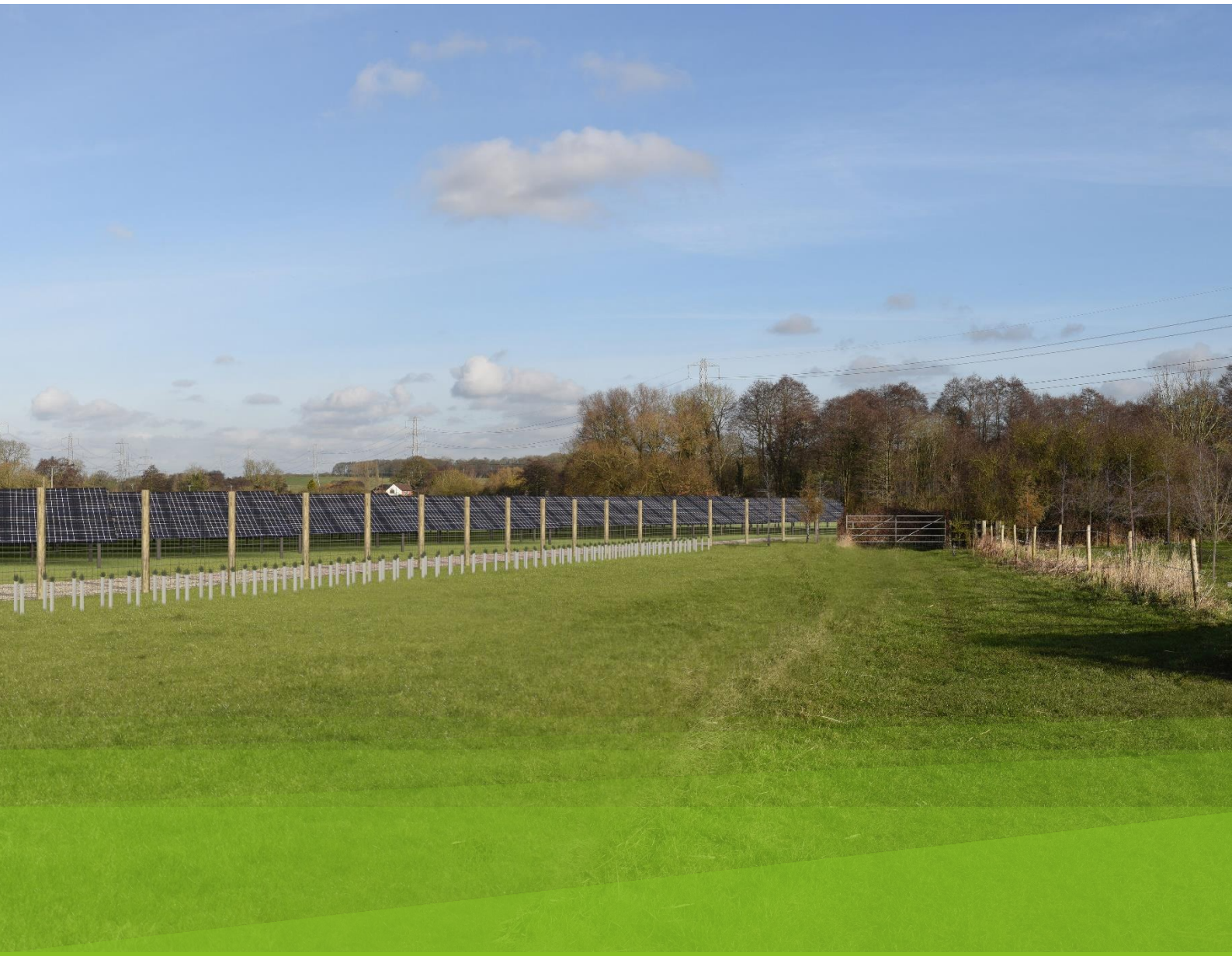


OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Response to the Third Written Questions
November 2024
Document Ref: EN010122/D6/14.3
Version: Deadline 6

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").

1.1.1 This Document provides the response at Deadline 6 by the Applicant to the Third Written Questions set by the Examining Authority.

1.1.2 This document has been prepared as part of the DCO application ("the Application") and should be read in conjunction with the other documents submitted within the Application and by the Applicant at Deadline 6.

Index

Ref:	Question to:	Question:	Applicant's Response at D6
1.	**Draft Development Consent Order (dDCO) and other consents**		
	Reference is made to the version of the dDCO submitted by the Applicant at Deadline 5 [REP5-003]. Other questions on dDCO matters are included under later headings, for example in relation to securing mitigation measures.		
	General points		
1.1	Applicant	Submissions at the close of the Examination Please could the Applicant submit the following at Deadline 8, addressing the matters detailed in Appendix D of the Rule 6 Letter [PD-006]: • updates to the dDCO and Explanatory Memorandum; • schedule of the latest versions of the Applicant's submission documents and documents to be certified; and • schedule of progress in securing other consents.	The Applicant confirms that at Deadline 8 it will provide the documents listed, together with the other updates identified in Appendix D of the Rule 6 Letter.
	Part 1 - Preliminary		
1.2	Applicant South Derbyshire District Council (SDDC)	Article 2 – Interpretation - Site preparation works SDDC [REP5-040] refer to the definitions of 'enabling works' in the dDCO [REP5-003] and Outline Construction Environmental Management Plan (Outline CEMP) [REP5-011] and say that the dDCO [REP5-003] 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. Since the Application, including in response to the ExA's questions, the Applicant has updated various dDCO [REP5-003] provisions in relation to 'site preparation works', including Requirements 8(4), 9(4), 9(5), 10(4), 13(1), 16(2), 16(6), 16(7), and 18(1).	(a) The draft DCO defines "site preparation works" as "meaning all or any of— (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions; (b) demolition of buildings and removal of plant and machinery; (c) above ground site preparation for temporary facilities for the use of contractors; (d) remedial work in respect of any contamination or other adverse ground conditions;

