



# OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Comments on Written Representations and Other  
Deadline 5 Submissions

November 2024

Document Ref: EN010122/D6/14.2

Version: Deadline 6

planning  
transport  
design  
environment  
infrastructure  
land

# **The Applicant's Comments on Deadline 5 Submissions by Interested Parties**

## **Oaklands Farm Solar Park Project**

Oaklands Farm Solar Limited

Document Reference No. 14.2

Deadline 6 Version



Planning. Inspiring. Delivering.

**Maidstone**  
01622 776226

**Gatwick**  
01293 221320

**London**  
020 3005 9725

[www.dhaplanning.co.uk](http://www.dhaplanning.co.uk)

# CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>2</b>
1.1	PURPOSE OF THIS DOCUMENT .....	2
<b>2</b>	<b>APPLICANT'S COMMENTS TO SUBMISSIONS MADE BY INTERESTED PARTIES AT DEADLINE 5.....</b>	<b>3</b>
2.1	SOUTH DERBYSHIRE DISTRICT COUNCIL .....	3
2.2	DERBYSHIRE COUNTY COUNCIL .....	11
2.3	ENVIRONMENT AGENCY .....	14
2.4	NATIONAL GRID ELECTRICITY TRANSMISSION.....	19
2.5	CADENT GAS LIMITED .....	19
2.6	OVERSEAL PARISH COUNCIL.....	19
2.7	WALTON-ON-TRENT PARISH COUNCIL.....	22
2.8	DISTRICT COUNCILLOR AMY WHEELTON .....	24
<b>3</b>	<b>APPLICANT'S RESPONSE TO NON-STATUTORY BODIES D5 SUBMISSIONS .....</b>	<b>30</b>
3.1	DIANE ABBOTT.....	30
3.2	OTHER INTERESTED PARTIES .....	37
<b>APPENDIX A – APPLICANT'S RESPONSE TO SOUTH DERBYSHIRE DISTRICT COUNCIL'S ANSWERS TO THE EXAMING AUTHORITY'S SECOND WRITTEN QUESTIONS ANSWERS FOR DEADLINE 5</b>		

# 1 INTRODUCTION

## 1.1 PURPOSE OF THIS DOCUMENT

---

- 1.1.1 This Document has been prepared for submission at Deadline 6 of the Examination by the Planning Inspectorate into an application by Oaklands Farm Solar Limited ("the Applicant") (a wholly owned subsidiary of BayWa r.e UK Ltd - "BayWa") under the Planning Act 2008 for a Development Consent Order (a "DCO") 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").
- 1.1.2 This Document provides the response by the Applicant to submissions made at Deadline 5 ("D5") by Interested Parties. These submissions are in response to the submissions made at Deadline 4 and the Issue Specific Hearing 1 ("ISH1"), Open Floor Hearing 2 ("OFH2") and Compulsory Acquisition Hearing 1 ("CAH1"). A total of 27 submissions were submitted to the Planning Inspectorate at D5.
- 1.1.3 These submissions included 11 submissions from Statutory Bodies comprising South Derbyshire District Council's ("SDDC") updated response to the Examining Authority's "Second Written Questions ("ExQ2"), response to the Examining Authorities ("ExA") Action Points from ISH1 and their independent Glint and Glare Review; Derbyshire County Council's ("DCC") response to the ExAs Action Points from ISH1; the Environment Agency's ("EA") response to the ExAs Action Points from ISH1 and Comments on the Deadline 4 Submissions; National Grid Electricity Transmission ("NGET") and Cadent Gas Limited update on Protective Provisions; District Councillor Amy Wheelton's written summary of OFH2 speech; Overseal Parish Council's written summary OFH1 speech and D5 submission and Walton-on-Trent Parish Council D5 submission.
- 1.1.4 A further 16 submissions were made by other non-statutory bodies.
- 1.1.5 This Document has been prepared as part of the DCO application ("the Application") and should be read in conjunction with the other documents submitted by the Applicant as part of the Application, prior to the Examination commencing and at the Examination Deadlines.

## 2 APPLICANT'S COMMENTS TO SUBMISSIONS MADE BY INTERESTED PARTIES AT DEADLINE 5

### 2.1 SOUTH DERBYSHIRE DISTRICT COUNCIL

- 2.1.1 SDDC has provided further answers to a select number of the ExA's second written questions as requested by the ExA and/or denoted by SDDC in their response at Deadline 5 and published by the ExA on 4<sup>th</sup> November 2024. The Applicant has provided a response to these updated answers in the table attached at Appendix A of this document.
- 2.1.2 SDDC has also provided a response to a number of the Action Points from the ExA's ISH1 at Deadline 5 and published by the ExA on 4<sup>th</sup> November 2024. The Applicant has provided a response to these in the table below.

ITEM:	ACTION	SDDC ANSWER:	APPLICANT'S RESPONSE AT D6:
<b>6. Landscape, visual, glint, and glare</b>			
c)	Provide the details of any independent reviews undertaken of the glint and glare assessment.	The response from the council's glint and glare consultant is provided separately	The Applicant welcomes the submission of the independent review in which a peer-review undertaken on behalf of SDDC of the Applicant's Glint and Glare Assessment. This review raised no concerns with regard to the Glint and Glare Assessment or the methodology. No further action required.
<b>8. Other planning topics</b>			
a)	Provide an update in relation to discussions about council resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation. Set out how it is proposed that any resources are secured, for example through a separate Planning	The Applicant has suggested to the council's that S111 of the Local Government Act 1972 (Local Government Act 1972) gives local authorities a general power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of their functions. They state that this provision is one which has been used to ensure that an agreement is being entered into which is	The Applicant has provided a detailed response covering this matter in its response to ExQ3 3.2 in document 14.3 submitted at Deadline 6.

	<p>Performance Agreement, and demonstrate that it is secured.</p>	<p>similar to a PPA but which would be a formal contract, which would be legally binding and enforceable.</p> <p>At this point in time the council's view is that a Deed of Obligation set out within the DCO is the most appropriate mechanism to address these concerns. However, SDDC would be prepared to explore other options with the Applicant.</p>	
<p>b)</p>	<p>Set out whether any buried archaeology is likely to be in Historic England's remit and therefore whether its consideration should be added to Historic England's SoCG with the Applicant.</p>	<p>SDDC would defer to Derbyshire County Council on this matter as they have the necessary in-house expertise. SDDC understands that DCC will respond on this point.</p>	<p>The Applicant acknowledges SDDC's comments and is continuing to engage with DCC. ExQ3 8.2 asks Historic England to comment on the potential for harm to archaeological heritage assets within its remit. Therefore, Applicant will review the response by HE to this question before commenting on that response where necessary at Deadline 7.</p>
<p>g)</p>	<p>Consideration of the noise assessment concerns raised by Diane Abbott [REP4-022] and any implications for SDDC being content with the assessment and mitigation.</p>	<p>Diane Abbott has provided SDDC with her comments relating to the Applicant's noise assessment. However, whilst SDDC has an internal specialist in this regard, due to holiday commitments over Derbyshire's school holiday period, it has not been possible for those comments to be considered by SDDC. However, SDDC will look to do so as soon as possible and will provide comments on this matter separately.</p>	<p>The Applicant acknowledges that SDDC has submitted a response reviewing in detail Diane Abbott's comments on the Noise Assessment after Deadline 5 which the Applicant has seen. SDDC has requested further information from the Applicant in regard to two of the 14 points raised. The Applicant has provided a detailed response to these two points in its response to ExQ3 10.1 in document 14.3 submitted at Deadline 6.</p>

ITEM:	ACTION	SDDC ANSWER:	APPLICANT'S RESPONSE AT D6
-------	--------	--------------	----------------------------

**9. Draft Development Consent Order (dDCO)**

b)	<p>Set out any outstanding concerns in relation to Article 2 – Interpretation – site preparation works, and the mitigation provided during the site preparation works (i.e. before commencement), including for archaeology, traffic, and the River Mease SAC and SSSI.</p>	<p>The definition of "commencement" and the provisions related to site preparation works in the DCO raise potential concerns regarding the flexibility allowed before full compliance with all pre-commencement conditions. The guidance under the Planning Act 2008 recommends that site preparation works permitted before the official commencement of the development should be limited in scope, particularly to prevent significant environmental or community impacts from occurring without proper oversight.</p> <p>In the DCO, the definition of "commencement" and what is considered preliminary works is relatively broad. Activities such as site clearance, vegetation removal, or setting up of temporary facilities could potentially commence without the full discharge of all pre-commencement conditions, which could result in significant impacts—such as the disturbance of wildlife habitats or heritage sites—without adequate controls being in place. The guidance advises that preliminary works should not include actions that would have substantial environmental consequences or trigger material concerns that ought to be managed through the development consent process. As such, the inclusion of more extensive preparatory activities in the DCO could lead to concerns about insufficient environmental oversight during early stages of the development.</p> <p>The Outline Construction Environmental Management Plan August 2024 refers to 'Enabling Works' as:</p> <ul style="list-style-type: none"> <li>• Construction of site entrances.</li> <li>• Establishment of construction compounds, which include site offices/welfare area and parking area.</li> </ul>	<p>The Applicant has provided a detailed response covering this matter in its response to ExQ3 1.2 in document 14.3 submitted at Deadline 6.</p>
----	---	--	--

- Upgrading, modification or improvement of highways where required for site construction.
- Preparation of land for construction, including localised site levelling (where required) and vegetation clearance.
- Import of construction materials, plant and equipment to site.
- Establishment of the construction area fence where required for construction works to progress (the installation of the perimeter fence will progress with site construction in each area and therefore will not be complete at the start of site construction).
- Construction of the internal access roads.
- Marking out the location of the operational infrastructure.
- Installation of site drainage.

The DCO refers to site preparation works as including:

- (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings and removal of plant and machinery;
  - (b) above ground site preparation for temporary facilities for the use of contractors;
  - (c) remedial work in respect of any contamination or other adverse ground conditions;
  - (d) diversion and laying of services;
  - (e) the provision of temporary means of enclosure and site security for construction,
-

(f) the temporary display of site notices or advertisements, or

(g) site clearance (including vegetation removal, demolition of existing buildings and structures).

In this context it is quite clear that the DCO as drafted has the potential to allow for extensive and destructive works to take place in advance of pre-commencement conditions having been fully scrutinised and discharged.

---

m) Outstanding concerns and suggested changes to wording in relation to Article 11 - Temporary stopping up of public rights of way

The temporary stopping up of public rights of way as provided for in the DCO, particularly under Article 11, also raises concerns, as it grants broad powers to stop up, divert, or alter public rights of way without extensive restrictions. Whilst it is recognised that public rights of way may need to be temporarily obstructed to facilitate construction, the guidance suggests that such powers should be exercised with caution to minimise disruption to the public.

The DCO allows for the stopping up of rights of way without clearly defined or stringent criteria for restoring access or mitigating impacts. There is also flexibility for the applicant to use public rights of way for temporary worksites, which may further inconvenience local communities. The guidance emphasises that access for pedestrians and affected communities should be carefully managed to minimise disruption, and provisions for restoring rights of way after works should be clear and enforceable. The absence of specific measures in the DCO for quickly reinstating public access, or for providing sufficient alternative routes, raises concerns about how public convenience and access will be safeguarded during the development.

The drafting of Article 11 follows the precedence set from the working of previously made DCOs on this matter. Therefore, there is no need to amend the wording of Article 11. As per the Applicant's response to ExQ3 1.4, the Applicant will review the response by SDDC to this question before commenting on that response where necessary at Deadline 7.

ITEM:	ACTION	SDDC ANSWER:	APPLICANT'S RESPONSE AT D6
<b>Other matters SDDC noted as Action Points not listed by the ExA</b>			
a)	<p>Clarification on areas of concern around the Haul Road.</p>	<p>The submitted Works Plan from Pell Frischman reference Sheet 2, Drawing number SK02 (Examination Library ref APP-007) shows the route of proposed haul road. The HSE recommends that haul roads should be three and a half times the width of the widest vehicle using them, in this case HGVs.</p> <p>The 'Site Works Plan' Sheet 2, ref: SK02 shows that areas between worksareas 4 and 6 will be directly affected by the proposed haul road, that will cut a swath through the valley bottom, dissecting and disconnecting areas of dense and mature vegetation and habitat, cutting across the watercourse, in locations where there are known to be otters, barn owls and bats. Further, works 4 and 4b will cut across the water course three times, through dense and mature habitat, with attendant clearance and disturbance that will radically alter the tranquil and bucolic appearance of the landscape in this location.</p>	<p>The Applicant has provided a detailed response covering this matter in its response to ExQ3 7.9 in document 14.3 submitted at Deadline 6.</p>
b)	<p>In relation to ISH1 agenda item 7 d), which states:</p> <p>"Whether sufficient consideration has been given to enhancing active, public and shared transport provision and accessibility in accordance with paragraph 5.14.18 of the Overarching National Policy Statement for Energy (NPS-EN1), as referenced by Diane Abbott [REP4-022]."</p>	<p>SDDC would support the requirement for the provision of additional footways on Walton Road at Drakelow, and in the proximity of Coton Road, Walton-on-Trent, to enhance active travel, as referenced by Diane Abbott.</p>	<p>The Applicant has provided detailed comments in response to agenda item 7 d) in its Response by the Applicant on Active and Sustainable Travel Enhancements Matters [REP5-034] at Deadline 5. Active, public, and shared transport provision and accessibility has been added to the remit of the proposed Transport Management Liaison Group, which is reflected in the revised OCTMP submitted at Deadline 6.</p> <p>This demonstrates that the Applicant has given sufficient consideration to enhancing active, public and shared transport provision and accessibility in accordance with paragraph 5.14.18 of NPS EN-1.</p> <p>Notwithstanding the consideration to active travel given to date and following the Issues Specific Hearing 1 (ISH1) and Open Floor Hearings (OFH1 &amp; 2), the Applicant has considered further opportunities to deliver active public or</p>

shared transport access and provisions.

ITEM:	ACTION	SDDC ANSWER:	APPLICANT'S RESPONSE AT D6:
c)	Impact of water drip-line from panel edges.	<p>Whilst the application does include a Soil Management Plan; a detailed soil management plan which sets out the methodology for the construction, operation and decommissioning of such a solar site, is essential.</p> <p>The impact on soils both short and long term, is not fully considered; particularly during the construction and decommissioning, where bare soil can quickly erode due to surface water runoff, and potentially, be lost, ending up where it is not wanted, for example in other fields, watercourses, and on roads.</p> <p>Section 2.2.4 of the ADAS / Welsh Government report explains and illustrates, at Figure 6 – Photo that 'There is likely to be some instances of run-off from the solar panels, which could result in the compaction of soils at the base of the panels (Choi et al, 2020). Over time rivulets can form along the trailing edge of the panel with potential risk of soil erosion creating rills and gullies across the site. The sand bed could act as a drain, especially on heavy textured soils, leading to drainage discharges or wet patches at the down slope end of each trench'.</p>	<p>The Applicant has provided a detailed response covering this matter in its response to ExQ3 6.1 in document 14.3 submitted at Deadline 6.</p>



**Kinetic compaction & rivulets forming**



ITEM:	ACTION	SDDC ANSWER:	APPLICANT'S RESPONSE AT D6:
d)	Inclusion of 5-year soil restoration strategy	<p>SDDC are of the view that this should be in accordance with Natural England Guidance, such as:-</p> <p><a href="https://www.gov.uk/government/publications/reclaim-minerals-extraction-and-landfill-sites-to-agriculture/planning-and-aftercare-advice-for-reclaiming-land-to-agricultural-use">https://www.gov.uk/government/publications/reclaim-minerals-extraction-and-landfill-sites-to-agriculture/planning-and-aftercare-advice-for-reclaiming-land-to-agricultural-use</a></p> <p>It should, however, be noted that this needs to also consider postdevelopment BNG.</p>	The Applicant has provided a detailed response covering this matter in its response to ExQ3 6.4 in document 14.3 submitted at Deadline 6.

