England stated that 'Natural England welcome the delivery of BNG as part of this project'.</p> <p>Natural England have no further concerns or comment in this regard.</p>	<b>Agreed</b>	<b>Agreed</b>	<p><b>Agreed</b></p> <p>Requirement 8 – Landscape and Ecological management plan</p>
Ancient Woodland and ancient/veteran trees	<ul style="list-style-type: none"> <li>APP-133 ES Appendix 6.14 – Arboricultural Survey Report</li> <li>REP4-040 &amp; 041 ES Appendix 5.6 – Outline Landscape and Ecological Management Plan</li> </ul>	<b>Agreed</b>	<p><b>Agreed</b></p> <p>In their response dated 13 June 2024 Natural England stated:</p> <p>"There is no Ancient Woodland or ancient/veteran trees within the order limits. However, there are blocks of ancient woodland near the site boundary on the northeast (Grove Wood). We note that the oCEMP contains a Dust and Air Quality management plan, we advise that where the CEMP is implemented as described, impacts to these woodlands are unlikely."</p>	<b>Agreed</b>	<b>Agreed</b>	<p><b>Agreed</b></p> <p>Requirement 9 Construction Environmental Management Plan</p> <p>Requirement 7 – Arboricultural Method Statement</p>

<p>Agricultural Land</p>	<ul style="list-style-type: none"> <li>• REP5-011 &amp; 012 Outline Construction Environmental Management Plan (including Soil Management Plan)</li> <li>• REP5 -015 &amp; 016 Outline Decommissioning Environmental Management Plan</li> <li>• APP-168 ES Chapter 15 - Agricultural Land Classification Results Figure 15.1</li> <li>• APP-169 ES Chapter 15 - Agriculture and Soils</li> <li>• APP-170 ES Appendix 15.1 - Agricultural Land Classification Survey for Oaklands Farm</li> <li>• APP-171 ES Appendix 15.2 -Agricultural Land Classification Survey for Park Farm</li> <li>• APP-172 ES Appendix 15.3 - Photographs of Soils Across the Site</li> <li>• APP-173 ES Appendix 15.4 - Photographs of Farm Buildings</li> <li>• APP-174 ES Appendix 15.5 - Analysis of UK Food Security</li> <li>• REP5 -036 13.4 Additional Land Classification Survey at Park Farm</li> <li>• REP5 -013 &amp; 014 Appendix 4.4 Outline Operational Management Plan</li> </ul>	<p><b>Agreed</b></p> <p>In their response dated 13 June 2024 Natural England raised detailed points of clarification in respect of the ALC survey undertaken including details of the experience and qualification of the surveyor(s), a request for the ALC to cover the full length of the cable corridor and other methodological queries.</p> <p>The applicant responded to this as Deadline 4 including submitting an ALC for the remainder of the cable corridor.</p> <p>Natural England confirmed in their response dated 22<sup>nd</sup> October that they have no further concerns regarding ALC survey methodology.</p>	<p><b>Agreed</b></p>	<p><b>Agreed</b></p> <p>In their responses dated 13 June 2024 Natural England have made detailed comments of the outline Soil Management Plan appended to the outline CEMP.</p> <p>In response the applicant made amendments to the oSMP to address the concerns. This was provided to Natural England in advance of Deadline 4 and formally submitted at Deadline 4.</p> <p>In response to Question 6.3 in REP4-011 Natural England responded on 22<sup>nd</sup> October 2024 highlighting that they wished to see an aftercare programme for the land to be restored to agricultural use to be secured in the oSMP. It was requested that this should include appropriate remediation measures and monitoring measures as necessary. It would be expected that a specialist Land Drainage Consultant would be engaged to undertake the preparation of preliminary pre- and post-construction agricultural land drainage plans that will be agreed with the landowners, we note the applicants commitment to appoint a specialist agricultural land drainage consultant as part of the agricultural drainage design works.</p> <p>The commitment to appoint a specialist agricultural land drainage consultant as part of the agricultural drainage design works is secured in the oSMP.</p> <p>The oSMP provided at Deadline 5 provides a firm commitment that agricultural land will be restored to the same grade following construction.</p> <p>The Outline Operational Environmental Management Plan has been updated at</p>	<p><b>Agreed</b></p> <p>Requirement 21 Decommissioning and restoration</p> <p>Requirement 11 - Operational Environmental Management Plan</p>	<p><b>In discussion</b></p>
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				<p>Deadline 5 to provide commitment to monitoring soil health every 5 years during the operational period of the Proposed Development. Details of the monitoring programme will be provided in the detailed OEMP, as approved by the local planning authority.</p> <p>The oSMP, appended to the outline DEMP submitted at Deadline 5, provides a firm commitment that agricultural land will be restored to the same ALC grade following decommissioning without exception.</p> <p>Natural England are satisfied that should cables be left in situ after decommissioning, that provided that are buried at a minimum depth of 0.9m they will not impact the future agricultural use of the land.</p>		
Nationally Designated Landscapes	<ul style="list-style-type: none"> <li>• APP-100 6.1 ES Appendix 5.1 Landscape and Visual Impact Assessment LVIA and CLVIA Methodology</li> <li>• APP-101 Appendix 5.2 Zone of Theoretical Visibility Mapping and Visualisation Methodology</li> <li>• APP-102 ES Appendix 5.3 – Landscape Assessment Tables</li> <li>• APP-103 ES Appendix 5.4 – Visual Assessment Tables</li> <li>• APP-104 ES Appendix 5.5 – Residential Visual Amenity Assessment</li> <li>• APP-105 ES Appendix 5.6 – Outline Landscape and Ecological Management Plan</li> <li>• APP-106 ES Chapter 5 - Landscape and Visual</li> <li>• APP-107 ES Chapter 5 - Landscape and Visual Figures 5.1 to 5.5d</li> <li>• APP-108 ES Chapter 5 - Landscape and Visual Figures 5.6a to 5.9</li> <li>• APP-109 ES Chapter 5 - Landscape and Visual Figures 5.10a to 5.10q</li> <li>• APP-110 ES Chapter 5 - Landscape and Visual Figures 5.11a to 5.11p</li> <li>• APP-111 ES Chapter 5 - Landscape and Visual Figures 5.12a to 5.12h</li> <li>• APP-112 ES Chapter 5 - Landscape and Visual Figures 5.13a to 5.13e</li> <li>• APP-113 ES Chapter 5 - Landscape and Visual Figures 5.14a to 5.14d</li> <li>• APP-114 ES Chapter 5 - Landscape and Visual Figures 5.15a</li> </ul>	Agreed	Agreed	N/a	N/a	Agreed

	<ul style="list-style-type: none"><li>• APP-115 ES Chapter 5 - Landscape and Visual Figures 5.16a to 5.16j</li><li>• APP-116 ES Chapter 5 - Landscape and Visual Figures 5.17a to 5.17e</li><li>• APP-117 ES Chapter 5 - Landscape and Visual Figures 5.18a to 5.18d</li><li>• APP-118 ES Chapter 5 - Landscape and Visual Figures 5.19a to 5.19c</li><li>• APP-119 ES Chapter 5 - Landscape and Visual Figures 5.20a to 20c</li><li>• APP-120 ES Chapter 5 - Landscape and Visual Figures 5.21a to 5.21d</li></ul>					
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## 4 SIGNATURES

4.1.1 The Parties confirm that their respective positions are as documented within this Statement of Common Ground.

Signed.....

Name and Position.....

On behalf of Oaklands Farm Solar Ltd

Date.....

Signed.....

Name and Position.....

On behalf of Natural England

Date.....