		The Outline CEMP [REP5-011] and Outline Landscape and Ecological Management Plan (Outline LEMP) [REP4-040] do not appear to refer to 'site preparation works' and have few measures in relation to 'pre-commencement', which would include 'site preparation works'. a) Please could the Applicant carry out a detailed review of the Outline CEMP [REP5-011] and Outline LEMP [REP4-040] and other relevant draft management and mitigation plans to ensure that they are fully consistent with the provisions for 'site preparation works' in the dDCO [REP5-003]? b) Please could the Applicant consider whether it can clarify/ simplify the use of terms such as 'pre-commencement', 'enabling works' and 'pre-construction' in the Outline CEMP [REP5-011] and Outline LEMP [REP4-040] for consistency with the dDCO [REP5-003]? c) Please could the Applicant and SDDC discuss SDDC's comments and each provide an update, including any proposed updates to the dDCO [REP5-003], Outline CEMP [REP5-011], and Outline LEMP [REP4-040]? d) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	(e) diversion and laying of services; (f) the provision of temporary means of enclosure and site security for construction; (g) the temporary display of site notices or advertisements; or (h) site clearance (including vegetation removal, demolition of existing buildings and structures);". This is in substantially the same terms as the definition of "permitted preliminary works" in the Cottam Solar DCO, "permitted preliminary works" in the Gate Burton DCO, "permitted preliminary works" in the Longfield Solar DCO, "permitted preliminary works" in the Mallard Pass DCO, and "permitted preliminary works" in the Sunnica DCO. The definition of "commence" in the draft DCO then means the carrying out of a material operation other than the site preparation works, except when stated to the contrary. As set out in the Explanatory Memorandum, this enables the undertaker to undertake site preparation works prior to the submission of details for approval under the DCO requirements. This approach is not restricted to solar DCOs – it is well precedented across all types of DCOs for site preparation works/permitted preliminary works to be excluded from the definition of "commence", typically covering the range of works set out above. This is because the works excluded are de minimis or have minimal potential for adverse impacts. The Applicant does recognise that, in some cases, it would be appropriate for details to be submitted for approval under the DCO requirements before certain elements of the site preparation works are carried out. Therefore: • Requirement 8(4) prohibits the carrying out of site

			preparation works until a LEMP covering the site preparation works, which accords with the outline LEMP, has been submitted to and approved by the LPA. • Requirement 9(3) prohibits pre-commencement establishment of construction compounds, preparation of land for construction, construction area fencing, and installation of site drainage, until a specific plan for such works, which accords with the outline CEMP, has been submitted to and approved by the LPA. • Requirement 9(4) prohibits the carrying out of site preparation works until a soil management plan covering the site preparation works, which accords with the outline CEMP, has been submitted to and approved by the LPA. • Requirement 10(4) confirms, for the purposes of Requirement 10, “commence” includes any site preparation works comprising site clearance (including vegetation removal, demolition of existing buildings and structures). This means that those works cannot be carried out until a CTMP covering those works, which accords with the outline CTMP, has been submitted to and approved by the LPA. • Requirement 13(1) prohibits the carrying out of site preparation works comprising remedial work in respect of any contamination until a contamination risk assessment has been submitted to and approved by the LPA. • Requirement 16(6) prohibits the carrying out of site preparation works until written details of proposed temporary fences, walls or other means of enclosure

			for the site preparation works have been submitted to and approved by the LPA. • Requirement 18 (as amended at this Deadline 6) prohibits the carrying out of site preparation works until an archaeological WSI has been submitted to and approved by the LPA. The Applicant considers this to be a proportionate approach, which addresses SDDC's concerns, while also allowing preliminary/preparatory works to be carried out in advance of Requirements being discharged. This helps to minimise delays in delivery of Critical National Priority infrastructure. The Applicant considers that its approach, which is well precedented in solar DCOs and DCOs in general, complies with the guidance in 'Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects'. The guidance states: "Typical examples of matters which are not acceptable preliminary works include major earthworks, clearance of trees and ground clearing, activities affecting protected species or archaeological remains, unless appropriate controls are secured in another manner." The provisions set out above provide appropriate controls. (b) The definition of site preparation works has been drafted to be consistent with DCO precedent. The terms "enabling works" is used in the outline CEMP to refer to a particular part of the programme of works. It is not used the same way as the term "site preparation works" in the dDCO, which, as set out above, is used to allow certain low impact works to be carried out in advance of Requirements being discharged. The Applicant does not agree with SDDC that the definition of "site preparation works" would allow for extensive and

			destructive works to take place in advance of pre-commencement Requirements being discharged. This definition has been accepted by numerous Secretaries of State in granting DCOs, and appropriate controls are in place to ensure that, where certain details should be submitted and approved prior to certain elements of the site preparation works being carried out, this will be done. (c) The Applicant shared its draft response to part a) of this question with SDDC ahead of Deadline 6. The Applicant understands that following that correspondence SDDC are now content on this point but will review their response at Deadline 6 as necessary. (d) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
	Part 2 - Principal Powers		
1.3	Applicant	Article 5 – Consent to transfer benefit of Order Reference is made to: • Article 5(3) of the dDCO [REP5-003]; • paragraph 9.7 of the Gate Burton Energy Park decision letter; • paragraph 9.5 of the Mallard Pass Solar Project decision letter; and • Article 5 of Schedule 1 of the Infrastructure Planning (Model Provisions) Order 2009 (lapsed). Article 5(3) allows the benefit of the Order to be transferred to another person without the consent of the Secretary of State if either Article 5(3)(a) or 5(3)(b) is satisfied. a) Please could the Applicant comment on whether the DCO should only allow the benefit of the Order to be transferred if both Article 5(3)(a) and 5(3)(b) are satisfied? What is the justification for either of these not being satisfied? b) Please could the Applicant justify why any transfer should be allowed without the Secretary of State's consent?	(a) The Applicant's Article 5(3), which allows for the benefit of the Order to be transferred to another person without the consent of the Secretary of State if either Article 5(3)(a) or 5(3)(b) is satisfied is consistent with the approach taken in Article 5 of the Cleve Hill Solar Park Order 2020, Article 35 of the Cottam Solar DCO, Article 33 of the Gate Burton DCO, Article 33 of the Longfield DCO, Article 35 of the Mallard Pass DCO, and Article 32 of the Sunnica DCO. All of these Articles allow for transfer without consent in either situation and do not require both conditions to be met. This approach is not limited to solar DCOs, and is also precedented in offshore wind DCOs, including Article 5 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, Article 6 of the Awel y Môr Offshore Wind Farm Order 2023, and Article 5 of the Hornsea Four Offshore Wind Farm Order 2023. The Applicant does not consider it necessary for any transfer under Article 5(3)(b) to be to a company with a licence under Section 6 of the Electricity Act 1989. The DCO precedent set out above does not limit transfers in this way. It is clear, therefore, that the Applicant's approach has been found to be acceptable by the Secretary of State. (b) Article 5 protects the provision of compensation for the compulsory acquisition of rights or interests in land.

