



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Draft Statement of Common Ground with The Environment Agency
November 2024

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SoCG between the Applicant and the Environment Agency **Oaklands Farm Solar Park**

Oaklands Farm Solar Limited

November 2024 – Second Draft by Applicant



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Statement of Common Ground between Oaklands Farm Solar Limited and the Environment Agency

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	March 2024
Version 2	Second draft of SoCG	November 2024
Version 3	Third draft of SocG	26 th November 2024

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1 INTRODUCTION

1.1 CONTEXT

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 Project”).

1.2 THE ROLE OF THE ENVIRONMENT AGENCY

1.2.1 The Environment Agency has multiple roles as an environmental regulator, an environmental operator and an environmental advisor. Specifically, their remit regarding this application covers the following areas:

- Flood Risk;
- Wetland and riparian biodiversity;
- Pollution prevention and land contamination;
- Water resources;
- Environmental Permitting.

1.3 THE APPLICATION SITE

1.3.1 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.

1.3.2 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.

1.3.3 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.

1.4 THE PROPOSED PROJECT

1.4.1 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”).

1.4.2 A full description of the Project is provided within the Environmental Statement (Doc 6.1).

1.4.3 The Project 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 are provided in Doc 2.3 and submitted with the application.

1.4.4 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
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Work No. 9 - works for areas of habitat management
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Work No. 10 - works to implement new permissive path through Order limits

2 ENGAGEMENT BETWEEN THE PARTIES

2.1.1 The Environment Agency 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 This Statement of Common Ground has been prepared pursuant to the representations received from the EA and discussed at meetings on 15th May 2024, 18th July 2024 and 11th October 2024.

3 MATTERS AGREED/NOT AGREED/IN- DISCUSSION

- 3.1.1 The following Table identifies the relevant environmental topics within the remit of Environment Agency 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.

4 SUMMARY TABLES

Subject	Work package	Baseline assessment	Impact	Mitigation	Agreed requirement	Status	Note:
Ecology	<p>WFD (with regards to potential culverting of Ordinary Watercourses) (Relevant Representation (RR) Point 2)</p> <ul style="list-style-type: none"> REP4-043 & 044 Deadline 4 Submission - 6.1 Environmental Statement Appendix 8.2 - Water Framework Directive Assessment (Tracked) 	Agreed	Agreed	Agreed		Agreed	It is agreed that the amended WFD Assessment [REP4-043] addresses the EA's WFD concerns regarding ecology/biodiversity.
Flood Risk	<p>Sequential Test (RR point 1)</p> <ul style="list-style-type: none"> REP5-017 & 018 6.1 Environmental Statement - Appendix 8.1 - Flood Risk Assessment and Outline Drainage Strategy (Tracked) 	In discussion	In discussion	In discussion		In discussion	Compliance with policy regarding the Sequential Test is not within the remit of the EA. In Relevant Representation [AS-019] the EA emphasised the need for the Applicant to demonstrate that the Sequential Test has been passed. The EA confirm that the FRA 11/09/2024 addresses their concerns regarding the Sequential Test. A further full Sequential Test is being submitted by the Applicant at Deadline 6. The EA expect to be able to agree this matter upon receipt/review of this document.
	<p>Vulnerability classification (RR point 1)</p> <ul style="list-style-type: none"> REP5-017 & 018 6.1 Environmental Statement - Appendix 8.1 - Flood Risk Assessment and Outline Drainage Strategy (Tracked) 	Agreed	Agreed	Agreed		Agreed	The FRA [REP5-017&018] now includes correct Vulnerability Classification, 'Essential Infrastructure'
	<p>Exception test (RR point 1)</p>	In discussion	In discussion	In discussion		In discussion	<p>The proposed development includes 3 crossings of the onsite watercourse. The crossing structures were originally intended to be permanent culverts, but the applicant now confirms that the culverts will only be in place during construction and decommissioning and otherwise removed.</p> <p>Work No.'s 4B and 6(g) allow the alternative use of temporary modular steel</p>

							<p>bridges to span with watercourse instead of using culverts.</p> <p>The applicant's modelling has shown that implementing the 3 new culvert structures has the potential to increase off-site flood risk. This is against government policy NPS EN-1 as there must not be an increase in offsite flood risk to pass the Exception Test.</p> <p>The applicant has identified that crossing 3 is the problematic crossing and is modelling a scenario whereby crossing 3 utilises a temporary modular steel bridge to seek to avoid any potential increase in off-site flood risk in the 1-30 and 1-100 flood risk scenarios</p> <p>Preliminary results show that a commitment to a temporary modular bridge for crossing 3 will address this issue. The Applicant will provide this modelling to the EA as quickly as possible post Deadline 6 and seek to update the ExA at or before Deadline 7.</p>
	<p>Climate change allowance (RR point 1)</p> <ul style="list-style-type: none"> REP5-017 & 018 6.1 Environmental Statement - Appendix 8.1 – Flood Risk Assessment and Outline Drainage Strategy (Tracked) 	Agreed	Agreed	Agreed		Agreed	<p>The FRA [REP5-017&018] uses the correct climate change allowances which is the Higher Central allowance for the 2080's epoch.</p>
	<p>Detailed flood modelling (RR point 1)</p> <ul style="list-style-type: none"> REP5-017 & 018 6.1 Environmental Statement - Appendix 8.1 – Flood Risk Assessment and Outline Drainage Strategy (Tracked) 	Agreed	Agreed	Agreed		Agreed	<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>