## 2.2 DERBYSHIRE COUNTY COUNCIL

2.2.1 DCC provided a response to a number of the Action Points from the ExAs ISH1 published by the ExA on 4<sup>th</sup> November 2024. The Applicant has provided a response to these in the table below.

ITEM:	ACTION	DCC ANSWER:	APPLICANT'S RESPONSE AT D6:
<b>7. Traffic and Transport</b>			
a)	Consider whether compensation measures are available for the recovery of any DCC costs in relation to the use of construction routes.	Requirement 10 (2) (c) relates to the repair of the highway, by the applicant/applicant's contractors, where it can be demonstrated that traffic associated with the development has caused damage to the highway. DCC Highways considers that it would be appropriate for the provision of an explicit mechanism to enable the Highway Authority to recover costs for maintenance works should these be carried out by the Highways Authority rather than the applicant's contractor	The Applicant has provided a detailed response covering this matter in its response to ExQ3 11.1 in document 14.3 submitted at Deadline 6.

## 8. Other Planning Topics

---

<p>a) Set out how it is proposed that any resources are secured, for example through separate Planning Performance Agreement, and demonstrate that it is secured.</p>	<p>The Applicant has suggested to both DCC and SDDC that S111 of the Local Government Act 1972 (Local Government Act 1972) gives local authorities a general power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of their functions. They state that this provision is one which has been used to ensure that an agreement is being entered into which is similar to a PPA but which would be a formal contract, which would be legally binding and enforceable.</p> <p>At this point in time the council's view is that a Deed of Obligation set out within the DCO is the most appropriate mechanism to address these concerns. However, DCC and SDDC would be prepared to explore other options with the Applicant.</p> <p>From the Derbyshire County Council's point of view, it was successful in a bid in 2023 to the previous Government's NSIP Innovation and Capacity Funding round and has received its first tranche of funding with the second tranche expected shortly. The bid was made specifically to support the County Council's and SDDC's input to the Oaklands DCO application and examination and especially to pay for the costs of commissioning consultants to prepare a Local Impact Report, Glint and Glare Assessment, Transport Appraisal and soils geology and agricultural land assessment. All of these studies have been commissioned and used to inform the County Council's and SDDC's input to the recent Topic Specific Hearing Sessions and responses to the ExA's Written Questions.</p> <p>On the basis of the costs of the four commissions so far, it is likely that some of the NSIP capacity funding will remain unspent and so the County Council is currently seeking advice from DHCLG on whether any of the excess funding could also be used to support the additional costs for the County and District Council's in resourcing their consideration of any submissions, approvals and monitoring necessary for impact mitigation post DCO approval if granted. This has been discussed with the applicant who has agreed their willingness in principle to providing additional funding to cover these post</p>	<p>The Applicant has provided a detailed response covering this matter in its response to ExQ3 3.2 in document 14.3 submitted at Deadline 6.</p>
---	---	--

---

DCO approval costs should the Council's remaining NSIP funding be insufficient to cover these costs, which is likely to be the case. A further update will be provided at Deadline 6, particularly to include any further advice received from DHCLG.

e) Update of the mitigation in the dDCO in relation to archaeological investigations required to inform an update to the Written Scheme of Investigation and the timing in relation to the site preparation works

DCC suggests alternative wording for requirement 18 in relation to the Written Scheme of Investigation for the following reasons: The wording introduced at part 1) of requirement 18 "and no part of the site preparation works for that phase requiring archaeological works" is potentially difficult to work, as the archaeological scheme would involve evaluation trenches admittedly on restricted parts of the site, but which could then expand depending on the results of that evaluation. For example if the evaluation found that the geophysical had masked a significant area of archaeology which then needed investigating over an expanded area. It is difficult therefore at the outset to define what the areas of archaeological interest are – that would only be achievable following the evaluation trenching.

Part 2) – the WSI must specify the nominated archaeological contractor and specialists for approval.

The wording at part 3) "and any written analysis, reporting, publication or archiving required as part of the approved scheme must be deposited with the Historic Environment Record of the local planning authority." is not quite right because an HER will only take reports, not archives and other outputs. For example a material archive would go to a museum, a digital archive might go to the ADS (Archaeological Data Service) etc etc. The idea of having a written scheme of investigation (WSI) is to capture all this detail in what becomes an agreed and enforceable scope of work, and thus the level of detail on outputs can form part of the WSI and we only need to say 'in accordance with the WSI'.

The alternative wording below is therefore suggested:

"Archaeology 18.—

(1) No phase within the authorised development, and no part of the site preparation works for that phase, is to be

As set out in the Applicant's response to ExQ3 8.3, DCC's proposed wording for Requirement 18 (archaeology) is acceptable to the Applicant, and the Applicant has included this wording in the draft DCO submitted at Deadline 6.

commenced until an archaeological written scheme of investigation (WSI) for that phase has been submitted to and approved in writing by the local planning authority in consultation with the county archaeologist.  
 (2) Any archaeological works or programme of archaeological investigation carried out under the approved WSI must be carried out by an organisation registered with the Chartered Institute for Archaeologists or by a member of that Institute, and the nominated organisation and its relevant specialists will be identified and agreed within the WSI.  
 (3) All archaeological works must be carried out in accordance with the approved WSI, including post-excavation analysis, reporting, publication and archiving."

**9. Development Consent Order**

<p>b) Set out any outstanding concerns in relation to Article 2 – Interpretation – site preparation works, and the mitigation provided during the site preparation works (i.e. before commencement), including for archaeology, traffic, and the River Mease SAC and SSSI.</p>	<p>SDDC considers that this issue is more appropriately addressed by DCC.</p> <p>In relation to the River Mease SAC and SSSI, DCC would defer to the advice and comments provided by NE. DCC have no further comment on the River Mease SAC and SSSI.</p> <p>DCC have no further comment regarding Article 2 – Interpretation.</p>	<p>The Applicant acknowledges the response from DCC and is continuing to discuss matters with NE. No further action is required.</p>
--	--	--

**2.3 ENVIRONMENT AGENCY**

- 2.3.1 The EA submitted a representation to the ExA dated 25<sup>th</sup> October 2024 providing comments on the Deadline 4 submissions and any other information requested by the ExA for Deadline 5 which included an updated Work Package Tracker. This submission addressed two specific matters the first of which confirmed the acceptance of the Applicant’s Water Framework Directive and the EA’s agreement with the conclusion of the WFD assessment and there are no remaining concerns. No further action is required.
- 2.3.2 Secondly, with regard to whether leaving cables in the ground after decommissioning could fall under the ‘Definition of Waste’ the EA states they have *“given further consideration to this issue and consider that the requirement to remove cables, in line with the*

*Definition of Waste, would only exist where there is an imminent risk of pollution which could adversely affect human health or the environment. Cables in general, unless oil filled, would be unlikely to be considered as a waste if left in the ground. However, the applicant would need to demonstrate that leaving cables in situ would not result in pollution. As detailed in their ExQ2 response [REP4-017], if the Applicant proposes to install cables in such a manner as to mitigate likely adverse impacts, a risk assessment will need to be undertaken to determine what can be designed in or out to achieve appropriate mitigation. Risks to the environment will remain at the time of decommissioning so another risk assessment should also be carried out before decommissioning takes place."*

- 2.3.3 The Applicant can now confirm that the primary intention is to remove the buried cables as part of the decommissioning. However, this will be led by the planning authority and relevant policy in place at the time of decommissioning. The cables may be left in situ, depending on the method which is likely to have the least environmental impact at the time. The Outline Decommissioning Environmental Management Plan [REP5-015] has been updated to reflect this.
- 2.3.4 The Applicant acknowledges the EA has provided an updated Work Package Tracker. This confirms that all remaining points will be become agreed (and turned green) once the revised Flood Risk Assessment and Outline Drainage Strategy, which the EA has already reviewed, is formerly submitted to the ExA at Deadline 5. This has now been submitted to the ExA [REP5-017]. The Applicant is continuing to engage with the EA through the Statement of Common Ground which has been submitted at Deadline 6.

The EA has also provided a response to the relevant action points from ISH1 at the request of the ExA dated 31<sup>st</sup> October 2024. The Applicant has responded to these points below:

ITEM:	ACTION	EA ANSWER:	APPLICANT'S RESPONSE AT D6:
3 c)	Comments on the updated Flood Risk Assessment and submission of any concerns about compliance with the Overarching National Policy Statement NPS EN-1	<p><u>Flood Risk Assessment</u></p> <p>On 22nd of October 2024, the Applicant submitted to us an updated Flood Modelling Report, referenced P20209_R5 and dated October 2024, for review.</p> <p>We have completed our review of this document and confirm that this addresses our previously raised concerns regarding maintenance of panels to ensure that they remain clear of debris and don't increase flood risk as a result. It also demonstrates that the Applicant has mitigated for any blockage concerns in regards to the crossings, by raising the soffit levels and including a freeboard.</p>	The Applicant has provided an update regarding this matter in its response to ExQ3 12.2 in document 14.3 submitted at Deadline 6.

However, this document also tests the impact of raising the proposed access track crossings to be above the 1% (1 in 100) annual exceedance probability (AEP) plus climate change flood levels. Unfortunately, we note that the off-site impacts, particularly in the pond area in the 3.3% (1 in 30) AEP scenario remain as in the previous submission, where the bridge soffit levels were lower. Whilst we note that there are areas of betterment outside of the order limits for the development, given the increase in water levels within the pond area of around 0.17 metres in the 3.3% (1 in 30) AEP scenario, and the areas of additional flooding outside of the order limits, we cannot accept an increase of that magnitude without further mitigation or landowner agreement. We suggest the following considerations as a way forward for the Applicant:

1. At Issue Specific Hearing 1, on Tuesday 22 October, the topic of the three proposed access crossings was discussed. This raised some questions about the need for these crossings - are they essential for the development, or could existing crossings be used instead? Removal of these new crossings from the proposals entirely will mean there are no resulting offsite flood risk impacts.
  2. If new crossings are required, could these be limited to two crossings rather than three? The modelling shows that it is the most downstream crossing that appears to impact on offsite flood risk the most. If this crossing were removed from the proposals, this could potentially result in no notable increases to offsite flood risk
  3. If all three crossings are essential, are there any onsite mitigations which could limit the flow route on the right bank at the downstream crossing and hence reduce the associated off-site impacts?
  4. Additionally, is there the opportunity to make all new crossings temporary, to be in situ for only the
-

construction and decommission phases?

5. Finally, if the above options are not viable, can landowner consent be sought with respect to the offsite impacts? It should be noted that this is the least favourable of the options from the perspective of the Environment Agency.

3 c) Comments on the updated Flood Risk Assessment and submission of any concerns about compliance with the Overarching National Policy Statement NPS EN-1

Compliance with National Policy Statement EN-1

*Sequential Test*

In our Relevant Representation [AS-019] we raised concerns that the Applicant has not demonstrated within their submission that the Sequential Test had been passed. In the Applicant's response to our RR [REP1-023], they stated that a revised flood risk assessment [AS-014] "was submitted at part of the Section 51 submission which sets out how infrastructure within the Site has been steered to areas of lowest flood risk." Section 3.2 of this document discusses the vulnerability of the proposed development as 'essential infrastructure' and confirms that, according to the Planning Practice Guidance (PPG), it is appropriate for location within Flood Zone 3, subject to the Exception Test. It also goes on to describe how a sequential approach has been applied to the layout of the site.

As the Environment Agency (EA) confirmed at Issue Specific Hearing 1, it is not within the remit of the EA to determine whether the Sequential Test has been passed as we are unable to advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate.

However, we refer the Examining Authority and Councils to Paragraph 5.8.7 of National Policy Statement EN-1,

The Applicant has submitted a Sequential Assessment at Deadline 6 [Document 14.6] confirming there are no deliverable and sequentially preferable sites which could accommodate the Proposed Development within the defined area of search and therefore demonstrates the Sequential Test has been passed.

which is clear that new energy infrastructure should only be necessary in flood risk areas in the exception, for example where there are no reasonably available sites in areas at lower risk. According to the PPG (Paragraph: 024 Reference ID: 7-024-20220825), new development should be steered to areas with lowest risk of flooding, taking all sources of risk and climate change into account.

Chapter 3 of the submitted Environmental Statement [APP-086] indicates that some consideration was given to flood risk in the site selection process, with paragraph 1.28 stating that "an initial assessment of flood risk was undertaken and was considered generally low". It goes on to say that one minor watercourse was noted along the northeastern boundary, with a narrow strip of Flood Zones 2 and 3 alongside it. It is not clear exactly what information was used for this initial assessment, but it should be noted that flood zones shown on the Environment Agency's Flood Map for Planning only show risk from tidal and fluvial sources and do not include consideration of climate change. The Councils' Strategic Flood Risk Assessment may be useful in that respect.

3 c) Comments on the updated Flood Risk Assessment and submission of any concerns about compliance with the Overarching National Policy Statement NPS EN-1

Exception Test

Paragraph 5.8.11 states that both of the following must be satisfied for the Exception Test to be passed:

the project would provide wider sustainability benefits to the community that outweigh flood risk; and

the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

We are only in a position to provide advice in relation to the second part. To that end, we refer you back to our comments above on the latest flood modelling report, which outline our outstanding concerns on flood risk.

The Applicant has provided an update regarding this matter in its response to ExQ3 12.2 in document 14.3 submitted at Deadline 6.

---

4 e)	Set out evidenced implications in relation to contamination and waste of underground cables being left in place after decommissioning	Our comments in relation to this were provided in a separate response for Deadline 5, submitted on 25 October 2024.	The Applicant has responded to the comments submitted on 25 <sup>th</sup> October 2024 in paragraphs 2.3.2 and 2.3.3 of this Document.
------	---	---	--

---

## 2.4 NATIONAL GRID ELECTRICITY TRANSMISSION

---

- 2.4.1 National Grid Electricity Transmission (NGET) provided an update at Deadline 5 dated 22<sup>nd</sup> October. The Applicant welcomes confirmation that NGET has confirmed that it was not necessary for them to attend the CAH1 as they are nearing agreement of Protective Provisions with the Applicant. The Applicant confirms that the Protective Provisions are almost agreed with NGET and it expects to include agreed Protective Provisions within the dDCO before the close of Examination.

## 2.5 CADENT GAS LIMITED

---

- 2.5.1 Cadent Gas Limited provided a submission at Deadline 5 dated 30<sup>th</sup> October and the Applicant welcomes confirmation that Cadent Gas Limited has withdrawn their objection following agreement of Protective Provisions with the Applicant.