			The justification for allowing transfer to a licence holder without consent is that the transferee or lessee will be of a similar regulatory standing to the undertaker, which is considered to be an appropriate level of protection for compensation provision. The effect of Article 5(3)(c) is to permit the transfer or grant of the benefit of the Order without the need to obtain Secretary of State approval where there are no outstanding actual or potential compulsory purchase claims, such that compensation protection is no longer required. Article 5(4) to (7) still requires the Secretary of State to be given advance notification of any transfer or grant, where consent is not required. Paragraph 9.7 of the Gate Burton decision letter advises that the Secretary of State removed provision for the Applicant to transfer the benefit of the Order to a holding company or subsidiary without consent. The Applicant removed this provision from the draft DCO at Deadline 5. While the Secretary of State chose to remove this provision from the Gate Burton DCO, they chose to leave in the word "or" at the end of Article 33(3)(a), and to retain Article 33(3)(c). This implies that this approach is considered acceptable. The Applicant notes the statement that "*If the applicant is to transfer the benefit of the Order to a holding company or subsidiary, the Secretary of State would expect that company to be holder of a licence under section 6 of the Electricity Act 1989*…" However, given the Secretary of State made direct amendments to Article 33, and yet left Article 33(3)(c) in the DCO, the

			Applicant would suggest that perhaps the decision letter is referring to transfers to a holding company or subsidiary where time limits for compensation claims have not yet elapsed. Paragraph 9.4 of the Mallard Pass decision letter advises that the Secretary of State has removed the ability of the undertaker to transfer the benefit of the Order to a subsidiary company without the consent of the Secretary of State. As noted above the Applicant removed this provision at Deadline 5. The Applicant notes that Article 5 of Schedule 1 of the Infrastructure Planning (Model Provisions) Order 2009 (which has now been repealed) does not allow for transfer of the benefit of the Order without consent. However, as set out above, the standard drafting of this Article has moved on substantially since 2009, and the Applicant's approach is well precedented.

Ref:	Question to:	Question:	Applicant's Response at D6
	Part 3 - Streets		
1.4	SDDC	Article 11 - Temporary stopping up of public rights of way a) Further to Issue Specific Hearing 1 [EV4-002] Item 9m), please could SDDC set out any concerns about Article 11? b) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	The Applicant notes that this question is directed at SDDC but has taken the opportunity to respond, having reviewed SDDC's Response to ISH1 action points, submitted at Deadline 5 [REP5-040]. The drafting of Article 11 follows precedent set through other DCOs; further details of any temporary stopping up would be defined at the detailed design stage and the article requires alternative access to be provided for pedestrians going to or from premises abutting an affected PRoW if there is no alternative access, and prohibits the use of any stopped up area as a working site without consulting the street authority. Article 11 already therefore deals with the concerns raised by SDDC at Deadline 5 and no amendments to the drafting of Article 11 are proposed.
	Schedule 1, Part 2 - Requirements		
1.5	Applicant	Requirement 9 - Landscape and ecological management plan Should Requirement 8(4) read "…*the local planning authority in consultation with* …"?	Yes, the Applicant has made this amendment in the draft DCO submitted at this Deadline 6.
2.	**Land rights, related matters, and statutory undertakers**		**Applicant's Response at D6**
2.1	Applicant	E.ON UK Plc The Applicant [REP4-025] says that E.ON directed them National Grid as the appropriate person to grant the voluntary rights required by the Applicant. The Statement of Reasons [REP4-025] indicates some plots for E.ON which are not included for National Grid. Please could the Applicant comment on how it can be satisfied that E.ON's interests are being considered through its discussions with National Grid?	The Applicant has reviewed the references to E.ON's interests in [REP4-025] and has revised paragraph 10.8 to clarify that the Applicant does not require land and rights from E.ON directly. Any rights required by the Applicant at Drakelow substation will be granted by National Grid via rights contained in their existing lease with E.ON. For the avoidance of doubt, National Grid has the right to grant an Option for Easement and associated access to the Applicant over the land at Drakelow substation.

			Following further consideration, the Applicant no longer requires plots 01-005 and 01-006, which are owned by E.ON and not covered in existing lease between National Grid and E.ON. The Applicant does not require plots 01-005 and 01-006 to gain access to the Drakelow substation, and therefore has updated the Book of Reference and Land Plans to show no acquisition of these plots.
2.2	National Grid Electricity Transmission Plc National Grid Distribution (East Midlands) plc	Statutory Undertakers' rights and Protective Provisions a) Please could the Statutory Undertakers each provide an update on discussions with the Applicant regarding the agreement of the Protective Provisions in Schedule 10 of the dDCO [REP5-003], set out any remaining concerns, and suggest how their issues might be resolved? b) Does each Statutory Undertaker maintain objections to the land rights powers sought by the Applicant? What might be done to address any objections? c) Please could each Statutory Undertaker also set out its' position at Deadlines 7 and 8 with suggestions about how they might be addressed?	The Applicant will review the responses by the statutory undertakers to this question before commenting on those responses where necessary at Deadline 7.

Ref:	Question to:	Question:	Applicant's Response at D6
2.3	Applicant	Funding Responding to concerns summarised by the ExA [PD-012, EV6-002], the Applicant [REP5- 028] reiterated its previous submissions, saying that BayWa r.e.'s shareholders and financing partners remain fully committed to the long-term development of renewable energy projects, which is evidenced by the recent funding uplift provided to BayWa r.e. AG. Please could the Applicant provide evidence to support its assertions?	The Applicant refers the Examiner to recent published articles which reference funding and ongoing commitment from BayWa r.e.'s shareholders and financing partners, and the aspirations of BayWa r.e. as a business to continue as a focused project developer in the renewable energy sector with its own growing portfolio. This is a publicly shared update from BayWa r.e. related to its long term ambitions and ongoing funding. BayWa r.e. is pursuing a range of options to manage and optimise its financial position, as any responsible business would through the course of market fluctuations and economic challenges. It is not uncommon for businesses to adapt business plans and restructure parts of the business to improve returns and prospects. The Applicant also wishes to highlight to the Examiner that BayWa r.e. has two major shareholders. BayWa AG (51%), which was founded in 1923 and operates in over 50 countries in the fields of agriculture, construction and energy. Also, Energy Infrastructure Partners (49%), a market leader in energy infrastructure investment that manages over €7 billion from global investors. Restructuring report shows good future prospects for BayWa r.e.

2.4	Applicant	Submissions at the close of the Examination Please could the Applicant submit the following at Deadline 8, addressing the matters detailed in Appendix D of the Rule 6 Letter [PD-006]: • updates to the Book of Reference, Statement of Reasons and Land Plans; • schedule of progress regarding any outstanding matters, objections, and agreements in relation to land rights; and • schedule of progress regarding Protective Provisions and Statutory Undertakers.	The Applicant confirms that at Deadline 8 it will provide the documents listed, together with the other updates identified in Appendix D of the Rule 6 Letter.
3.	**General and cross-topic planning matters**		**Applicant's Response at D6**
3.1	Applicant	Statements of Common Ground (SoCG) The Applicant submits a Summary of the Status of SoCG [REP5-023]. The ExA would like to ensure that there is time in the Examination to consider clarifications to matters raised in the SoCG, including anything not agreed between the parties. Please could the Applicant provide latest draft or final signed copies of all SoCG at Deadline 6, and then again at Deadline 8: • SDDC and Derbyshire County Council (DCC); • Environment Agency (EA); • Natural England (NE); • Historic England (HE); and • National Grid.	The Applicant has at Deadline 6 submitted drafts of the SoCG with SDDC and DCC and drafts of the SoCGs with the EA and NE. A SoCG with HE was submitted at Deadline 5. The Applicant has explained the position regarding the SoCG with HE in its response to Q8.1 within this document and is continuing to engage with HE to resolve the final matter identified as outstanding in that SoCG. The Applicant is continuing discussions with National Grid and expects National Grid to confirm its position before the end of the Examination.