Geomorphology	WFD (RR Point 2) <ul style="list-style-type: none"> REP4-043 & 044 Deadline 4 Submission - 6.1 Environmental Statement Appendix 8.2 - Water Framework Directive Assessment (Tracked) 	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) <ul style="list-style-type: none"> REP4-043 & 044 Deadline 4 Submission - 6.1 Environmental Statement Appendix 8.2 - Water Framework Directive Assessment (Tracked) 	Agreed	Agreed	Agreed		Agreed	The amended WFD Assessment [REP4-043] addresses our WFD concerns regarding groundwater.
Waste	<ul style="list-style-type: none"> REP5-011 & 012 6.1 Environmental Statement - Appendix 4.3 - Outline Construction Environmental Management Plan (Tracked) 	Agreed	Agreed	Agreed	Requirement 9 Construction Environmental Management Plan	Agreed	
	<ul style="list-style-type: none"> REP5-015 & 016 6.1 Environmental Statement - Appendix 4.5 - Outline Decommissioning Environmental Management Plan (Tracked) 	Agreed	Agreed	Agreed	Requirement 22 Decommissioning and restoration	Agreed	
	<ul style="list-style-type: none"> REP5 012 & 013 6.1 Environmental Statement - Appendix 4.4 - Outline Operational Environmental Management Plan (Tracked) 	Agreed	Agreed	Agreed	Requirement 11 Operational Environmental Management Plan	Agreed	
	Waste Management Strategy	Agreed	Agreed	Agreed	Requirement 9 Construction Environmental Management Plan	Agreed	The EA Waste Team confirm that they do not consider that the proposed soil storage bunds will constitute waste. 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.
Water quality	The need for an Environmental Monitoring Plan (RR Point 4). <ul style="list-style-type: none"> REP5-011 & 012 6.1 Environmental Statement - Appendix 4.3 - Outline Construction Environmental Management Plan (Tracked) REP5-003 & 004 3.1 Draft Development Consent Order 	Agreed	Agreed	Agreed	Requirement 9 Construction Environmental Management Plan	Agreed	The Applicants updated oCEMP and dDCO has resolved this point.

		Agreed	Agreed	Agreed		Agreed	
	<p>Environmental Permit for discharges should be reflected in the CEMP (RR Point 4)</p> <ul style="list-style-type: none"> REP5-011 & 012 6.1 Environmental Statement - Appendix 4.3 – Outline Construction Environmental Management Plan (Tracked) 	Agreed	Agreed	Agreed	Requirement 9 Construction Environmental Management Plan	Agreed	Updated oCEMP [REP1-008] at Deadline 1 has resolved this point.
	<ul style="list-style-type: none"> REP5-015 & 016 6.1 Environmental Statement - Appendix 4.5 – Outline Decommissioning Environmental Management Plan (Tracked) 	Agreed	Agreed	Agreed	Requirement 22 Decommissioning and restoration	Agreed	
	<p>The pollution risks of emergency response have not been appropriately assessed. (Point 7 on RR)</p> <ul style="list-style-type: none"> REP5-017 & 018 6.1 Environmental Statement - Appendix 8.1 – Flood Risk Assessment and Outline Drainage Strategy (Tracked) 	Agreed	Agreed	Agreed	Requirement 17 Surface and foul water drainage	Agreed	
	<ul style="list-style-type: none"> REP5 012 & 013 6.1 Environmental Statement - Appendix 4.4 – Outline Operational Environmental Management Plan (Tracked) 	Agreed	Agreed	Agreed	Requirement 11 Operational environmental management plan	Agreed	
	<p>Changes to water quality that do not impact WFD Status should still be considered (RR Point 6)</p> <ul style="list-style-type: none"> REP4-043 & 044 Deadline 4 Submission - 6.1 Environmental Statement Appendix 8.2 – Water Framework Directive Assessment (Tracked) 	Agreed	Agreed	Agreed		Agreed	
Development Consent Order (DCO)	<p>Disapplication of s25 of the Water Resources Act (impoundment) (RR Point 3)</p> <ul style="list-style-type: none"> REP5-003 & 004 3.1 Draft Development Consent Order 	Agreed	Agreed	Agreed		Agreed	The Draft DCO have been updated and reference to disapplication of s25 of the Water Resources Act has been removed.
	<p>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)</p>	Agreed	Agreed	Agreed		Agreed	

	<ul style="list-style-type: none">• REP5-003 &004 3.1 Draft Development Consent Order						
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5 SIGNATURES

5.1.1 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 the Environment Agency (EA)

Date.....