## 2.6 OVERSEAL PARISH COUNCIL

---

- 2.6.1 Overseal Parish Council ("OPC") provided a submission at Deadline 5 dated 30<sup>th</sup> October comprising a written summary of their OFH speech and additional information as requested by the ExA. The Applicant has summarised these comments and provided a response in the table below:

COMMENT	APPLICANT RESPONSE
<ul style="list-style-type: none"> <li>Significant adverse effects on the village as a result of increased traffic.</li> <li>No mention in any of the traffic routes of vehicles coming through the Village.</li> <li>No mention of any route from J11 on the M42, other than the original through Coton.</li> <li>How can construction vehicles be monitored and penalised for not using the correct routes.</li> </ul>	<p>The Applicant would like to confirm that no construction route passes through the village or Parish of Overseal. Therefore, there are no direct transport impacts from the Proposed Development on the village of Overseal or the road network within the Parish. This is confirmed by the construction routes set out in Chapter 10 of the Environment Statement [AS-015], which have been robustly assessed. These routes are secured via the Requirement 10 (construction traffic management plan) of the Draft DCO [REP5-003] as set out in the Outline Construction Traffic Management Plan (OCTMP) [REP4-032]. The OCTMP provides the mechanisms in which to enforce the use of the agreed construction routes.</p> <p>With reference to ES Chapter 10 [AS-015] and the OCTMP [REP4-032], the potential HGV routing options are:</p> <ul style="list-style-type: none"> <li><b>Scenario 1 (Preferred):</b> The Walton on Trent Bypass is built prior to or during the construction phase – all construction traffic uses the Bypass, Main Street and Walton Road.</li> <li><b>Scenario 2a (Likely):</b> Walton on Trent Bypass is not open during the construction phase – all Heavy vehicles will route through Stapenhill via the A5189, Main Street and Rosliston Road. Light vehicles will be dispersed along four different routes, including the Chetwynd Bridge.</li> <li><b>Scenario 2b (Backup):</b> Walton on Trent Bypass is not open during the construction phase – all heavy vehicles will route through Coton in the Elms via Coalpit Lane from J11 on the M42. This is considered a backup route, only to be utilised in the event that there are any road closures or obstructions on the Heavy vehicle route through Stapenhill rendering the route impassible for a prolonged period of time. If this scenario was used it will likely only be for a limited period, reverting to Scenario 2a at the earliest opportunity.</li> </ul> <p>Section 5 of the OCTMP [REP4-032] contains a comprehensive suite of compliance measures, which utilise contractual conditions and penalties as enforcement, to ensure that the assessed routes are adhered to. For example, paragraph 5.21 notes “Heavy vehicles associated with the Proposed Development will have markers and/or permits placed on them to distinguish them from general Heavy vehicles on the local highway network” thus enabling contraventions of agreed HGV routes to be easily identified and reported to the highway authorities.</p>
<ul style="list-style-type: none"> <li>There has been no official consultation with OPC.</li> </ul>	<p>OPC were consulted as part of the pre-application stage and responded to the consultation. This is recorded within the Consultation Report [AS-010].</p>

<ul style="list-style-type: none"> <li>• Solar panels should be on rooftops and brownfield land and not on prime farmland.</li> <li>• Loss of land for food production.</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the Proposed Development includes a negligible amount of BMV agricultural land. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021.</p>
<ul style="list-style-type: none"> <li>• Lack of provision for proper maintenance of rural hedges and ditches etc. and lack of understanding of the range of heritage assets nearby, meaning that its impact would be one of huge urbanisation of the area.</li> </ul>	<p>Chapter 3 [APP-086] of the ES provides details of the approach that has been taken to the site selection and design of the Proposed Development, including assessment of available brownfield sites. No further action is required.</p> <p>ES chapters 5 [APP-106], 6 [APP-135] and 7 [REP1-017] have assessed the impact of the development on ecology, landscape and the historic environment and proposed adequate mitigation where necessary. This mitigation is primarily set out in the Outline Landscape and Ecological Management Plan (OLEMP) [REP4-040] and includes the maintenance of rural hedges and ditches.</p>
<ul style="list-style-type: none"> <li>• 203 horses in the combined area of Overseal, Grangewood, Lullington, Coton-in-the-Elms and Rosliston.</li> </ul>	<p>In respect of Non-Motorised Users (NMU), the Applicant's position is set out in its response to ExQ2 – 11.1 [REP4-011] where it notes that NMU movements in the area were recorded as being relatively low, with DCC agreeing with the methodology of that assessment, and that the potential impact of construction traffic would not surpass the threshold to change the scoring within ES Chapter 10. The Applicant acknowledges that DDC and its Public Rights of Way team have raised no objections to the proposed changes to the off-road network or the impacts on non-motorised users.</p>
<ul style="list-style-type: none"> <li>• BESS planning application (Application ref. DMPA/2024/1131) this time at Overseal. If this goes ahead it will add still more to the cumulative traffic impact on the A444.</li> </ul>	<p>The Applicant is undertaking a review of the cumulative assessment and the potential additional developments in consultation with SDDC.</p>

## 2.7 WALTON-ON-TRENT PARISH COUNCIL

2.7.1 Walton-on-Trent Parish Council provided a submission at Deadline 5 published by the ExA on 4<sup>th</sup> November. The Applicant has summarised these comments and provided a response in the table below:

COMMENT	APPLICANT RESPONSE
<ul style="list-style-type: none"> <li>Roads are unsafe, dangerous, narrow. Roads are unsuitable for HGVs and construction traffic</li> <li>Adverse impacts on roads in Walton on Trent, Rosliston, Coton in the Elms and Overseal.</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031] and has continued to refine the details with the relevant Highway Authorities throughout the Examination.</p> <p>Chapter 10 of the ES [APP-155] has assessed the potential impact of the construction phase of the Proposed Development. Construction of the Proposed Development is expected to take 16 months. The peak daily construction vehicle movements across the construction phase will be during month four with 104 two-way movements per day (52 deliveries), broken down as 28 two-way HGVs movements and 76 two-way Light vehicle movements. The average daily vehicle movements across the construction phase will be 81 two-way movements per day, broken down as 14 Heavy vehicle movements and 67 Light vehicle movements.</p> <p>Once operational, the Proposed Development will be largely self-operational given the automated nature of the infrastructure. On that basis, the traffic associated within the operational phase of the Proposed Development will be far less than the construction phase and will only be associated with a small number of scheduled maintenance trips, such as grass cutting and infrastructure check-ups, and emergency trips (as required). There will be approximately 2 – 3 full time members of staff on-site during operation. These trips will be undertaken by light vehicles such as cars and vans and will not result in intense activity.</p>
<ul style="list-style-type: none"> <li>Solar panels should be on rooftops and brownfield land and not on prime farmland.</li> <li>Loss of land for food production.</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the Proposed Development includes a negligible amount of BMV agricultural land. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to</p>

deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021.

Chapter 3 [APP-086] of the ES provides details of the approach that has been taken to the site selection and design of the Proposed Development, including assessment of available brownfield sites. No further action is required.

- BESS introduces serious environmental and safety risks. The possibility of fires in lithium-ion battery storage facilities poses an even greater threat. In the event of a fire, the release of toxic fumes and pollutants could contaminate local watercourses, including those that feed into the river Trent, further endangering both human health and wildlife.
- Access for emergency services is another concern. The site is in a remote area with limited access, and local roads, which are prone to flooding in winter, would make it difficult for fire services to reach the battery storage facility in the event of an emergency. It is unclear what plans are in place to ensure fire prevention, detection, and suppression, or how nearby residents would be informed and protected should a fire occur.
- The increased hard-standing areas will cause more rainwater runoff, exacerbating existing flood risks in the area, which has seen a worsening of flood conditions in recent years.
- Since the original submission of the Oaklands farm solar limited proposal, a large number of additional 3rd party Bess facilities have also submitted planning applications in the vicinity, further exacerbating the problems here.

The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. The Outline Battery Safety Management Plan sets out how the BESS will be managed to minimise risks including features like internal fire suppression systems built into individual battery units, automatic detection and alert systems, remote shut-down, and procedures to alert local emergency services in line with agreed fire-fighting strategy. No further action is required.

Derbyshire Fire and Rescue Service (DFRS) have been consulted as part of the application and have raised no concerns with regard to gaining access. DFRS will be consulted with regard to agreeing the final Battery Safety Management Plan.

The hardstanding areas are all located in Flood Zone 1. The Flood Risk Assessment and Outline Drainage Strategy [REP5-017]. All runoff from the proposed structures will be dealt with locally with source control measures and the Site will not generate extra runoff. Further mitigation for flood risk is not considered to be required.

The Applicant has provided a detailed response covering this matter in its response to ExQ3 13.2 in document 14.3 submitted at Deadline 6.

## 2.8 DISTRICT COUNCILLOR AMY WHEELTON

2.8.1 District Councillor Amy Wheelton provided oral submissions at the ISH1 and OFH2 and has provided a written summary of the OFH2 speech summarising the comments at Deadline 5. These comments have been summarised below and the Applicant's response provided.

COMMENT	APPLICANT RESPONSE AT D6
<p>It is not possible to mitigate the destruction of Otter, Skylark, Barn Owl and Newt nesting and living habitat. The applicants openly admit in responses Skylark nesting grounds will be gone, the choice will be for the inspector to destroy these habitats or leave them.</p>	<p>The Response by the Applicant on Ecology Matters [REP5-031] submitted at Deadline 5 provides further detail on Otter, Barn Owl and Great Crested Newts. The potential effect on the aforementioned species has been assessed as low or negligible with impacts successfully mitigated or avoided.</p> <p>With regard to Skylarks, mitigation will be provided in the form of up to 38 new skylark plots. This mitigation has been accepted by SDDC and doubles the number of skylark plots as a result of the Proposed Development.</p> <p>The Applicant has provided further detailed response to ExQ3 7.4, 7.5, 7.6 and 7.7 in document 14.3 submitted at Deadline 6.</p>
<p>The applicants have stated the 50 acres of this farm not under panels or batteries will be used to continue the existing Dairy herd and do not own a sheep nor have they ever, a neighbour over winters some sheep on temporary grass lays some years. It is a dairy and arable farm currently and has been for my lifetime.</p>	<p>The landowners will be able to farm sheep and continue the dairy farm throughout operation of the Proposed Development if they choose to do so, as part of their farm diversification plans. As the Applicant stated in its response to ExQ1 6.4, the Applicant cannot compel the landowner/farmer to use the land in a particular way and there are factors outside the control of the landowner/farmer which could influence the decision on how the land is used. However, the landowner has the option to use the land to graze sheep.</p>
<p>No previous NSIPs have required 74 acres of temporary haul track is required for access due to the traffic issues locally, this track decimates mature woodland and causes ecological devastation, crossing a brook 3 plus times where Otters reside, giving zero climate change benefit and within the National Forest.</p>	<p>The Applicant has provided a detailed response covering this matter in its response to ExQ3 7.9 in document 14.3 submitted at Deadline 6. The temporary construction haul road itself actually covers an area less than 5 acres.</p>
<p>A further Burton bridge now has a permanent 7.5-ton weight restriction, the main route off the A38 into Burton, that is 3 routes now weight and width restricted over the river Trent to the site, a further road from 5 Lanes End, called Henherst Hill, is being 7.5t restricted - another route closed off into Burton to protect residential amenity from a local Logistics company causing issues on the A444. There is nowhere locally to mitigate</p>	<p>The Applicant acknowledges the update with regard to the weight restriction on Burton Bridge (B5018 Main Street) and Henhurst Hill/Forest Road/Shobnall Road. However, none of the construction routes use these roads in any of the three scenarios as shown in Figures 10.2 – 10.3 of Chapter 10 of the ES [AS-015] such that no further action is considered necessary.</p>

---

the traffic, which is often now at standstill, this alone should be a reason for the sites lack of suitability.

---

Potential cumulative impacts from five proposed BESS applications in the area particularly on traffic, heritage, landscape and character.

The Applicant has provided a detailed response covering this matter in its response to ExQ3 13.2 in document 14.3 submitted at Deadline 6.

The site has a strong sense of detachment, time and place, a rural community preserved from intrusive urbanisation. The mitigations themselves such as 3m high unmanaged hedges, fences and cameras on poles creates a fundamentally negative impact on the landscape, if you have to grow something 3m to hide something, it should not be there in the first place.

The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the development. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting.

The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power Station and existing overhead electricity lines which run through the area, including through the Site. That context, and the mitigation measures proposed, means that the Applicant's submission is that this is a site which can appropriately deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts.

The OLEMP [REP4-040] sets out a variety of mitigation measures to minimise the landscape and visual effects of the Proposed Development in accordance with industry guidance and best practice. No further action is required.

---

The new SDDC Local Draft Plan, which is out for consultation now allocates a further 14,483 homes on BMV land and proposes to increase employment land at the brownfield Drakelow site up to 68 hectares, designated for Energy purposes under the existing current policy BNE12.

The Applicant acknowledges the consultation on the draft SDDC Local Plan and notes that the consultation relates to a partial update of the SDDC which is still at an early stage of the process. As an NSIP the key policies are set out in the relevant National Policy Statements.

---

Other infrastructure and projects in the local area address the climate change need.

The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. No further action is required. National Policy Statement EN-1 confirms the

---

Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure including solar generation. It is also confirmed there is an urgent need for CNP Infrastructure which is key for the Government to achieve their energy objectives and Net Zero.

Simply BESS and Solar should be on rooftops and brownfield sites not on Best & Most Versatile land (BMV), as the fastest growing District in the UK we have plenty of rooftops.

Agricultural land (Farmers Guardian 30/08/24) is one of the most valuable natural assets in the UK. In 2014, Andrew Montague-Fuller from Cambridge University produced a report entitled, The Best Use of Agricultural Land, which warned the UK maybe running out of land for food production and could face a potential shortfall of two million hectares by 2030. He argued we needed to put more land aside for the food needs of a growing population, I do not disagree.

The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the Proposed Development includes a negligible amount of BMV agricultural land. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021.

Chapter 3 [APP-086] of the ES provides details of the approach that has been taken to the site selection and design of the Proposed Development, including assessment of available brownfield sites. No further action is required.

The site is underlain by sub-aquifers shown in the geology reports and the safety of my water supply and boreholes has not been addressed.

The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, Chapters 8 (Water Resources and Flood Risk) and 9 (Ground Conditions) of the ES [APP-143 and APP-146] have assessed the potential effects on aquifers in which it has been determined that that the Proposed Development would result in a minor beneficial effect. The OBSMP provides further details on the procedure for dealing with potential contamination issues with the BESS and is secured by Requirement 12 (battery safety management plan) in the dDCO [REP5-003]. No further action is required.

---

---

It is simply not possible to guarantee there will not be a fire in battery storage, they happen and are evidenced hence an appeal upheld at the Pound Road Bess, Hawkchurch (16/02/2024 APP/U1105/W/23/3319803) for the reason of unacceptable levels of pollution to aquifers and the significant risk to local residents and the environment.

The Outline Battery Safety Management Plan (OBSMP) [APP-093] provides further details on the procedure for dealing with potential fires and contamination issues with the BESS and is secured by Requirement 12 (battery safety management plan) in the dDCO [REP5-003]. No further action is required.