Ref:	Question to:	Question:	Applicant's Response at D6
3.2	Applicant DCC SDDC	<u>Local Planning Authority (LPA) resources</u> a) Please could the Applicant, DCC, and SDDC provide an update about discussions about council resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation? b) Please could the Applicant set out how it is proposed that any resources are secured, for example through a Deed of Obligation or Planning Performance Agreement, and demonstrate that it is secured? c) Please could DCC and SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	(a) Part 3 of Schedule 1 of the draft DCO provides at paragraph 31 that, where an application is made to the LPA for written consent, agreement or approval in respect of a Requirement, the fee prescribed under Regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended or replaced from time to time) is to apply, and must be paid to the LPA for each application. This provides appropriate provision for payment of a fee to the LPA which is equivalent to the fee which would be payable if the authorised development was consented through the Town and Country Planning regime. However, the Applicant recognises the resourcing burden on local authorities, and the benefit to both parties for both parties to enter into a Planning Performance Agreement. The Applicant proposes to enter into a Planning Performance Agreement with the local authorities for the purpose of them being able to appropriately resource the assessment, approval and ongoing monitoring of the Requirements and obligations of the DCO. The Parties agree that the use of a Planning Performance Agreement provides a mechanism for ensuring that the local authorities have sufficient resourcing to perform that role, and that discussions regarding the scope, content and amount of funding would take place following the determination of the DCO application. (b) The Applicant disagrees with SDDC's suggestion in its responses to the ISH1 Action Points [REP5-040] that "a Deed of Obligation set out within the DCO is the

			most appropriate mechanism to address these concerns." While the Applicant is willing to enter into a Planning Performance Agreement with SDDC, this is not a consideration which is of relevance to determination of the DCO application. Section 106 of The Town and Country Planning Act 1990 allows a person with an interest in land to enter into a planning obligation in connection with a DCO application (a "development consent obligation"). However, Planning Performance Agreements are not necessary to make a development acceptable in planning terms, they are an additional agreement which can be entered into where both parties consider they would be helpful. It would not be appropriate to include provision in the DCO requiring the Applicant to enter into a S106 development consent obligation which secures planning performance provisions. The Applicant is not aware of any precedent for requiring planning performance provisions to be secured as part of a DCO. The Applicant does recognise SDDC's concerns that Planning Performance Agreements are not generally legally binding. S111 of the Local Government Act 1972 provides local authorities with the power to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. The Applicant considers that SDDC could enter into a legally binding agreement under S111 which secures planning performance provisions. The Applicant has approached SDDC to propose that the parties enter into a legally binding Planning Performance Agreement under S111 of the Local Government Act 1972. The Applicant is committed to continuing these

			conversations but considers this to fall outside of the DCO process. The Applicant considers that the appropriate point at which to enter into such an Agreement is after the DCO application is determined, at which point the scope of the Requirements which will require to be discharged will be known. (c) No response required.
3.3	Applicant SDDC	Solar panel and battery storage replacement during the operation stage The ExA notes the potential for adverse impacts in relation to Heavy Goods Vehicle (HGV) movements during the operation stage in various chapters of the Environmental Statement (ES), including for the replacement of solar panels and other equipment. It refers to the Mallard Pass Solar Farm Outline Operational Environmental Management Plan, which includes related provisions in paragraphs 2.2.2, 2.2.3 and 2.2.5. The Applicant [REP5-024, REP5-026] has updated paragraph 3.1.4 of the Outline Operational Environmental Management Plan (Outline OEMP) [REP5-013] to "*provide greater certainty on the HGV vehicle movements associated with any solar panel replacement*": "*3.1.4 Solar panels are not expected to be replaced during the operational life of the Proposed Development, 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. This results in an estimated 500 panels replaced per year. A standard HGV can hold approximately 750 solar panels.*	a) The Applicant proposes the following wording based on the Examiner's suggested wording, which offers some flexibility in the event that a single HGV movement is not sufficient or practical throughout a whole year to supply the panel replacement work (logistics, procurement and other activity on site may dictate that multiple smaller loads, equivalent to a single full HGV-load of solar panels, may be required at different times throughout the year. Some panel replacement activity may be unexpected, and require delivery of a small amount of panels at short notice). In [REP5-024, REP5-026], the Applicant set out the scenario whereby a single HGV would have the physical capacity to deliver/remove 500 solar panels to illustrate the very low number of movements that might be required to replace 0.2% of panels annually, but it did not intend to suggest that a single HGV movement in a given year was the way this would actually be done. To address this, the Applicant proposes to delete "The traffic movements associated with the replacement of solar panels, whether planned or not, must be no more than one HGV two-way movement per year." from the second bullet of the Examiner's proposed wording, so that an equivalent number of multiple smaller deliveries of panels throughout the

		Therefore, a single HGV two-way movement and associated unloading vehicle (telehandler) is sufficient to deliver/remove the annual amount of panels that need to be replaced due to damage or unexpected failure. To clarify, wholesale replacement/upgrade of all panels on site is not anticipated." The ExA is seeking firmer and more precise commitments and suggests the following, or similar: • Annually during the operational lifetime of the Proposed Development, the Applicant will provide notification, which is not subject to approval, of planned maintenance activities to the local planning authority for the forthcoming year. The notification will include supporting environmental and traffic information to evidence that there will be no materially new or materially more adverse environmental effects arising from any planned maintenance activities when compared to those identified in the assessment of the operational phase in the ES. This supporting information must include confirmation that the approach to planned maintenance set out in the notification is consistent with the approved Operational Environmental Management Plan. • The replacement of the solar panels cannot take place until the local planning authority has provided confirmation that they agree that the activities will not lead to materially new or materially different environmental effects to those identified in the assessment of the operational phase in the ES. The traffic movements associated with the replacement of solar panels, whether planned or not, must be no more than one	year could be approved by the local planning authority, per the restriction on solar panel activity in the Examiner's proposed wording. The Applicant has therefore incorporated the following wording at Paragraph 3.1.4 of the Outline OEMP: • Annually during the operational lifetime of the Proposed Development, the Applicant will provide notification, which is not subject to approval, of planned maintenance activities to the local planning authority for the forthcoming year. The notification will include supporting environmental and traffic information to evidence that there will be no materially new or materially more adverse environmental effects arising from any planned maintenance activities when compared to those identified in the assessment of the operational phase in the ES. This supporting information must include confirmation that the approach to planned maintenance set out in the notification is consistent with the approved Operational Environmental Management Plan. • The replacement of the solar panels cannot take place until the local planning authority has provided confirmation that they agree that the activities will not lead to materially new or materially different environmental effects to those identified in the assessment of the operational phase in the ES. b) No response required.