---

The Applicants are unable to provide proof of them not being in financial difficulties now or in 40 years' time, bonds should be in place, a new precedent is needed. the costs to SDDC of the obligations, enforcement, BNG for 40 years has not been addressed - there is no local benefit for residents only a potential increase in Council Tax, all costs, index linked including the DEMP should be in a bond now.

The Applicant has provided a response covering this matter in its response to ExQ3 2.3 in document 14.3 submitted at Deadline 6. The Applicant [REP5-026] stated at paragraph 1.76 that it is not appropriate for a decommissioning bond to be secured under the dDCO, but proposed wording for the ExA to consider should it be required. The Applicant is also discussing the appropriate mechanism with SDDC and DCC with regard to resourcing, to undertake its obligations in relation to the Proposed Development and the discharge of Requirements, and the Applicant expects to agree to this mechanism in the Statement of Common Ground shortly. While not a planning consideration, the Applicant has committed to deliver a community benefit fund of £55,000 per year (index-linked, nominally representing over £2 million over the life of the project) and the Proposed Development will pay business rates to the local council at a rate of £230,000 per year (£9 million over the life of the project to be used for local benefit). The benefits from the Proposed Development are numerous and will be set out in detail in the Closing Statement for Deadline 8.

---

The application comprises of 398 acres of solar and 74 acres of haul track, it will remove 472 acres of 67% BMV agricultural land, permanently. I do not accept the applicants stock answer that it is not an issue as the area is only 0.003% of the BMV land. CREW Center of Expertise for Waters (01/07/2012) estimated in 2000 that within the UK 60.9% of agricultural land was drained. Some land, which is drained BMV, is far more valuable than other land, a rare commodity as this site is land drained.

The temporary construction haul road itself covers an area less than 5 acres. The Applicant maintains its position that as the Proposed Development represents only 0.003% of the national BMV agricultural land this will have an insignificant impact in the national context with an overwhelming benefit in favour of the provision of renewable energy which is designated as a Critical National Priority notwithstanding whether the land has been drained for agricultural purposes. No further action is required.

---

The DEMP proposes to wait to 40 years to decide how to deal with the problem of buried infrastructure and cut the cables at 0.7m deep, leave the buried infrastructure in the ground, polluting the SSSI River Mease and soil forever, at one point recently stating in the DEMP pull out the buried plastic ducts, an impossible ridiculous suggestion. They now state in the latest DEMP the cutting of cables at 0.7m deep will allow land drainage which is ridiculous as this occurs, as it has at my farm within the last 5 years at 1.1 meters deep. A mole drain can then operate at 0.6 meters deep running into the land drains. It is a fact that land drainage goes in at 1.1 to 1.2 meters deep in permeable soils, this is backed up by the bible on drainage, AHDB Field Drainage Guide, with a section on drain depth. I should add it's a little rich of the applicants to part quote me in Deadline 4 Applicants responses (2nd written questions page 18, 5.2a) but at least they openly admit taking out the infrastructure they wish to leave in the ground would stop the land

The Applicant confirms that the primary intention is to remove the buried cables as part of the decommissioning. However, this will be led by the planning authority and relevant policy in place at the time of decommissioning. The cables may be left in situ, depending on the method which is likely to have the least environmental impact at the time. The Outline Decommissioning Environmental Management Plan [REP5-015] has been updated to reflect this.

---

returning to BMV and undo the soil improvements, however if it cannot be drained it will no longer be BMV a simple fact backed up with data.

The CPRE's (2022 Building on Food Security) key findings stated that flooding as a result of climate change poses a further risk to BMV loss with almost 60% of our most productive Grade 1 land already sitting on Environment Agency's Flood Zone 3.

75% of East midlands Grade 1 BMV is at the highest risk of flooding as it is in flood zone 3. East Midlands is one of 3 regions to have experienced the highest absolute losses of BMV agricultural land from development projects between 2010-2022, the highest of grade 3a BMV.

This ground is Potato Cyst Nematode (PCN) free, not tested as requested in my questions, making this BMV even more valuable as you can only grow potatoes every 6 to 7 years and this area is renowned for supplying crisping potatoes to the Walkers Midlands factories.

It can be argued this loss of BMV will accelerate in the next decade due to Climate Change and with climate mitigation strategies such as ELMS (Environmental Land Management), BNG (Biodiversity Net Gain) and nutrient neutrality schemes. The permanent or long-term losses of good agricultural land will have a negative impact on strategic food supplies. Grades 1,2 and 3a BMV land is protected for that reason and this policy should be adhered to backed up by recent appeals for Solar and BESS.

The Lullington, Swadlincote, Derbyshire appeal (APP/F1040/W/22/3313316 18/04/23) stated whilst the collective benefits arising are significant the harm caused by allowing the development of just below 50% of the sites BMV hectareage, over a period of 40 years, would be of greater significance, similarly (5/4/2022 APP/K2610/W/21/3278065) Cawston Norfolk BESS appeal for the same reasons.

There are many reasons this application should not go ahead, traffic, cumulative effect, landscape and character, heritage, sub aquifers and SSSI and soil pollution but in planning terms it is quite simple any proposal on BMV land needs to be justified by the most compelling evidence and there is none, nowhere in national or local policy guidance does it state declaring a climate emergency implies a precedence over all considerations, this land will be lost to BMV as will the ecological habitats, permanently, if this application is allowed

The Proposed Development is delivering low carbon energy infrastructure to help the UK Government meet its net zero targets and to tackle climate change. The Energy NPSs provide the central planning policy framework against which the Proposed Development will be determined to achieve the Government's Net Zero targets.

The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021.

Both these appeal decisions were made in regard to Town and Country Planning Act 1990 applications and are not Nationally Significant Infrastructure Projects like the Proposed Development. The decisions were also made prior to the publication of the revised National Policy Statements which made solar generating stations a Critical National Priority. Therefore, a direct comparison between the Proposed Development and these two appeals is not possible due to the different consenting regimes and the policies in force (or not in force) at the time.

National Policy Statement EN-1 confirms the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure including solar generation. It is also confirmed there is an urgent need for CNP Infrastructure which is key for the Government to achieve their energy objectives and Net Zero. It further adds that, it is likely that the need case for CNP Infrastructure will outweigh the residual effects in all but the most exceptional cases. In addition, it has been acknowledged by the Government and others that it is climate change which

---

presents a significant challenge to agriculture and food production, something which the Proposed Development seeks to address.

Given the Proposed Development represents 0.003% of the national BMV agricultural land this will have an insignificant impact in the national context with an overwhelming benefit in favour of the provision of the CNP Infrastructure.

---

### 3 APPLICANT'S RESPONSE TO NON-STATUTORY BODIES D5 SUBMISSIONS

#### 3.1 DIANE ABBOTT

3.1.1 Diane Abbott provided oral submissions at the ISH1 and OFH2 and confirmed that a written submissions summarising those comments would be provided at Deadline 5. The Applicant has provided a response to these in the table below.

COMMENT	APPLICANT RESPONSE
Inadequate community engagement. The statutory consultation events in 2022 were poorly advertised, did not capture all the affected communities and contained scant information.	The Applicant has undertaken an extensive programme of consultation as set out in the Consultation Report [AS-010] and has engaged with the Interested Parties at various points during the consultation period. The ES has been prepared in a robust manner by a team of expert consultants and is being reviewed by the relevant statutory consultees with their own specialist expertise as part of the Examination process. The relevant LPAs have confirmed in their Adequacy of Consultations [AoC-001 – AoC-014] documents that they have no concerns with the consultations undertaken by the Applicant. No further action is required.
Not a suitable site for a solar farm when there are other brownfield sites locally. Site is located on BMV farmland	The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the Proposed Development includes a negligible amount of BMV agricultural land. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021.

---

	<p>Chapter 3 [APP-086] of the ES provides details of the approach that has been taken to the site selection and design of the Proposed Development, including assessment of available brownfield sites. No further action is required.</p>
<p>Very poor / overstretched transport routes.</p>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031] and has continued to refine the details with the relevant Highway Authorities throughout the Examination.</p> <p>Chapter 10 of the ES [APP-155] has assessed the potential impact of the construction phase of the Proposed Development. Construction of the Proposed Development is expected to take 16 months. The peak daily construction vehicle movements across the construction phase will be during month four with 104 two-way movements per day (52 deliveries), broken down as 28 two-way HGVs movements and 76 two-way Light vehicle movements. The average daily vehicle movements across the construction phase will be 81 two-way movements per day, broken down as 14 Heavy vehicle movements and 67 Light vehicle movements.</p> <p>Once operational, the Proposed Development will be largely self-operational given the automated nature of the infrastructure. On that basis, the traffic associated with the operational phase of the Proposed Development will be far less than the construction phase and will only be associated with a small number of scheduled maintenance trips, such as grass cutting and infrastructure check-ups, and emergency trips (as required). There will be approximately 2 – 3 full time members of staff on-site during operation. These trips will be undertaken by light vehicles such as cars and vans and will not result in intense activity.</p>
<p>It will industrialise the countryside. Greatly impact landscape value and amenity and will have a long lasting effect that cannot fully be mitigated</p>	<p>The design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the development. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting.</p> <p>The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power Station and existing overhead electricity lines which run through the area, including through the Site. That context, and the mitigation measures proposed, supports the Applicant's submission that this is a site which can appropriately</p>

---

---

deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts.

The OLEMP [REP4-040] sets out a variety of mitigation measures to minimise the landscape and visual effects of the Proposed Development in accordance with industry guidance and best practice.

---

Reduce local employment and tourism.

Chapter 12 of the ES [APP-163] has assessed the potential impact on the local economy and tourism. This has found that during the Proposed Development, alone and in combination with other developments, will result in indirect employment and induced beneficial effects on the wider economy that will support small local businesses. The Applicant has since submitted an Outline Skills, Supply Chain and Employment Plan at Deadline 6 which seeks to maximise and pro-actively expand the economic benefits of the Proposed Development for the local community. This is secured by Requirement 23 (skills, supply chain and employment) of the dDCO.

The operation of the Proposed Development would not result in any adverse impacts on these tourist attractions however there may be a short term impact during construction and decommissioning phases between construction traffic and event traffic and through decreasing the available tourist accommodation in the area. However, these impacts are short term.

---

Risk of fire from the battery storage

The Outline Battery Safety Management Plan [APP-093] and the OOEMP [REP5-013] includes measures that address, minimise and prevent contamination, risk of fire and air pollution as well as providing an Emergency Response Plan.

The Applicant acknowledges that SDDC, DDC and Derbyshire Fire and Rescue Service are satisfied with the approach taken with regard to BESS fire risk and related emergency response and pollution. No further action is required.

---

Possibly increased flooding on local roads

Chapter 8 of the ES [APP-143] addresses the Water Environment and includes a FRA [REP5-017]. The FRA confirms there is no formal drainage infrastructure for the solar panels given surface water would percolate directly to the ground. This would be intercepted by vegetation beneath the panels and the infiltration reflects that of the greenfield situation. There is likely to be an improvement as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff.

The BESS and part of the substation would include impermeable surfacing, with bunds around any impermeable areas. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for

---

---

larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The Proposed Development is considered not to result in increased flooding on local roads.

EN1 has several provisions to ensure that a project such as this focusses on good design and the provision of improvements that benefit the environment and local communities. I do not think this application comes close to meeting this aim. Other aspects where the application fails to consider "Good Design" is the transport route onto the site which follows the course of a local stream meaning excessive environmental impacts.

Chapter 3 [APP-086] of the ES explains the evolution of the design how the Environmental Impact Assessment informed that process. Further details on the design are set out the Design Statement [REP5-021] and in the Applicant's response to ExQ3 3.4 in Document 14.3 which demonstrates compliance with the Government's Nationally Significant Infrastructure Projects: Advice on Good Design.

Applicant's various technical assessments generally downplay the current state of the site. Where they have been challenged on the technical aspects of the proposal, the Applicants have broadly rejected other stakeholder's comments and have purely reiterated their initial position. In each instance, it is clearly a case of the Applicant marking their own homework.

The ES has been prepared in a robust manner by a team of expert consultants and is being reviewed by the relevant statutory consultees with their own specialist expertise as part of the Examination process. All consultants follow strict codes of professional conduct and are governed by their relevant industry bodies, where relevant, requiring ethical working practices and high standards of competence. Appendix 1.1 of the ES [APP-074] provides details of the technical consultant's experience confirming the assessments have been undertaken by suitably qualified 'competent experts'. The methodologies used for the assessments are based on industry standards and best practices which are tried and tested methods and are sufficiently robust and accurate. Therefore, as expert consultants they are able to uphold their assessments and conclusions as justified and evidenced.

The specialists have cherry picked legislation to support their case, but this legislation is not applicable. Or – in the absence of specific UK legislation such as for Glint and Glare, the specialists have used their own "expert judgement" to define mitigation criteria that will never be met in practice. This information is buried deep in the various technical appendices, meaning that it is highly unlikely that any issues will have been spotted by either local residents, or even professionals viewing the summary documents.

The approaches taken in the assessments have been discussed and scoped with the relevant statutory bodies confirming relevant legislation, guidance and best practice to follow.

The Applicant acknowledges the Glint and Glare Assessment has been independently peer-reviewed on behalf of SDDC, who raised no concerns regarding the Glint and Glare assessment.

Questioned the accuracy of all of the Applicant's visual representations which are not to scale and create an unrealistic impression of how the landscape will be affected throughout the life of the project. The Applicant has failed to address these concerns.

The Applicant has provided detailed response to matters raised in ISH1 as set out in Response by the Applicant on Landscape and Visual Matters [REP5-033] submitted at Deadline 5. This document addresses the matters raised regarding the assurances that the visualisations that supplement the Landscape and Visual Impact Assessment (LVIA) are fit for purpose and are accurate to an appropriate degree. No further action is required.

---

The Applicants have offered very little in return for this massive industrial installation in our rural environment. Miles of fencing and opaque screening will ruin the scenic views from the site, reducing amenity and creating an industrialised corridor between local villages. They have proposed adding a footpath through the site (under the line of pylons where they can't put their infrastructure), but this serves little benefit to the local communities and does not connect villages.

In addition to the annual community benefit of £55k committed to by the Applicant (over £2 million over the life of the Proposed Development), and £230k of business rates paid annually to the local council (£9 million over the life of the Proposed Development), the local community would also benefit from:

- contributing to the urgent need for new low and zero carbon energy infrastructure in the UK and delivering a development which national policy identifies as being a Critical National Priority
- Production of clean renewable electricity which would make a significant contribution to local and national Climate Emergency goals;
- An expected 125% biodiversity improvement in habitat units, 20% increase in hedgerow units and 20% increase in river units across the Site;
- Hedgerow planting & improved management;
- Improving grasslands and wildflowers;
- Improving links between existing paths and PRoW;
- Creation of a new permissive path for use during operation;
- Creation of approximately 150 jobs created during the construction phase;
- Local contracting opportunities - fencing, civil works, testing & commissioning;
- Direct, indirect and induced effects for local businesses & payment of business rates; and
- Continued agricultural use of site through grazing of sheep between the rows of solar panels

---

The site of the second construction compound is in a highly visible location just off Coton Road. It would be better sited at the centre of the development, where it will be more secure and offer improved access to the majority of the site without threatening the local landmark of the Twin Oaks tree and being an eyesore for residents and users of Coton Road.