		HGV two-way movement per year. a) Please could the Applicant and SDDC comment? b) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	

Ref:	Question to:	Question:	Applicant's Response at D6
3.4	Applicant	Consistency with recent guidance Please could the Applicant carry out a general review of compliance with Nationally Significant Infrastructure Projects: Advice on Good Design published on 23 October 2024 and either make any updates that are needed to comply with that guidance or justify any differences?	The Applicant has undertaken a general review of the Advice on Good Design and does not consider that any updates are required to the Design Statement [REP5-021], with the review provided at Appendix A of this document.
3.5	Interested Parties Applicant	Summary statements at the close of the Examination [PD-009 Appendix A] a) Please could all parties provide a summary statement at Deadline 8 to set out matters that they have previously raised during the Examination and that have not been resolved to their satisfaction with suggestions about how they might be addressed? b) Please could the Applicant provide a closing summary statement at Deadline 8?	a) No response required. b) The Applicant confirms that it will be providing a closing summary statement at Deadline 8.
4. Need case, effects on climate change, alternatives, electricity generation, and grid connection			**Applicant's Response at D6**
		No questions currently.	
5. Project lifetime and decommissioning			**Applicant's Response at D6**

5.1	Applicant SDDC DCC EA NE	<u>End state after decommissioning</u> Section 3.1 and paragraph 1.7 of Appendix A of the Outline Decommissioning Environmental Management Plan (Outline DEMP) [REP5-015] set out the anticipated end state after decommissioning. The Applicant [REP5-024, REP5-025] considers that it is not necessary to review and agree updates to the description of the end state through the construction and operational phases. a) Do SDDC, DCC, EA, or NE have any comments? b) Please could the Applicant set out the consideration given to potential conflicts between restoring land to agricultural use after operation with any habitats established on the same land at that time, and how these potential conflicts are addressed by the Outline DEMP [REP5-015]? c) Please could SDDC, DCC, EA, NE also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) No response required. b) In line with established planning policy and the temporary nature of the Proposed Development, the Applicant is committed to returning the land to agricultural use after operation, which will have a maximum term of 40 years. The Applicant is not aware of any policy, mechanism or precedent requiring it to maintain mitigation or habitats created as part of the development after the expiration of the planning consent, and therefore such features will be removed as necessary to deliver the site back to the landowner in the condition present prior to the implementation of the Proposed Development, unless otherwise agreed at the time with the landowner. The landowner will have a choice as to how to use the land following decommissioning of the scheme. Any mitigation or habitats created as a result of the Proposed Development will be implemented only to address temporary environmental impacts caused by its implementation and temporary operation. After the expiration of the planning consent, the land is required to be handed back to the landowner in a condition which could support agricultural activity in the way it occurred prior to the implementation of the Proposed Development, and from that point forward the use of the land will be dictated by the landowner's objectives, market conditions and a range of considerations at that time. The Applicant will not have control of the land or the use of the land after the Proposed Development is fully decommissioned in line with the DEMP. It is worth noting that while Biodiversity Net Gain (BNG) is not currently a requirement of NSIP projects, in Town and Country Planning Act (TCPA) projects where it is required, BNG is to be delivered for a minimum of 30 years but is not expected to remain permanently. The Applicant does not consider generalised post-decommissioning (i.e. permanent) control over habitats established as part of a temporary consent can reasonably be justified where these exceed what is

			reasonably necessary to address the impacts of the development itself. c) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
5.2	SDDC	Funding for decommissioning The ExA is considering whether, to respond to concerns and provide security, a commitment should be made to building a decommissioning fund during operation. The Applicant [REP5-026] states that it is not appropriate for a decommissioning bond to be secured under the dDCO [REP5-003], but proposes the following wording if it is required: *"Requirement 27 – Decommissioning fund* *27— (1). No phase of the authorised development may commence until a decommissioning fund or other form of financial guarantee that secures the cost of performance of all decommissioning obligations under Requirement 22 of this Order has been submitted to and approved by the local planning authority.* *(2) The value of the decommissioning shall be agreed between the Undertaker and the local planning authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning obligations referred to in Requirement 22 of this Order.* *(3) The decommissioning fund shall be maintained in favour of the local planning authority until the date of completion of the works to be undertaken in accordance with Requirement 22 of this Order.* *(4) The value of the decommissioning fund shall be reviewed by agreement between the Undertaker and the local planning authority by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning obligations and best practice prevailing at the time of each review."*	The Applicant will review the response by SDDC to this question before commenting on that response where necessary at Deadline 7.

		a) Please could SDDC comment? b) Please could SDDC also summarise any outstanding concerns about funding for decommissioning at Deadlines 7 and 8 with suggestions about how they might be addressed?	

Ref:	Question to:	Question:	Applicant's Response at D6
5.3	Applicant	Decommissioning timescales The ExA is considering whether it is necessary to secure that decommissioning must start no later than a specific period following generation or supply of electricity stopping, including to limit the duration of any periods when the benefits of electricity generation and storage of all or part of the Proposed Development do not offset the various adverse impacts at that time. The Applicant [REP5-026] considers that Requirement 22 in the dDCO [REP5-003] sufficiently provides for the decommissioning of the scheme at any point during its operational life. In case it is required, please could the Applicant suggest wording for Requirement 22 to secure that it applies when any part of the solar farm works and grid connection works is no longer required for the generation, storage, or transmission of electricity, rather than when "*the undertaker decides*"?	The Applicant's approach in Requirement 22 is consistent with recent solar DCOs. Requirement 21(2) of the Cottam Solar DCO requires the undertaker to notify the relevant planning authority of the intended date of decommissioning "…prior to the date the undertaker intends to decommission any part of the authorised development…". Requirement 19(2) of the Gate Burton DCO is in similar terms. Requirement 20(1) of the Longfield DCO is in substantially the same terms as the draft DCO (save for the recent amendments made at Deadline 5), and requires a decommissioning environmental management plan and decommissioning travel management plan to be submitted to the relevant planning authority following "…the date that the undertaker decides to decommission any part of the solar farm works and grid connection works…". Requirement 22(1) of the Sunnica DCO is in substantially the same terms as the draft DCO following the recent amendments made at Deadline 5, and requires the undertaker to submit a decommissioning environmental management plan following "…the date that the undertaker decides to decommission any part of the solar farm works and grid connection works, or no later than 6 months before the 40th anniversary of the date of final commissioning…".