The proposed location is not close to properties (about 500m to the north west of Lads Grave which is where the closest property is, and screened from here by trees and outbuildings), but it is recognised that it would be seen by people driving or walking along Coton Road. The works compound would be a similar distance from Oaklands Farm, but largely screened by a hedgerow to the west of the proposed site.

To aid efficient and practical construction a further construction compound is proposed to the south of Coton Road to cater for the southern part of the Site. This also minimised disruption to Coton Road by reducing the need to cross Coton Road from the main compound.

The potential effects of the construction compound south of Coton Road have been assessed in the relevant chapters of the ES with mitigation proposed where necessary with no residual significant effects predicted.

---

Why not deliver safe walking routes around the perimeter of the site that will help link local villages, or create open access meadow / woodland areas where the mitigation planting is required.

The Proposed Development includes a new Permissive Path in a north-south alignment that connects Public Foot paths in the south to the Cross Britain Way in the north. This enables pedestrians traveling from south and east of the site to access a new off-road route upon reaching the Site that links to the Cross Britain Way and from there Walton

on Trent and Rosliston. The Cross Britain Way already provides an off-road route between Walton on Trent and Rosliston.

Access to mitigation planting is not possible due to security reasons and public access can adversely affect and disturb the quality of the biodiversity that has been created. No further action is required.

---

- 3.1.2 Diane Abbott has also provided further comments on the Applicant's response to Landscape Effects / Visualisation following ISH1. The Applicant has provided detailed response to matters raised in ISH1 as set out in Response by the Applicant on Landscape and Visual Matters [REP5-033] submitted at Deadline 5. This document addresses the matters raised regarding the assurances that the visualisations that supplement the Landscape and Visual Impact Assessment (LVIA) are fit for purpose and are accurate to an appropriate degree.
- 3.1.3 In response to a number of other matters raised, the Applicant can confirm that Figure 11c does show the access track and the proposed 2.1m deer fencing and the viewpoints are a representative selection of locations agreed with the relevant statutory consultees (DDC, SDDC, and the Planning Inspectorate). It is not an exhaustive list of locations from which the Proposed Development will be visible. A total of 11 representative viewpoints were selected through desk study, field work and consultation with statutory consultees. The viewpoints were originally agreed with SDDC and DCC in July/ August 2021 and with the Planning Inspectorate in September 2021 for the Preliminary Environmental Information Report (PEIR). The list was then revised and agreed with SDDC and DCC in March 2023, following changes to the extent of the Proposed Development.
- 3.1.4 The Applicant acknowledges that part of Diane Abbott's Relevant Representation [RR-080] was missing due to an error. The matters missing relating to Ecology (primarily Biodiversity Net Gain), Amenity, Travel and Transport and Noise and Vibration have been discussed in detail in subsequent submissions at various deadlines at which these matters have progressed, including further responses by the Applicant to submissions made by Diane Abbott. Therefore, the Applicant has reviewed the missing text and has provided a response in the table below to any new comments raised that have not been raised in either the Written Representation or other subsequent submissions.

COMMENT	APPLICANT RESPONSE
Queries regarding the approach and assessment undertaken in the BNG Report.	The BNG Assessment was undertaken in accordance with the relevant guidance from Natural England in force at the time of writing.
Will herbicides be used to manage as it is claimed that decreased use of herbicides will benefit the ecology of the site but insufficient evidence is provided to prove this.	Herbicides will not be used on the Site.
Risk of transfer of invasive species has not been adequately considered.	Chapter 6 of the ES [APP-135] has assessed the potential for invasive species and relevant mitigation set out within the Outline CEMP [REP5-011] is secured by Requirement 9 (construction environmental management plans) of the dDCO [REP5-003]. No further action required.
A long term and binding ecological management plan is required to ensure that the biodiversity improvements claimed in the literature are managed, monitored and delivered accordingly for the life of the project.	An OLEMP [REP4-040] has been submitted as part of this Application and the final LEMP is secured through Requirement 8 (landscape and ecological management plan) of the dDCO [REP5-003]. No further action required.
There are multiple areas of planting to help screen the site. To improve amenity, these should be designated as open access pocket parks for the local communities.	Public access to mitigation planting areas is not possible due to security reasons and public access can adversely affect and disturb the quality of the biodiversity that has been created.
The permissive footpath through the site is welcomed, but is of limited amenity as it is directly through the site in a narrow corridor under the line of pylons. More community benefit would be gained if routes bounding the site alongside the existing roads could be put aside for safe pedestrian access, this would enable safe pedestrian travel between Walton on Trent, Coton in the Elms and Rosliston which is not currently possible. These routes could also serve to enable access to the woodland planting areas eg at Lad's Grave	<p>In light of the response above, the Applicant's position remains that the risk to pedestrians is not significantly increased as a result of the Proposed Development.</p> <p>The Proposed Development includes a new Permissive Path in a north-south alignment that connects Public Foot paths in the south to the Cross Britain Way in the north. This enables pedestrians traveling from south and east of the site to access a new off-road route upon reaching the Site that links to the Cross Britain Way and from there Walton on Trent and Rosliston.</p>
Poor access from the Strategic Road Network. Local road network not suitable particularly for HGVs. Impact safety of all road users during construction and decommissioning.	ES Chapter 10 [AS-015] and the OCTMP [REP4-032], sets out the hierarchy of the three scenarios to access the site. The preferred and likely scenarios make use of a haul road from Walton Road to reduce the need for HGVs to use of the local road network where possible.
Traffic plans to protect local communities and conservation areas cannot be enforced. School children in Walton on Trent, Rosliston, Coton in the Elms, Stapenhill and Drakelow will all be put at risk by the increase in traffic during construction.	The OCTMP [REP4-032] Section 5, contains a comprehensive suite of compliance measures, which utilise contractual conditions and penalties as enforcement, to ensure that the assessed routes are adhered to. For example, paragraph 5.21 notes "Heavy vehicles associated with the Proposed Development will have markers and/or permits placed on them to distinguish

them from general Heavy vehicles on the local highway network” thus enabling contraventions of agreed HGV routes to be easily identified and reported to the highway authorities.

Once operational the site will produce noise both day and night, this will have a great impact on local residents and on the amenity of the site for users of the local road network and footpaths (eg cyclists, horse riders and pedestrians)

In respect of Non-Motorised Users (NMU), the Applicant’s position is set out in its response to ExQ2 – 11.1 [REP4-011] where it notes that NMU movements in the area were recorded as being relatively low, with DCC agreeing with the methodology of that assessment, and that the potential impact of construction traffic would not surpass the threshold to change the scoring within ES Chapter 10. The Applicant acknowledges that DDC and its Public Rights of Way team at DCC have raised no objections to the proposed changes to the off-road network or the impacts on non-motorised users.

Impacts of noise on pedestrians using footpaths through and near the site are inadequately prioritised and assessed. Dismissing the effects of noise on users of the Cross Britain way as transitory is unreasonable, as it will take around 20 minutes to traverse the site.

SDDC have reviewed Noise Assessment and the approach undertaken by the Applicant through the Examination and during the pre-application consultation. The Applicant acknowledges that SDDC has submitted, after Deadline 5, a response addressing Diane Abbott’s comments on the Noise Assessment which the Applicant has seen. SDDC has requested further information from the Applicant in regard to two of the 14 points raised. The Applicant has provided a detailed response to these two points in its response to ExQ3 10.1 in document 14.3 submitted at Deadline 6.

The noise report and methodology repeatedly seeks to minimise the actual impact the development will have on the local population. An impartial study should review the various noise thresholds set within the report to determine if they are consistent with the appropriate planning requirements.

## 3.2 OTHER INTERESTED PARTIES

3.2.1 The Deadline 5 submissions from Non-Statutory Body Interested Parties set out similar concerns that were raised both in the Relevant Representations and Written Representations, which have previously been addressed by the Applicant. These points have been summarised in the table below with the Applicant’s response provided in summary with direction to more detailed responses provided previously. Any new substantial points have been responded to separately.

TOPIC	DOCUMENT REF.	SUMMARY OF COMMENTS	APPLICANT RESPONSE
Traffic and Transport	REP5-051; REP5-055; REP5-052; REP5-054; REP5-050; REP5-058;	<ul style="list-style-type: none"> <li>Roads are unsafe, dangerous, narrow. Roads are unsuitable for HGVs and construction traffic particularly Coton Road, Coal Pit Lane, Lullington Road and Botany Bay. Poor driving behaviour from existing road users. Speeding</li> </ul>	The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031] and has continued to refine the details with the relevant Highway Authorities.

- REP5-061; REP5-058; REP5-060; REP5-048; REP5-053; REP5-045; REP5-059
- Adverse impacts on roads in Coton-in-the Elms, Rosliston, Catton, Overseal, Walton on Trent.
  - Mill Street and Church Street in Coton have seen an increase in traffic in recent years
  - No footpaths and vulnerable users and uses on Church Street, Coton-in-the-Elms.
  - Weak bridge over Pessall Brook in Coton-in-the-Elms.
  - Weight and width restrictions have now been imposed upon three bridges crossing the River Trent, the consequence of which is increased traffic on the A444 and a rat run through Coton and surrounding villages.
  - Route from M1/A42 via Coton-in-the-Elms not suitable
  - Site is inaccessible - Access is poor from Routes 6 and 8

However, with reference to ES Chapter 10 [APP-155] and the OCTMP [REP4-032] submitted at Deadline 4 [REP-032], the potential HGV routing options are:

- **Scenario 1 (Preferred):** The Walton on Trent Bypass is built prior to or during the construction phase – all construction traffic uses the Bypass, Main Street and Walton Road.
- **Scenario 2a (Likely):** Walton on Trent Bypass is not open during the construction phase – all heavy vehicles will route through Stapenhill via the A5189, Main Street and Rosliston Road. Light vehicles will be dispersed along four different routes, including the Chetwynd Bridge.
- **Scenario 2b (Backup):** Walton on Trent Bypass is not open during the construction phase – all heavy vehicles will route through Coton in the Elms via Coalpit Lane. This is considered a backup route, only to be utilised in the event that there are any road closures or obstructions on the Heavy vehicle route through Stapenhill rendering the route impassible for a prolonged period of time. If this scenario was used it will likely only be for a limited period, reverting to Scenario 2a at the earliest opportunity.

The route options have been subject to extensive consultation with highway authorities as set out OCTMP [REP4-032] paras 3.21 to 3.25. Of note, there was a series of stakeholder workshops and meetings post PEIR to agree routing options when it emerged that the Chetwynd Bridge was to have a 7.5t weight restriction enforced thus rendering the A513 unusable for HGVs.

All routing options have been developed with regard to the 'functional hierarchy' of the highway network (i.e. prioritising routes that have a better level of service to accommodate the proposed developments HGV demand).

Neither the preferred or likely scenarios route via the A444. The Back-up scenario uses a short section of the A444 but would only be used in the event that the preferred or likely scenarios are unavailable. It is noted the back-up scenario provides the route for the Abnormal Indivisible Loads (AIL) of which there are only two AIL

		<p>trips. The OCTMP [REP4-032] sets out how AILs will be managed and mitigated.</p> <p>ES Chapter 10 [APP-155] has assessed sections of the proposed routes including Church Street in Coton-in-the-Elms. The assessment concluded that the level of construction traffic impact on Church Street and Mill Street will result in a negligible or minor negative effect on vehicle driver and passenger delay or non-motorised users, including pedestrian safety with mitigation which is not a significant effect.</p>
<p>REP5-051; REP5-050; REP5-058; REP5-061; REP5-056; REP5-048; REP5-053; REP5-045</p>	<ul style="list-style-type: none"> <li>Inadequate road infrastructure and roads in poor condition. Numerous potholes. Sinkholes on A444. Little change to road network despite numerous developments.</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. This confirmed that a Highway Condition Survey will be undertaken before and after construction and will be subject to agreement with both SCC and DCC. This will ensure that any potential damage to the roads as a result of the Proposed Development can be remedied.</p>
<p>REP5-046; REP5-052; REP5-054; REP5-061; REP5-058; REP5-053; REP5-045; REP5-063; REP5-059</p>	<ul style="list-style-type: none"> <li>Impact of horse riders - large equestrian community in the area that would be lost.</li> <li>Catton Lane is a popular route for horse riders and would no longer be accessible for horse riders.</li> <li>Access to the bridleway opposite Oaklands Farm would be affected.</li> <li>Roads around Coton-in-the-Elms, Lullington, Rosliston and Walton-on-Trent are already dangerous for horse riding</li> <li>Impact on cyclists particularly on rural roads around the site</li> <li>Lack of footpaths around the site.</li> </ul>	<p>In respect of Non-Motorised Users (NMU), the Applicant's position is set out in its response to ExQ2 - 11.1 [REP4-011] where it notes that NMU movements in the area were recorded as being relatively low, with DCC agreeing with the methodology of that assessment, and that the potential impact of construction traffic would not surpass the threshold to change the scoring within ES Chapter 10. The Applicant acknowledges that DDC and its Public Rights of Way team at DCC have raised no objections to the proposed changes to the off-road network or the impacts on non-motorised users.</p> <p>The Proposed Development includes a new Permissive Path in a north-south alignment that connects Public Foot paths in the south to the Cross Britain Way in the north. This enables pedestrians traveling from south and east of the site to access a new off-road route upon reaching the Site that links to the Cross Britain Way and from there Walton on Trent and Rosliston.</p>
<p>REP5-051; REP5-055; REP5-052; REP5-054; REP5-061; REP5-053; REP5-045; REP5-059</p>	<ul style="list-style-type: none"> <li>Pedestrians at risk</li> </ul>	<p>In light of the response above, the Applicant's position remains that the risk to pedestrians is not significantly increased as a result of the Proposed Development.</p>

	REP5-048	<ul style="list-style-type: none"> <li>Insufficient consideration given by the developer to enhancing active, public and shared transport provision and accessibility as per paragraph 5.14.18</li> </ul>	The Applicant provided further information relating to this matter in the Response by the Applicant on Active and Sustainable Travel Enhancements Matters [REP5-035] submitted at Deadline 5.
	REP5-045	<ul style="list-style-type: none"> <li>Conflict with other events in the area: e.g. visits of numerous motorbikes and annual marches coming from the National Memorial Arboretum visiting the Russell Aston Memorial which is in in Coton Churchyard</li> </ul>	The Outline Construction Traffic Management Plan [REP4-032] requires consultation with the National Memorial Arboretum with regard to nationally significant events and Catton Hall with regard to large regional events to management construction and decommissioning traffic as necessary.
	REP5-053	<ul style="list-style-type: none"> <li>Staffordshire County Council are against the Project.</li> </ul>	The Applicant is continuing to productively discuss the Proposed Development with Staffordshire County Council as confirmed in the Applicant's response to ExQ3 11.2.
Agricultural Land	REP5-051; REP5-055; REP5-052; REP5-058; REP5-045	<ul style="list-style-type: none"> <li>Loss of Best and Most Versatile Land/good farming land</li> </ul>	The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the Proposed Development represents only 0.003% of the national BMV agricultural land this will have an insignificant impact in the national context with an overwhelming benefit in favour of the provision of renewable energy which is designated as a Critical National Priority.
	REP5-051; REP5-055; REP5-052; REP5-058; REP5-053; REP5-045	<ul style="list-style-type: none"> <li>Solar panels should be on roofs of warehouses.</li> <li>A CPRE Report suggests half of the Solar need to 2035 could be met via rooftop installations</li> <li>No solar on the house developments at Drakelow.</li> <li>Government Policy use brownfield sites and roof top locations in preference to farmland for solar</li> </ul>	The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the Proposed Development includes a negligible amount of BMV agricultural land. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021.