			The above DCOs do not secure that decommissioning must start no later than a specific period following generation or supply of electricity stopping, and the Applicant considers a consistent approach is appropriate. This suggests that the Secretary of State does not consider this to be necessary. However, if the ExA or the Secretary of State are minded to secure this in the DCO, the Applicant would suggest the following: 22.—(1) Within 3 months of the date that the undertaker decides to decommission any part of the solar farm works and grid connection works, or no later than 6 months before the 40th anniversary of the date of final commissioning of the first phase of Work No. 1 as notified by the undertaker pursuant to requirement 4 (phasing of the authorised development and date of final commissioning) the undertaker must submit to the local planning authority for that part (or both local planning authorities where that part falls within the administrative areas of both South Derbyshire District Council and Derbyshire County Council) for approval a decommissioning environmental management plan and a decommissioning traffic management plan for that part. Decommissioning will commence no later than 40 years following the date of final commissioning of the first phase of Work No. 1. *(2) The Applicant must provide notice to the local planning authority once any part of the authorised development stops generating electricity for non-maintenance reasons for more than 6 months. If, by expiry of the period of 12 continuous months*

			beginning with the date of the notice, and unless otherwise agreed in writing by the undertaker and the relevant local planning authority, that part of the authorised development does not re-generate electricity, then within 3 months the undertaker must submit to the local planning authority for that part (or both local planning authorities where that part falls within the administrative areas of both South Derbyshire District Council and Derbyshire County Council) for approval a decommissioning environmental management plan and a decommissioning traffic management plan for that part. (3) The plans submitted and approved must be substantially in accordance with the relevant part of the outline decommissioning environmental management plan. (4) The decommissioning environmental management plan submitted and approved must include: (a) a resource management plan that includes details of proposals to minimise the use of natural resources and unnecessary materials; and (b) details of measures to be adopted including pre-decommissioning surveys to protect species defined as a European Protected Species in regulation 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species

			Regulations 2017(a) or any species to which Part I (wildlife) and Schedule 5 (animals which are protected) of the Wildlife and Countryside Act 1981(b) applies. (5) No decommissioning works must be carried out until the local planning authority or both relevant local planning authorities (as applicable) has/have approved the plans submitted in relation to such works in consultation with the Environment Agency and Natural England. (6) The plans must be implemented as approved, and decommissioning must be completed within 2 years of such approval, or such other time period as is agreed in writing between the undertaker and the local planning authority. (6) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.
6.	**Agriculture and soils**		**Applicant's Response at D6**
6.1	Applicant SDDC	<u>Impact of water drip-line from panel edges</u> SDDC [REP5-040] raises concerns about impact on soils during the construction and decommissioning where bare soil can quickly erode due to surface water runoff. It quotes a report which suggests that rivulets can form along the trailing edge of the panel with potential risk of soil erosion creating rills and gullies across a site. a) Please could the Applicant respond to SDDC's concerns and ensure that any necessary related mitigation is secured? b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	(a) The Applicant's response is provided as Appendix B to this document. (b) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
6.2	Applicant NE SDDC	Outline Soil Management Plan (Outline SMP) NE [AS-022, AS-033] sets out a number of concerns regarding the Outline SMP, including that it should: • comply with paragraph 5.1 of the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009); • follow the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working; • 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; • set out the target specification for the proposed end uses based on pre-construction Agricultural Land Classification (ALC) grade; • where topsoil is to be stripped, typically for construction compounds; access tracks and laying cabling, the soil handling methodology (movement, storage & replacement) and soil protection proposals are reviewed to ensure that appropriate mitigation is in place to allow for the restoration of the land to the baseline ALC grade; • avoiding soil handling during October to March inclusive, irrespective of soil moisture conditions; • only allow soils in a dry and friable condition to be handled; and • limit stockpile heights to avoid compaction of soils, typically a maximum of 3m for topsoils and 5m for subsoils; • include an aftercare programme for all land to be	a) No response required. b) No response required. c) The Applicant has amended the Outline SMP appended to the oCEMP and oDEMP to include the specific points raised by NE, many of which related to additional detail being requested, rather than specific concerns about the substance of the OSMP. The additional points raised by SDDC at D5 [**REP5-039** matter 6.2] are: • the site foreman should be a suitably qualified soil scientist; • soil handling should avoid October to March except in special circumstances that have been agreed. **Site Foreman.** The Applicant shares NE and SDDC's opinion that soil management needs to be supervised by a suitably qualified and experienced person. It is intended that the overall soil handling is overseen by such a person, who is likely to be a member of the BSSS or other suitable organisation. That person need not, however, be on site at all times. This person can be called to site as needed. The Site foreman will need to be aware of soil issues, but need not be a suitably qualified and experienced soil scientist. These provisions are set out in paragraphs 1.2.4 and 1.2.8 of the CEMP and 2.3 and 2.5 of the DEMP submitted at Deadline 6. The SMP specifies the methodology and sets out that soil should not be handled except when it passes the suitability tests, based on the Institute of Quarrying methodology as set out in the oSMP.

		restored, which would enable a satisfactory standard of agricultural after use to be reached, with regards to cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site. The Applicant [REP4-011, REP5-024, REP5-025, REP5-026] has responded and updated the Outline SMP embedded in the Outline CEMP [REP5-011] and Outline DEMP [REP5-015]. SDDC [REP5-039] generally concur with NE's comments, adding that the site foreman should be a suitably qualified soil scientist, and that soil handling should be avoided during the months of October to March (inclusive) irrespective of soil moisture conditions, except in special circumstances that have been agreed. a) Please could NE address each of the above concerns individually, in each case setting out whether it is satisfied, and either how it is satisfied or how it could be? b) Does NE have any other concerns about the Outline SMP? c) Please could the Applicant respond to SDDC's additional concerns and ensure that any necessary related mitigation is secured? d) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	**Closed Period.** The oSMP contained in the oCEMP and oDEMP (paragraphs 1.4.4 and 4.13 respectively) [**REP5-011**] specifies as follows: *"As a general rule the soil is least likely to be suitable for being handled between the months of October and March inclusive. In this period, the advice of an appropriately experienced soil surveyor to advise on the suitability of the soil for being trafficked and handled, should be taken. This will include inspections of the site and will involve the examination and consistency tests set out in the Institute of Quarrying's Good Practice Guide to Handling Soils (2021)".* The Applicant agrees with SDDC that the period of October to March is when soil handling should generally be avoided, but in the last few years soil handling in that period will have been perfectly possible, and accordingly the above text provides the special circumstances that SDDC seek. The Applicant considers SDDC's concerns to have been dealt with through the above amendments and no further action is considered necessary. The Applicant understands the NE is content with the approach taken. d) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
6.3	Applicant NE SDDC	Agricultural Land Classification (ALC) NE [AS-022] [REP1-037] raise various concerns regarding ALC, including: • where Best and Most Versatile (BMV) agricultural land is not expected then a semi detailed survey (1 auger per 2 ha plus representative pits) will suffice; • in areas that BMV agricultural land is expected then a full ALC (1 auger per ha plus representative pits) must be undertaken; • it does not concur with the assumption that land quality is mostly 3b within the cable route; • an ALC survey should be undertaken on the cable route; • 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; • the survey requires an experienced ALC surveyor to make the correct professional judgements; • detail should be provided of the professional credentials and experience required of soil scientists (surveyors) experience carrying out ALC; and • the ALC survey will inform the SMP. NE [AS-033] say that they have no further concerns regarding ALC survey methodology, but did not provide any further detail. The Applicant [REP3-032, REP4-011, REP5-024, REP5-025, REP5-026] has responded and provided an Additional Land Classification Survey at Park Farm [REP5-036]. SDDC [REP5-039] generally concur with NE's comments, adding that soil scientists (surveyors) should be British Society of Soil Science standard, and that ALC survey must inform the SMP.	a) No response required. b) The ALC surveys covering the Site, the Cable Route and a wider area of land, have been amended to provide both the additional points of clarification sought by NE, and to expand the survey to cover the cable corridor. The names and professional credentials of the individuals involved have been provided. SDDC's additional comments at D5 are set out in its response to the ExA's second written question 6.1 [REP5-039] as follows: • they are content that the surveyors were suitably qualified; • the ALC must inform the Soil Management Plan; • without a survey SDDC cannot accept the land quality of the cable route. The Applicant's response to these comments is as follows: • noted – no further action is considered necessary; • agreed - the ALC and soil resource information is an essential starting point for the SMP, which is secured by Requirement 9 (construction environmental management plan) and Requirement 11 (operational environmental management plan) of the dDCO;

		a) Please could NE address each of the above concerns individually, in each case setting out whether it is satisfied, and either how it is satisfied or how it could be? b) Please could the Applicant respond to SDDC's additional concerns and ensure that any necessary related mitigation is secured? c) Do NE or SDDC have any comments on the Additional Land Classification Survey at Park Farm [REP5-036]? d) Does NE have any other concerns about ALC? How might they be addressed? e) Please could SDDC and NE set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed? f) Please could the Applicant update ES Chapter 15 [APP-169] to reflect the Additional Land Classification Survey at Park Farm [REP5-036] and also update any related mitigation in the relevant management and mitigation plans?	• the ALC survey of the cable corridor has now been completed [REP5-036] and demonstrates that the cable corridor is a mix of subgrades 3a and 3b. The soil and land quality data from that survey will inform the final SMP. The installation of the cable within the cable corridor will not affect its land grading subject to successful implementation of the mitigation measures set out in the oSMP. The Applicant does not consider any further mitigation necessary. c) No response required. d) No response required. e) No response required. f) ES Chapter 15 (Agriculture and Soils) [APP-169] has been updated to cover the extra survey area now completed. In terms of mitigation this is captured within an oSMP embedded in the oCEMP, oOEMP and oDEMP. No further amendments are required in this regard.

Ref:	Question to:	Question:	Applicant's Response at D6
6.4	Applicant EA SDDC	Potential loss of BMV agricultural land The Applicant [REP5-024, REP5-025] says that soils would be restored to the pre-construction ALC grade and that a programme of monitoring for up to 5 years post-decommissioning would be set out to ensure the correct ALC criteria have been reached and that the habitats created are in a suitable condition. Paragraph 1.1.5 of the Outline SMP embedded in the Outline CEMP [REP5-011] include that it "*commits to ensuring that land quality is not adversely affected, and where moved and restored soils are brought back to the pre-existing land quality, as recorded in the ALC reports*". Section 4.6.2 of the Outline OEMP [REP5-013] includes that the "*detailed OEMP will set out a programme of soil health monitoring to be undertaken throughout the operation of the Proposed Development, to rectify any significant adverse impacts on soil health. Soil will be sampled every five years by suitably qualified personnel.*" Paragraph 1.7 of the Outline SMP embedded in the Outline DEMP [REP5-015] includes that "*following decommissioning, soils will be restored to the pre-construction ALC grade, without exception. A programme of monitoring for up to 5 years will be set out, to ensure that the correct ALC criteria have been reached (on land restored to agriculture) and the habitats created are in a suitable condition.*" a) Please could the Applicant update any references to 'pre-existing land quality, as recorded in the ALC reports' and 'pre-construction ALC grade' for consistency, to ensure precision in terms of identifying the specific ALC reports, and to avoid any confusion in the meanings of 'pre-existing' or 'pre-construction' in relation to site preparation works.	a) The ExA has asked for updates to the Outline SMP's attached to the Outline CEMP [**REP5-013**] at 1.7 and the Outline DEMP at 1.1.5 [**REP5-015**]. This is to ensure that the terms 'pre-existing' and 'pre-commencement land quality' are understood. They both refer to the same thing, which is the current land quality before development commences. The Outline SMP attached to the Outline DEMP now refers specifically to the two ALC reports to provide clarity regarding what ALC grade and in which area. b) The outline SMP attached to the Outline CEMP at 1.1.6 and Outline DEMP at 1.7 has been amended to provide greater clarity on the areas that will not be able to be restored following construction because they will form part of the operational area. Those areas, comprising the area of the BESS and onsite substation will, however, be restored fully on decommissioning as specified in the Outline DEMP, which relates to the restoration phase. c) The ExA has asked for an update to section 4.6.2 of the Outline OEMP [**REP5-013**] to clarify the measures to be taken should soil monitoring in the operational stage identify the ALC grade of soils has deteriorated. The text has been amended and an operational outline SMP added as Appendix 1 to that document. The ALC survey methodology determines the grading according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. Useful guidance is set out in section 1 of the "Agricultural Land Classification of England and Wales: revised