			Chapter 3 [APP-086] of the ES provides details of the approach that has been taken to the site selection and design of the Proposed Development, including assessment of available brownfield sites.
	REP5-055; REP5-052; REP5-058; REP5-063	<ul style="list-style-type: none"> <li>Adverse impact on food security and ability to provide for UK to demonstrate self-sufficiency in food production</li> </ul>	The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021.
Ecology	REP5-055; REP5-058; REP5-045	<ul style="list-style-type: none"> <li>Loss of fauna and flora including birds and mammals and wildlife in general</li> </ul>	Chapter 6 of the ES [APP-135] acknowledges that SDDC have declared an ecological emergency. It is widely acknowledged that solar farms are able to deliver biodiversity enhancements, and the Proposed Development can make a significant ecological and biodiversity improvement to address the Ecological Emergency declared by the LPA. An OLEMP [REP4-040] details the mitigation, avoidance and enhancement measures proposed. The Applicant's BNG Report [APP-131] found the scheme would result in a BNG of 125% for habitat units, 20% in hedgerow units and 19.8% for river units.
	REP5-051; REP5-053	<ul style="list-style-type: none"> <li>Loss of 74 acres of woodland in National Forest/ Loss of woodland.</li> <li>How will this be restored</li> </ul>	<p>The Proposed Development will not result in the loss of 74 acres of woodland. The Works Plan [AS-003] has identified a 16m wide cable construction corridor using trenching, a 5m temporary track and a 3.5m permanent track located in the small, wooded area between Walton Road and the Drakelow substation albeit the tree cover is not continuous due to the overhead power lines and pylons which are already present. The 16m wide area allows for flexibility in the design and to find a route through the woodland where the impact can be minimised.</p> <p>The Proposed Development seeks to provide around 5.51ha of new woodland planting.</p>
	REP5-050	<ul style="list-style-type: none"> <li>possibility of panicked animals (including deer) running into the roads, causing both their own injury and car accidents</li> </ul>	The has not been scoped into the assessment as it is a general highway safety risk

	REP5-053	<ul style="list-style-type: none"> <li>Lack of concern from the Forestry Commission on impact on forest and countryside.</li> </ul>	<p>The Applicant has consulted the Forestry Commission during the pre-application stage of the Proposed Development as set out in the Consultation Report [AS-010]. The Forestry Commission also provided a Relevant Representation [RR-095] which the Applicant responded to in The Applicant's Response to Relevant Representations and Additional Submissions [REP1-023]. The Forestry Commission have provided no further comment during the Examination.</p>
Principle	REP5-058; REP5-053; REP5-045	<ul style="list-style-type: none"> <li>Wrong location for solar development.</li> <li>Potential to use disused gravel pits unsuitable for other uses.</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, NPS EN-1 confirms the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure such as solar development. National policy therefore establishes a presumption in favour of granting consent for that infrastructure and that is the starting point from which this Application has to be assessed. It is inevitable that development in the countryside is required to deliver up to 70GW of solar energy by 2035. Therefore, the Proposed Development is not inappropriate development in the countryside.</p>
	REP5-045	<ul style="list-style-type: none"> <li>Solar panels in the wrong position/slope and would be inefficient.</li> <li>Shadowing from trees</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. The Applicant confirms that all solar panels will be positioned to ensure maximise efficiency. Further details can be found in Chapter 3 of the ES [APP-86].</p>
	REP5-058; REP5-045	<ul style="list-style-type: none"> <li>Possibility of alternative energy generation on the site/wider area such as wind turbines</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. The Applicant cannot comment on the suitability of the site for wind farms, as the site has been under evaluation as a solar development since 2020 - a wind development would have other environmental considerations and constraints. Until the new government came into power in July 2024, there was a nine-year moratorium on the development of onshore wind in England.</p>
	REP5-050	<ul style="list-style-type: none"> <li>Who is funding the project and is the project financially viable</li> </ul>	<p>The Applicant has provided a detailed response covering this matter in its response to ExQ3 2.3 in document 14.3 submitted at Deadline 6.</p>
Socio-economic	REP5-051 REP5-055; REP5-053;	<ul style="list-style-type: none"> <li>Trade from to cafes and shops will be affected particularly from cyclists</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations</p>

REP5-053; REP5-045	<ul style="list-style-type: none"> <li>Loss of rural life and tourism</li> </ul>	<p>[REP1-031]. Chapter 12 of the ES [APP-163] has assessed the potential impact on the local economy and tourism. This has found that during the Proposed Development, alone and in combination with other developments, will result in indirect employment and induced beneficial effects on the wider economy that will support small local businesses.</p> <p>The operation of the Proposed Development would not result in any adverse impacts on these tourist attractions however there may be a short term impact during construction and decommissioning phases between construction traffic and event traffic and through decreasing the available tourist accommodation in the area. However, these impacts are short term.</p>
REP5-058	<ul style="list-style-type: none"> <li>Loss of livelihoods from loss of farmland</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. The landowners will be able to farm sheep and continue the dairy farm throughout operation of the Proposed Development if they choose to do so, as part of their farm diversification plans. The Applicant cannot compel the landowner/farmer to use the land in a particular way and there are factors outside the control of the landowner/farmer which could influence the decision on how the land is used. However, the landowner has the option to use the land to graze sheep or other suitable livestock.</p>
REP5-058	<ul style="list-style-type: none"> <li>Will require higher energy prices to repay investment.</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. The Applicant has set out how the Proposed Development will be funded in the Funding Statement [APP-020]. The investment in renewable energy reduces the reliance on imported energy supplies, minimising the UK's exposure to volatile energy prices and supply disruptions. In addition, energy prices are carefully regulated by the energy regulator, Ofgem, which already factors in a need for investment within the energy prices.</p>
REP5-048	<ul style="list-style-type: none"> <li>No specific details of improving links between existing paths and rights of way.</li> </ul>	<p>The enhancements to the footpath network include the creation of a new permissive path connecting the Public Right of Way (PRoW) at the south of the Site to the wider PRoW to the east and to the Cross Britain Way. The OLEMP [REP4-040] provides detail of the proposed mitigation, avoidance and enhancement measures for the Cross Britain Way and new permissive path.</p>

	REP5-048	<ul style="list-style-type: none"> <li>No permitted access over any of the proposed site for equestrian users</li> </ul>	<p>The purpose of the Permissive Path is to improve the recreational pedestrian links to the existing Public Right of Way Network. Whilst there is Bridleway located to the south west of Oaklands Farm, there are no other public rights of way suitable for equestrian use that the proposed development would connect.</p>
Risk and Disasters	REP5-050; REP5-060; REP5-058; REP5-045	<ul style="list-style-type: none"> <li>BESS – risk of fire</li> <li>Pollution/Contamination from Lithium-ion batteries in BESS and toxic chemicals in the panels</li> <li>Potentially affecting the Trent Valley and brewery industry</li> <li>Inadequate ability for Emergency Services to access site/BESS in emergency</li> <li>Inability for Fire Service to deal with potential major incident</li> <li>Air pollution impacts from fire</li> </ul>	<p>The Outline Battery Safety Management Plan [APP-093] and the Outline Operational Management and Environmental Plan (OOEMP) [REP5-013] includes measures that address, minimise and prevent contamination, risk of fire and air pollution as well as providing an Emergency Response Plan.</p> <p>The Applicant acknowledges that SDDC and DDC are satisfied with the approach taken with regard to BESS fire risk and related emergency response and pollution and Derbyshire Fire and Rescue Service has raised no objections at this stage.</p>
Noise and vibration	REP5-051; REP5-054; REP5-045	<ul style="list-style-type: none"> <li>Piling of support frames</li> <li>noise pollution, both during and after construction, impacting upon the well-being of villagers</li> </ul>	<p>The Applicant has added a commitment to securing mitigation relating to noise generated from piling solar panels to the Outline CEMP, specifically Paragraph 2.2.3.10, the delivery of which is secured by Requirement 8 (construction environmental management plans) of the dDCO [REP5-003].</p> <p>The OOEMP [REP5-013] and Requirement 15 (operational noise) of the dDCO secures the relevant mitigation measures for operational noise.</p>
	REP5-045	<ul style="list-style-type: none"> <li>Concern from vibrations causing ground disturbances and sinkholes given the historic mine workings.</li> </ul>	<p>The Applicant's position is that the site and surrounding area is not at a very low risk from sinkholes from historic mining activity [APP-145]. This position is supported by the Coal Authority [AS-023] confirming the area is a Development Low Risk Area.</p>
Decommissioning	REP5-051	<ul style="list-style-type: none"> <li>Cable depth, Cable depth of 0.8m ploughing depth 1.1m and removal of cable</li> <li>Contamination from cable</li> </ul>	<p>The Applicant can now confirm that the primary intention is to remove the buried cables as part of decommissioning. However, this will be led by the local planning authority and relevant policy in place at the time of decommissioning. The cables may be left in situ, depending on the method which is likely to have the least environmental impact at the time. The Outline Decommissioning Environmental Management Plan [REP5-015] has been updated to reflect this.</p>
	REP5-051; REP5-050	<ul style="list-style-type: none"> <li>Funding/bond for restoration and decommissioning</li> </ul>	<p>The Applicant maintains that it is not appropriate for a decommissioning bond to be secured under the dDCO and has</p>

			provided a detailed response on this in response to Action Point 4(g) in The Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 1 [REP5-026].
	REP5-051; REP5-058	<ul style="list-style-type: none"> <li>Unlikely to be able to return to agricultural use</li> <li>Uncertainty over restoration</li> </ul>	The Applicant maintains the position that the land can be returned to agricultural use following decommissioning. The Applicant has provided a detailed response covering this matter in its response to ExQ3 6.2 and 6.4 in document 14.3 submitted at Deadline 6.
Glint and Glare	REP5-048	<ul style="list-style-type: none"> <li>Glint and glare impacts on horses and horse riders, particularly along Catton Lane. Additional screening required but hedgerows would take years to establish effective screening.</li> </ul>	The Applicant has provided a detailed response covering this matter in its response to ExQ3 3.2 in document 14.3 submitted at Deadline 6.
	REP5-053	<ul style="list-style-type: none"> <li>Adverse effects from glint and glare.</li> </ul>	The Applicant has addressed this point in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. Furthermore, the Glint and Glare Assessment has been independently peer-reviewed on behalf of SDDC, who raised no concerns regarding the Glint and Glare assessment.
Flood Risk and Drainage	REP5-053	<ul style="list-style-type: none"> <li>Roads subject to flooding,</li> <li>Wider area is liable to flooding and area sits on a water table</li> </ul>	<p>The Applicant has addressed this point in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. Chapter 8 of the ES [APP-143] addresses the Water Environment and includes an updated FRA [REP5-017]. The FRA confirms there is no formal drainage infrastructure for the solar panels given surface water would percolate directly to the ground. This would be intercepted by vegetation beneath the panels and the infiltration reflects that of the greenfield situation. There is likely to be an improvement as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff.</p> <p>The BESS and part of the substation would include impermeable surfacing, with bunds around any impermeable areas. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The Proposed Development is considered not to result in increased flooding on local roads</p>

Cumulative Impacts	REP5-051	<ul style="list-style-type: none"> <li>• Five applications for BESS sites</li> </ul>	The Applicant has provided a detailed response covering this matter in its response to ExQ3 13.2 in document 14.3 submitted at Deadline 6.
Climate Change	REP5-058	<ul style="list-style-type: none"> <li>• Need to move away from fossil fuels</li> <li>• Mix of renewable energy sources</li> <li>• Supportive of renewable energy and solar</li> </ul>	The Applicant acknowledges and welcomes the comments.
Landscape	REP5-054; REP5-058; REP5-045	<ul style="list-style-type: none"> <li>• Permanent changes to our rural and peaceful surroundings</li> <li>• Blot on landscape</li> <li>• Eyesore</li> </ul>	<p>The Applicant has addressed these points in its response to the Relevant Representations [REP1-023] and Written Representations [REP1-031]. In summary, the design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the development. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting.</p> <p>The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power Station and existing overhead electricity lines which run through the area, including through the Site. That context, and the mitigation measures proposed, means that the Applicant's submission is that this is a site which can appropriately deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts.</p> <p>The OLEMP [REP4-040] sets out a variety of mitigation measures to minimise the landscape and visual effects of the Proposed Development in accordance with industry guidance and best practice.</p>
	REP5-053; REP5-045	<ul style="list-style-type: none"> <li>• Area is renowned for woodland and countryside and being in the National Forest.</li> <li>• Does not support the objectives of the National Forest.</li> </ul>	The National Forest designation does not prohibit development but establishes relevant policy and guidelines which development must address. Consequently, the Proposed Development will result in approximately 5.5ha of additional woodland planting as set out in the BNG Report [APP-131] which contributes to the objectives of

---

Health and Well-Being	REP5-058	• Loss of amenity	the National Forest. The additional planting is set out in the OLEMP [REP4-040].
			Once operational, the Proposed Development will not adversely impact the quality of life or result in the loss of amenity, peace or tranquillity. Any adverse impacts during the construction and decommissioning periods are temporary and short-term and would be carefully managed. The Proposed Development does not generate a significant level of activity once operational. Impacts relating to glint and glare, landscape and visual amenity and noise are discussed in later sections but there are no residual adverse impacts for these matters.

---

**APPENDIX A – APPLICANT'S RESPONSE TO SOUTH  
DERBYSHIRE DISTRICT COUNCIL'S ANSWERS TO THE  
EXAMING AUTHORITY'S SECOND WRITTEN QUESTIONS  
ANSWERS FOR DEADLINE 5**

Ref:	ExA's Question	SDDC Answer:	Applicant Response at D6:
1.	<b>Draft Development Consent Order (dDCO) and other consents</b>		
	<b>General points</b>		
	<b>Part 1 - Preliminary</b>		
	NA		NA
	<b>Part 2 - Principal Powers</b>		
	N/A		NA
	<b>Part 3 - Streets</b>		
	N/A		NA
	<b>Part 5 - Powers of Acquisition</b>		
	N/A		NA
	<b>Part 7 - Miscellaneous/General</b>		
	N/A		NA
	<b>Schedule 1, Part 2 - Requirements</b>		
	N/A		NA
	<b>Schedule 1, Part 3 - Procedure for Discharge of Requirements</b>		
	N/A		NA
	<b>Schedule 10 - Protective Provisions</b>		

Ref: ExA's Question		SDDC Answer:	Applicant Response at D6:
	N/A		NA
<b>2. Land rights, related matters, and statutory undertakers</b>			
	N/A		NA
<b>3. General and cross-topic planning matters</b>			
3.4	<p><u>Solar panel and battery storage replacement during the operation stage</u></p> <p>The Applicant [REP1-025 response to question 4.2] states that solar panels are not expected to be replaced during the operational life of the project, save for individual instances of damage or unexpected failure of specific panels, and that to account for this an annual replacement rate of 0.2% per year has been assumed in the ES [REP3-021 Table 13.3]. Battery cells replacement is anticipated to be once every 8 to10 years depending on the final installed system and the operations profile. It considers that mitigation measures are secured within the Outline CEMP [REP1-007] and Outline Construction Traffic Management Plan (Outline CTMP) [REP1-021], and summarised in the ES [REP3-021 paragraph 13.59].</p> <p>The ExA notes the potential for adverse impacts in relation Heavy Goods Vehicle (HGV) movements during the operation stage, including for the replacement of solar panels and other equipment, in various chapters of the ES. It is seeking to ensure that appropriate precision and clarity is provided for related mitigation during the operation stage.</p>	<p>b) SDDC would be content for the definition of "maintain" to be amended to reflect the wording set out in the Mallard Cross Solar Farm DCO.</p>	<p>The Applicant maintains the position set out at Deadline 4 in response to ExQ2 3.4 [REP4-011] and Deadline 5 in response to comments made by interested parties on ExQ2 3.4 [REP5-024] as well as the Applicant's response to Action Points (g)(i)(j)(k) [REP5-026].</p>

	<p>Responding to similar concerns, paragraphs 2.2.3 and 2.2.5 of the <a href="#">Mallard Pass Solar Farm Outline OEMP</a> limit the maximum number of daily HGV movements during operation and requires the relevant planning authority to confirm that any maintenance activities involving panel replacement would not lead to such materially different effects. The <a href="#">Mallard Pass Solar Farm DCO</a> provides that the definition of “maintain” does not include remove, reconstruct or replace the whole of Work No. 1 at the same time and for such works not to give rise to any materially new or materially different environmental effects than those identified in the ES for the operation of the authorised development. The ExA is considering whether to adopt a similar approach.</p> <ul style="list-style-type: none"><li>a) Please could the Applicant suggest updates to the dDCO[<a href="#">REP3-008</a>] and Outline OEMP [<a href="#">REP1-009</a>]?</li><li>b) Please could SDDC, DCC, LCC and SCC comment at Deadlines 4 and 5, setting out any concerns and how they might be resolved?</li></ul>		
--	---	--	--

Ref: ExA's Question	SDDC Answer:	Applicant Response
<b>4. Need case, effects on climate change, alternatives, electricity generation, and grid connection</b>		
N/A		N/A
<b>5. Project lifetime and decommissioning</b>		
<b>6. Agriculture, land use, soils, ground conditions, minerals, and geology</b>		
<p>6.1 <u>Agricultural Land Classification (ALC)</u>  NE [AS-022, REP1-037] raise various concerns regarding ALC,including:</p> <ul style="list-style-type: none"> <li>• where BMV is not expected then a semi detailed survey (1 auger per 2 ha plus representative pits) will suffice;</li> <li>• in areas that BMV is expected then a full ALC (1 augerper 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> </ul>	<p>b) SDDC are content that the surveyors work was to anacceptable standard and by undertaken by appropriate surveyors.</p> <p>d) SDDC have not had any recent dialogue with the Applicant regarding ALC. SDDC would generally concur with NE's comments. SDDC would also add that soil scientists (surveyors) should be BSSS standard, and that ALC survey must inform the Soil Management Plan</p> <p>e) SDDC are of the opinion that without a survey it cannot be accepted that the land quality at the location of the cable route is mostly 3b.</p>	<p>b) The Applicant notes that SDDC are content and no further action is required.</p> <p>d) The Applicant acknowledges SDDC's position and agreement with NE's comments. The Applicant is continuing to engage with NE through the Statement of Common Ground. The Applicant confirms that the Soil Management Plan has been informed by the ALC Surveys and all the soil surveyors are members of BSSS. No further action is required.</p> <p>e) The additional ALC survey [REP5-036] for Park Farm covering the cable route was submitted at Deadline 5. This confirms that the cable route is mostly grade 3b. No further action is required.</p>

Ref:	ExA's Question	SDDC Answer:	Applicant Response
	<p>a) an ALC survey should be undertaken on the cable route;</p> <p>b) 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;</p> <p>c) the survey requires an experienced ALC surveyor to make the correct professional judgements;</p> <p>d) detail should be provided of the professional credentials and experience required of soil scientists (surveyors) experience carrying out ALC; and</p> <p>e) the ALC survey will inform the Soil Management Plan.</p> <p>SDDC <a href="#">[REP1-029]</a> consider that the Applicant's ALC and surveys meet the minimum criteria of MAFF 1988, but say that the soil survey work was not supervised/ observed.</p> <p>NE <a href="#">[AS-022]</a> provide detailed comments on the Applicant's ALC undertaken to date and say <a href="#">[REP1-037]</a> that it will provide more detailed comments for Deadlines 2 and 3. The ExA notes that these are yet to be submitted.</p> <p>The Applicant <a href="#">[REP1-023, REP1-025, REP3-032]</a> considers the approach and methodology used within the ALC and surveys to be robust and appropriate. It</p>		

<p>says that is engaging with NE on aSoCG. It states that it is undertaking further survey work to confirm the ALC on the cable route and will provide an update on the results of the survey at Deadline 4.</p> <ul style="list-style-type: none"><li>f) Please could the Applicant clarify the supervision provided for all ALC and surveys, including for the soil survey work on site, setting out the relevant professional credentials and experience of the surveyors/ scientists?</li><li>g) Please could NE and SDDC comment on the supervision provided by the Applicant at Deadline 5?</li><li>h) Please could the Applicant provide a draft copy of the SoCG with NE at Deadline 4, and set out the ALC matters yet to be agreed with NE and the next steps to be taken to address them?</li><li>i) Please could NE and SDDC set out any remaining ALC concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</li><li>j) Please could NE and SDDC provide their comments on the results of the Applicant's ALC on the cable route at Deadline 5?</li></ul>		
--	--	--

Ref:	ExA's Question	SDDC Answer:	Applicant Response
6.2	<p data-bbox="203 245 607 272"><u>Outline Soil Management Plan</u></p> <p data-bbox="203 296 792 360">NE <a href="#">[AS-022]</a> comment that the Outline Soil Management Plans should:</p> <ul data-bbox="253 387 831 1262" style="list-style-type: none"> <li data-bbox="253 387 831 520">• comply with paragraph 5.1 of the <a href="#">Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)</a>;</li> <li data-bbox="253 544 831 644">• follow the Institute of Quarrying's <a href="#">Good Practice Guide for Handling Soils in Mineral Working</a>;</li> <li data-bbox="253 668 831 868">• clarify the level of professional qualification and experience required of the site foreman to ensure that soil handling and storage of soils adhere to the Defra Construction Code of Practice;</li> <li data-bbox="253 892 831 992">• set out the target specification for the proposed end uses based on pre-construction ALC grade;</li> <li data-bbox="253 1016 831 1262">• 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</li> </ul>	<p data-bbox="857 245 1480 520">d) SDDC would generally concur with NE's comments. SDDC would also add 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>	<p data-bbox="1507 245 2130 624">d) The Applicant has provided an updated OSMP within the OCEMP at Deadline 4 which address the matters raised by NE and includes a requirement for the Foreman to be advised by appropriately qualified soil surveyor to advise on the suitability of soils being moved (paragraph 1.2.5) 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 (paragraph 1.4.4).</p>

Ref:	ExA's Question	SDDC Answer:	Applicant Response at D6:
	<p>to ensure that appropriate mitigation is in place to allow for the restoration of the land to the baseline ALC Grade;</p> <ul style="list-style-type: none"> <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> </ul> <p>The Applicant [<a href="#">REP1-023</a>] is drafting a SoCG with NE to ensure all comments are addressed.</p> <ol style="list-style-type: none"> <li>a) Please could the Applicant provide a draft copy of the SoCG with NE at Deadline 4, and set out the Outline Soil Management Plan matters yet to be agreed with NE, and the next steps to be taken to address them?</li> <li>b) Please could the Applicant submit the updated Outline Soil Management Plan?</li> <li>c) Please could NE set out any remaining Outline Soil Management Plan concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</li> <li>d) Please could SDDC comment at Deadlines 4 and 5?</li> </ol>		

<p>6.3</p>	<p><u>Loss of BMV agricultural land</u></p> <p>Paragraph 5.11.12 of NPS EN-1 states that Applicants should seek to minimise impacts on BMV agricultural land and preferably use land in areas of poorer quality. Paragraph 2.10.29 of NPS EN-3 says that the use of BMV agricultural land should be avoided where possible.</p> <p>The ES [<a href="#">APP-169</a>] paragraph 15.134] states that the Battery Energy Storage System (BESS) and onsite substation would be removed during decommissioning, but that the land in these areas may not be restored back to the same ALC grade. The BESS and substation would be within a small field of mixed Subgrade 3a and 3b quality. It is indicated that there would be a permanent loss or downgrading of 1.5ha of Subgrade 3a agricultural land if the substation was not removed or suitably restored.</p> <p>The Applicant [<a href="#">REP1-025</a>, <a href="#">REP3-032</a>] says that the BESS and onsite substation is proposed within a relatively small field and anticipates that this area could be restored to BMV status on decommissioning. At Deadline 4 it will submit a Soil Management Plan dedicated to this area to address the removal of topsoil, the management of that material for the duration of the consent. It anticipates restoration to comparable quality but cannot be certain of restoration back to the same ALC grade, and therefore considers that it would not be reasonable for the DCO to require no permanent loss of Subgrade 3a agricultural land.</p> <p>a) Please could the Applicant comment on whether the BESS</p>	<p>b) SDDC are of the opinion that the Soil Management Plan for BESS must meet the industry standard, and, in line with the comments of NE, we would agree that a standalone document would be appropriate.</p> <p>e) SDDC of the opinion that the DEMP should include provision for a drainage specialist to consider any damage and works needed to remedy. Furthermore, a pre-entry survey of the soil should be established to determine its current health, and this needs to include the percentage of organic matter, pH, nutrient status and general soil structure.</p>	<p>b) The Applicant has provided its response to NE's comments [AS-033] at Deadline 5 [REP5-025]. This confirmed the submission of a revised Outline SMP at Deadline 5 [REP5-011] which confirms at Paragraph 1.1.6 that soils will be restored to the pre-construction ALC grade and that a programme of monitoring for up to 5 years will be set out to ensure the correct ALC criteria have been reached and that the habitats created are in a suitable condition.</p> <p>The OCEMP, OOEMP and ODEMP contain a bespoke SMP relevant to that stage of the project therefore the Applicant's position is that a separate SMP is not required.</p> <p>e) The Applicant has provided a detailed response to this matter in the response to ExQ3 6.4.</p>
------------	--	--	--

and onsite substation could be located to avoid BMV agricultural land? If not, why not?

- b) Please could DCC and SDDC comment on the Applicant's Soil Management Plan for the BESS and onsite substation at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?

DCC and SDDC [[REP1-026](#), [REP1-029](#), [REP2-001](#)] consider it inevitable that land drains would be compromised by piling, cabling and other infrastructure and that, in the absence of land drains, nutrients would be washed out of the soil and the soil would no longer be BMV agricultural land quality. They also say that soil compaction on soil structure would lead to reduced permeability to water and air as well as increased surface runoff and erosion. The councils consider that the impacts on soil would not be practically reversible in respect of BMV land and that the Proposed Development would result in the permanent loss of BMV land. The councils advise that the Proposed Development site contains soil that is particularly good to produce potatoes, as it is potato cyst nematode free, making the soil even more of a rarity and adding to the BMV value. They consider that the permanent loss of BMV land of the scale proposed is a critical impact and that it is reasonable for the dDCO to require no permanent loss of Subgrade 3a land.

Councillor Amy Wheelton [[REP1-039](#)] notes that manure is not being added back to the soil to increase the organic matter content,

<p>raises concerns about the impact of the piling on the soil structure and land drainage, and considers that the land would be incapable of returning to BMV or any agricultural uses it would no longer be drained.</p> <p>The Applicant [<a href="#">REP3-031</a>, <a href="#">REP3-033</a>] says that although piling may disturb or break up land drains, the number affected is expected to be minimal and in the unlikely event that any significant drainage issue emerges due to construction activity, it would use measures such as SuDS, replacing or repairing land drains to rectify the situation. It considers it likely that there would be an improvement to soil quality as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff. It states that the land would be returned to an appropriate condition following decommissioning without compromising soil quality. The Applicant says that the lease requires it to make good the land in no worse state or condition prior to implementing the Proposed Development.</p> <ul style="list-style-type: none"><li>c) Please could the Applicant suggest how measures to mitigate the potential for damage to existing land drains and impacts on soil quality can be secured by the dDCO [<a href="#">REP3-008</a>]?</li><li>d) Please could the Applicant suggest how the condition of the land after decommissioning can be secured by the dDCO [<a href="#">REP3-008</a>]?</li><li>e) Please could DCC and SDDC comment on the Applicant's suggestions at</li></ul>		
--	--	--

	Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?		
<b>Ref:</b>	<b>ExA's Question</b>	<b>SDDC Answer:</b>	<b>Applicant Response at D6:</b>
<b>7.</b>	<b>Biodiversity</b>		
7.2	<p><u>Woodland bordering the former Drakelow Power Station site</u></p> <p>The Forestry Commission [<a href="#">RR-095</a>] considers that the woodland bordering the former Drakelow Power Station site, listed on the Arboricultural Report as Woodlands 8, 9 &amp; 10 are Lowland Mixed Deciduous Woodland on the Priority Habitat Inventory (England) and therefore recognised under the UK Biodiversity Action Plan as being the most threatened and requiring conservation action.</p> <p>The Applicant [<a href="#">REP1-023</a>] applies the habitat type of Other Woodland; Broadleaved rather than Lowland Mixed Deciduous Woodland due to the quality of the habitat present, which it considers do not meet the criteria for the Lowland Mixed Deciduous habitat type, including because of the presence of sycamore and the mixture of broadleaved and coniferous species.</p> <p>The Applicant [<a href="#">REP1-023</a>, <a href="#">REP3-030</a>] is updating the Arboricultural Survey Report [<a href="#">APP-133</a>] to provide further detail of the approach to be taken to the construction of the access and cable route at the Drakelow Power Station and anticipates providing the update at Deadline 4.</p> <p>a) Are the Forestry Commission and SDDC satisfied with the Applicant's explanation for categorisation as</p>	<p>b) SDDC are content with the Applicant's explanation for categorisation as Other Broadleaved Woodland.</p>	<p>b) The Applicant acknowledges SDDC's answer and considers no further action is required.</p>

	<p>Other Woodland; Broadleaved? If not, why not?</p> <p>Please could the Forestry Commission and SDDC comment on the updated Arboricultural Survey Report at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>		
7.4	<p>Ancient/ veteran trees</p> <p>The Woodland Trust [RR-316, REP1-049] question whether various trees in the Arboricultural Survey Report [APP-133] that are not identified as veteran/ ancient should be. The Applicant [REP1-023, REP3-031] provides its reasoning for each tree and says that it will engage with SDDC and DCC regarding the identification and classification of veteran trees .</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with SDDC and DCC at Deadline 4, and set any tree classification matters yet to be agreed, and the next steps to be taken to address them?</p> <p>b) Please could The Woodland Trust, DCC and SDDC set out any remaining concerns regarding tree classification and ancient/ veteran trees at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>	<p>b) The Applicant has agreed to provide details of tree works as part of this DCO process which would enable SDDC to consider those works as part of this process, rather than after the decision on the DCO is made.</p>	<p>b) An updated Arboricultural Impact Assessment Report has been submitted at Deadline 6.</p>

Ref:	ExA's Question	SDDC Answer:	Applicant Response at D6:
7.5	<p><u>Habitat Constraints Plan</u></p> <p>The ExA [PD-010 question 7.13] asked whether a Habitat Constraints Plan, or similar, would provide helpful clarification of the buffer zones, and if the Applicant, DCC and SDDC could agree what should be included in the Outline CEMP [REP1- 007].</p> <p>DCC [REP1-026] and SDDC [REP1-029] recommended that a habitat constraints plan or similar is produced for the CEMP, which clearly defines buffer zones to sensitive features such as ancient/ veteran trees, other retained trees, ponds, watercourses, hedgerows and woodlands etc.</p> <p>The Applicant [REP3-032] agrees with SDDC and DCC that a Habitat Constraints Plan should be included as part of the detailed CEMP.</p> <ul style="list-style-type: none"> <li>a) Please could the Applicant, in consultation with SDDC and DCC, submit an updated Outline CEMP [REP1-007] at Deadline 4 to include for a Habitat Constraints Plan, setting out what such a plan should include?</li> <li>b) Should a Habitats Constraint Plan be required for the site preparation works?</li> <li>c) Please could SDDC and DCC comment on the provisions for a Habitat Constraints Plan in the updated Outline CEMP at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</li> </ul>	<p>c) The Applicant has advised that they are to provide a draft version of interpretable maps in relation to habitats constraints and buffers.</p>	<p>c) The Applicant has provided a series of interpretable maps of habitat constraints [REP5-030] at Deadline 5. The delivery of habitat constraint plans is secured by way of Requirement 9 (construction environmental management plans) of the dDCO submitted at Deadline 6.</p>

Ref:	ExA's Question	SDDC Answer:	Applicant Response at D6:
7.7	<p><u>Barn owl</u> Paragraph 5.4.55 of NPS EN-1 states that consent should be refused where harm to a protected species and relevant habitat would result, unless there is an overriding public interest, and the other relevant legal tests are met.</p> <p>Breeding Bird Survey Report ES Appendix 6.4 [APP-124] states that no records of barn owl were returned during the desk study or during a search of publicly available data sources, no records were found within the Site Boundary, and no suitable nest sites were noted during the field survey. Breeding Bird Survey Report ES Appendix 6.9 [APP-128] records that a barn owl was recorded leaving a tree on 29/07/2021 within the Park Farm Site, adding that no specific survey was undertaken for this species, but it has been considered a probable breeding species on account of its presence and suitable nesting sites both within mature trees and within the Park Farm buildings.</p> <p>SDDC [REP1-029, REP2-001] say that the Applicant should clarify whether barn owl has been identified as nesting within a Site tree and if nesting has been identified, mitigation and compensation measures should be prescribed to adhere to statutory legislation and best practice guidelines during construction and operation stages. It refers to some inconsistencies in the Breeding Bird Survey Report. It considers that there would be an adverse impact on barn owl as while the total area of suitable habitat may have increased, the fragmented form of that habitat, broken up by solar panels, may no</p>	<p>e) The Applicant has advised that they are to provide a survey to better quantify the barn owl population in the surrounding area and identify the degree of impact. An approximation of the barn owl population of the surrounding area would be useful.</p>	<p>e) The Applicant submitted further detail regarding barn owl in Response by the Applicant on Ecology Matters [REP5-031] at Deadline 5. With regard to mitigation, the Applicant has provided a detailed response to this matter at ExQ3 7.5 in document 14.3. The Applicant will be seeking to agree a position with SDDC through the SoCG and will progress those discussions following Deadline 6 and provide a further update at Deadline 7.</p>

longer be suitable for some species.

NE [\[REP1-037\]](#) recommends that any potential negative effects to barn owl should be identified as early as possible, designed out to avoid impacts. NE refers to its [standing advice](#) on best practice for surveys, methods, and mitigation, to avoid negative impacts for breeding birds such as barn owl.

The Applicant [\[REP1-025, REP3-032\]](#) states that the site provides suitable habitat for barn owl to nest but no nesting activity was recorded during the bird surveys. It considers that the Proposed Development would not result in a reduction in the availability of foraging habitat during either construction or operation stages.

- a) Please could the Applicant set out whether it has fully followed NE's standing advice?
- b) Please could the Applicant address the inconsistencies in the ES and submit an update to the ES at Deadline 4, together with any necessary updates to the Outline CEMP [\[REP1-007\]](#), ensuring that it takes a precautionary approach?
- c) Please could SDDC and DCC comment on the updates at Deadline 5?
- d) With reference to NPS EN-1, please, at Deadlines 4 and 5, could the Applicant, SDDC and NE set out whether they consider that the Proposed Development would harm barn owl?
- e) Please, at Deadlines 4 and 5, could SDDC, DCC and NE set out any remaining concerns regarding barn owl, and suggest how their issues might be resolved?

Ref:	ExA's Question	SDDC Answer:	Applicant Response at D6:
7.11	<p><u>Draft DCO [REP3-008] Requirement 21 – Protected Species Species Protection Plans</u></p> <p>SDDC [REP1-029] consider that the Outline CEMP [REP1-007] should provide Species Protection Plans for Otter, Great Crested Newt/ /Ponds, Hedgerows &amp; Trees and Woodland and identify important zones for each species to feed into mitigation strategies. DCC [REP1-026] suggest that outline Species Protection Plans. should be provided in outline during the Examination.</p> <p>The Applicant has updated paragraph 2.81 of the Outline CEMP [REP1-007] to set out the high level contents for a Species Protection Plan to be included in the final CEMP.</p> <p>The ExA notes the series of concerns raised by SDDC [REP1-029, REP2-001] in relation to scoping, surveys and potential impacts on a number of protected species, including skylark, barn owl, great crested newt, and otter.</p> <p>a) Please could the Applicant, in consultation with SDDC and DCC, submit an updated Outline CEMP [REP1-007] at Deadline 4 to include more detail of Species Protection Plans so that specific measures are identified for individual species and address SDDC's concerns?</p> <p>b) Site preparation works which include (amongst other things) remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and</p>	<p>c) The Applicant has advised that they are to provide a draft version of interpretable maps in relation to habitats constraints and buffers. These will help understanding of the Species Protection Plans.</p>	<p>c) The Applicant has provided a series of interpretable maps of habitat constraints [REP5-030] at Deadline 5. Further information was submitted at Deadline 5 as part of the Applicant's response to the Action Points from ISH1 set out in Response by the Applicant on Ecology Matters [REP5-031]. The delivery of habitat constraint plans is secured by way of Requirement 9 (construction environmental management plans) of the dDCO submitted at Deadline 6.</p>

	<p>the demolition of existing buildings and structures, typically fall outside the Outline CEMP [<a href="#">REP1- 007</a>]. Should Species Protection Plans be required for the site preparation works?</p> <p>c) Please could SDDC and DCC comment on the provisions for Species Protection Plans in the updated Outline CEMP at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>		
<b>Ref:</b>	<b>ExA's Question</b>	<b>SDDC Answer:</b>	<b>Applicant Response at D6:</b>
<b>8.</b>	<b>Historic environment</b>		
	N/A		N/A
<b>9.</b>	<b>Landscape, visual, glint, and glare</b>		

Ref:	ExA's Question	SDDC Answer:	Applicant Response at D6:
9.3	<p><u>The National Forest</u></p> <p>SDDC [REP1-029] considers that the Proposed Development is consistent with Local Plan Policy INF8 in relation to tree planting and connectivity depending on the amount and extent of necessary tree felling for the safe delivery of the Proposed Development. It requests greater identification of areas that would be subject to tree felling to help identify whether the mitigation measures are adequate.</p> <p>The Applicant [REP3-030, REP3-032] says that the Arboricultural Survey Report [APP-133] includes a Tree Removal and Retention Plan that identifies where trees would be removed, and anticipates providing an update at Deadline 4.</p> <p>a) Please could SDDC comment on the updated Arboricultural Survey Report at Deadline 5 in relation to its concerns regarding compliance with Local Plan Policy INF8, set out any remaining concerns regarding compliance with Local Plan Policy INF8, and suggest how the issues might be resolved?</p> <p>b) Does The National Forest Company have any remaining concerns? How might they be addressed?</p>	<p>a) SDDC will be content with the proposals in relation to compliance with Local Plan Policy INF8 once detailed treeworks are provided for SDDC to consider.</p>	<p>a) An updated Arboricultural Impact Assessment Report has been submitted at Deadline 6.</p>

10. Noise and vibration		
10.3	<p><u>Piling for the solar panels</u></p> <p>SDDC [APP-160 paragraph 11.101] is quoted as identifying piling during construction as the most significant noise impact.</p> <p>The Applicant [REP1-025 response to question 10.1] refers to mitigation including scheduling the work at times to minimise impact on nearest receptors, employing multiple rigs to reduce the time taken for piling in a given area before moving on, screening or low-noise plant models. It refers to mitigation measures set out in paragraph 2.2.3 of the Outline CEMP [REP1-007].</p> <p>Not all of the mitigation mentioned by the Applicant is included in the Outline CEMP [REP1-007] and none of it specifically refers to piling.</p> <p>a) Given the potential for noise impacts from piling during construction and SDDC's comments, and for clarity, please could the Applicant, in discussion with SDDC, update the Outline CEMP [REP1-007] to include the specific mitigation measures for piling?</p> <p>b) Please could SDDC comment at Deadlines 4 and 5?</p>	<p>b) The Applicant has still to approach SDDC for further discussions on this matter.</p> <p>b) The Applicant updated the Outline CEMP at Deadline 5 to ensure appropriate mitigation is secured. The Applicant is continuing to engage with SDDC on this matter through the SoCG.</p>

Ref:	ExA's Question	SDDC Answer:	Applicant Response at D6:
11.	Traffic and transport		
11.3	<p><u>Construction traffic – DCC and SDDC concerns</u></p> <p>DCC and SDDC [<a href="#">RR-078</a>, <a href="#">RR-295</a>, <a href="#">REP1-026</a>, <a href="#">REP2-001</a>] raise concerns including in relation to:</p> <ul style="list-style-type: none"> <li>• infringement of the 7.5 tonne Environmental Weight Limit in the locality;</li> <li>• further assessments are required to establish the impacts of HGV movements during construction and decommissioning, particularly regarding the impacts of goods vehicle access through urban areas and along relatively quiet country roads;</li> <li>• the Applicant to work in consultation with the Highway Authority and the organisers of events in the locality to ensure that vehicle movement routes and timings can be coordinated for the avoidance of congestion;</li> <li>• weight and width restrictions on bridges, traffic control and monitoring to ensure compliance with routing and</li> </ul>	<p>SDDC has nothing more to add to our response to this at Deadline 4.</p>	<p>The Applicant acknowledges SDDC's answer and considers no further action is required.</p>

Ref: ExA's Question	SDDC Answer:	Applicant Response at D6:
<p>The Applicant's responses [<a href="#">REP1-023</a>, <a href="#">REP1-025</a>, <a href="#">REP3-032</a>] include that:</p> <ul style="list-style-type: none"> <li>• paragraph 5.15 of the Outline CTMP [<a href="#">REP1-021</a>] contains a firm commitment by the Applicant to engage with Catton Hall, the National Memorial Arboretum, DCC and SCC to agree the timing of construction vehicles so as to not disrupt event traffic;</li> <li>• HGVs would not be permitted to travel through the villages of Walton-on-Trent or Rosliston, table 3-3 of the Outline CTMP [<a href="#">REP1-021</a>] identifies the sensitive built up areas to be avoided by construction traffic including Walton-on-Trent and outlines mitigation in the form of a signing strategy (Section 4), contractor information packs (paragraph 5.36), and compliance measures (paragraph 6.10);</li> </ul> <p>Section 6 of the Outline CTMP [<a href="#">REP1-021</a>] includes for a Traffic Management Group (TMG) to oversee the implementation of the CTMP and the appointment of a Transport Co-ordinator, accountable for monitoring and reporting to the TMG;</p> <ul style="list-style-type: none"> <li>• it is expected that full details of monitoring systems would be agreed with the relevant highway authorities in the preparation and approval of the CTMP;</li> </ul>		

	<ul style="list-style-type: none"><li>• DCC confirm that it is reviewing the highway asset provisions and measures and will revert with any concerns; and</li><li>• it is engaging with DCC and SCC on transport matters to be agreed in a SoCG and additional measures will be added to the Outline CTMP [<a href="#">REP1- 021</a>] if needed.</li></ul> <p>a) Please could the Applicant provide a draft copy of the SoCG with DCC and SDDC at Deadline 4, and set out the construction traffic matters yet to be agreed with DCC and SDDC, and the next steps to be taken to address them?</p> <p>b) Please could the Applicant submit the updated Outline CTMP [<a href="#">REP1- 021</a>]?</p> <p>c) Please could DCC and SDDC set out any remaining construction traffic or highway asset protection concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>		
--	--	--	--

Ref: ExA's Question	SDDC Answer:	Applicant Response at D6:
<b>12. Water quality, resources, drainage, and flooding</b>		
N/A	N/A	N/A
<b>13. Other planning topics</b>		
<p>13.3 <u>Cumulative effects</u></p> <p>DCC [REP2-001] and SDDC [REP2-001] refer to general concerns regarding cumulative impacts in relation to the number of developments coming forward in the surrounding area.</p> <p>The Applicant [REP3-033] says that it uses a list of developments agreed with the DCC and SDDC and that it is reviewing the cumulative developments with a view of updating the list in agreement with DCC and SDDC through the SoCG.</p> <ul style="list-style-type: none"> <li>a) Please could the Applicant provide a draft copy of the SoCG with DCC and SDDC at Deadline 4, and set out the cumulative effects matters yet to be agreed with DCC and SDDC, the next steps to be taken to address them?</li> <li>b) Please could the Applicant submit any updates required to relevant chapters of the ES, ensuring that they include consideration of any cumulative developments added to the list?</li> <li>c) Please could DCC and SDDC set out any remaining cumulative effect concerns, including in relation to any other specific development or any</li> </ul>	<p>c) Following the discussions that took place at Issue Specific Hearing 1, SDDC understands that the Applicant is to further review the cumulative impacts of the proposed development and produce a report in light of that review. SDDC has no comments to add on this issue until such time as that report has been produced by the Applicant.</p>	<p>c) The Applicant has, at Deadline 6, submitted a Cumulative Impact Assessment [Document 14.5] as an Addendum to the Environmental Statement. The Cumulative Impact Assessment will be added to Schedule 12 (certified document) of the dDCO at Deadline 7.</p>

	specific planning issue,at Deadlines 4 and 5. How might their issues be resolved?		
--	---	--	--