		b) Please could the Applicant update paragraph 1.1.5 of the Outline SMP embedded in the Outline CEMP [REP5-011] to clarify which areas would not be restored to the current ALC grade after construction (the area of the BESS and onsite substation?), and which would be restored to the current ALC grade after construction (all other areas?)? c) Please could the Applicant update Section 4.6.2 of the Outline OEMP [REP5-013] to clarify what measures would be taken should the soil monitoring during operation identify that any soils are not at the current ALC grade? Would it then be restored to the current ALC grade? EA [REP4-017] request that the Applicant takes the ecological enhancements achieved during the development's lifetime into account. d) Please could the Applicant clarify what is intended by ensuring "*the habitats created are in a suitable condition*" in the Outline CEMP [REP5-011] and Outline DEMP [REP5-015]? e) What conflicts does the Applicant anticipate between restoring of soil to the current ALC grade and any development of habitats or other ecological enhancements achieved during up to 40 years of operation? How is it secured that these would be identified and resolved during operation and decommissioning? SDDC [REP5-039, REP5-040] say that the DEMP should include provision for a drainage specialist to consider any damage and works needed to remedy, and that 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. It suggests that the soil restoration strategy should be in accordance with Natural England Guidance. f) Please could the Applicant respond to SDDC's concerns and ensure that any necessary related mitigation is secured? g) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	guidelines and criteria for grading the quality of agricultural land", MAFF (October 1988). The grading of land is determined by the most limiting factor present, principally relating to climate, site and soil, and the interactions between them. Current land management does not alter these factors. As set out in TIN 049 (edition 2, Natural England, December 2012) *"the current agricultural use, or intensity of use, does not affect the ALC grade"*. Having therefore determined the existing ALC grade (ie current, pre-construction grade), this will not change during the operational phase unless there were to be major works, such as from physical movement of soils, which will not occur. The ALC methodology recognises that some limitations can be reduced or removed by normal management operations or improvements, and it should be assumed that they are reduced when determining the grade. The ALC methodology states: *"Where limitations can be reduced or removed by normal management operations or improvements, for example cultivations or by the installation of an appropriate underdrainage system, the land is graded according to the severity of the remaining limitations".* The soil monitoring will consider soil health, look for signs of impeded drainage or wetness which might adversely affect soil quality and biomass growth, but it will not undertake an ALC. The ALC will not alter during the operational phase, and even if there has been damage to any underdrainage this will not result in any downgrading, as specified above. An ALC survey every 5 years is not necessary and will not assist.

		Paragraph 2.6.9 of the Outline CEMP [REP5-011] says that the use of Sustainable Drainage Systems (SuDS) or land drains to rectify construction-related surface drainage issues would be detailed in the final CEMP. Paragraph 4.2.4 of the Outline OEMP [REP5-013] states that SuDS features would be utilised to ensure the surface water drainage strategy adequately attenuates and treats runoff from the Proposed Development, whilst minimising flood risk to the Order limits and surrounding areas. DCC [REP4-012] say that the use of SuDS will remove land from agricultural use (and therefore BMV status) and it remains to be demonstrated whether SuDS would be the most appropriate drainage system following decommissioning. h) Please could the Applicant advise whether the use of SuDS should be removed from the Outline CEMP [REP5-011] and Outline OEMP [REP5-013]? i) Please could EA set out any remaining concerns in relation to the restoration of BMV agricultural land at Deadlines 7 and 8 with suggestions about how they might be addressed? j) Please could SDDC set out any remaining concerns in relation to the potential loss of BMV agricultural land at Deadlines 7 and 8 with suggestions about how they might be addressed?	The survey will be mostly one of observation coupled with some examination of soil, generally topsoil. d) The Applicant intended to state that any created habitats such as hedgerow that are to remain on site after decommissioning will be left in a suitable condition following decommissioning. Post-decommissioning, the landowner may return the Site to arable use, although it is intended that established habitats such as hedgerows and woodland would be retained. Paragraph 6.7 of the Outline DEMP has been amended to clarify this at Deadline 6. e) The Applicant does not anticipate any conflicts between restoring current ALC grade and biodiversity. The land quality is inherent and will not and cannot change as a result of the land management of the area over the operational phase. The restoration of the areas where soil has been moved back to the current ALC grade will be limited to areas where the soil has been moved (eg the tracks and bases of infrastructure). Those areas will not therefore be ecological habitats in any event. Decisions over the land use at decommissioning relating to land use and intensity of land use will have no impact on the ALC grade or resource. f) The Applicant agrees with NE and SDDC that a drainage consultant is needed to advise on minimising any adverse effects on under field drainage. Provisions are made at 1.2.10 of the OCEMP and 2.6 of the ODEMP.

			The Applicant also agrees with SDDC that a soil survey to record the baseline levels of pH, OM and nutrients is needed. The Applicant has committed to undertaking a Soil Health Survey in the oCEMP at 1.1.7. Soil Health Surveys will take place every 5 years during operation and this commitment has been secured in the oSMP added at Appendix 1 of the oOEMP. g) No response required. h) With the exception of the BESS and substation compounds, all rainfall will run off panels and other equipment and discharge straight to ground much as it does currently. The development needs to create impermeable areas for the BESS and substation for pollution control. The Applicant is also required to demonstrate that the development will not increase off-site flood risk and will not exceed existing greenfield run off rates. A granular sub-base is proposed under the BESS and substation to contain rainwater and a hydrobrake fitted to control water flow to greenfield rates before it is conveyed by ditch or pipe to the existing watercourse to the north. The Applicant has no option but to use SuDS for these elements of the scheme. The Applicant has committed to restoring the soils in the BESS and substation at decommissioning and returning them to agricultural use SuDS and other suitable drainage mitigation options are set out in the Outline OEMP [REP5-013] and Flood Risk Assessment and Drainage Strategy [REP5-017]. If SuDS is implemented on the site as a preferred drainage mitigation solution to address drainage issues in limited areas, the SuDS features will be decommissioned at the end of the life of the Proposed Development in line with the DEMP as

			secured by Requirement 12 (decommissioning environmental management plan). Therefore, the Applicant does not agree with DCC that land employed for SuDS will not be able to be returned to agricultural use, and the use of SuDS should not be removed from the Outline OEMP. i) No response required. j) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
6.5	Applicant EA SDDC	Decommissioning of underground cables The ExA [EV4-002] requested that the Applicant respond to SDDC's concerns that cables left in place after decommissioning could conflict with future agricultural land uses including in relation to the reinstatement of land drainage. Chapter 4 of the ES [REP5-019] secures a minimum depth of cables of 0.9m, apart from a minimum depth of 0.7m at onsite cabling between PV modules and inverters and from inverters to transformers and the crossing of Coton Road. NE [AS-033] say that "*the maximum possible depth of a soil profile is generally considered to be 1.2 m and therefore, the cables may be laid partially within the depth of the natural soil profile, but will be well below the topsoil layer and the minimum depth of cover over the cables is not considered to compromise the ability of the overlying agricultural crops to produce a functioning and effective root system. This depth is expected to be consistent with the industry standard of 0.9m depth.*" Paragraph 2.6.9 of the Outline CEMP [REP5-011] includes that "*During construction of the Proposed Development, piling of solar panel mounts and / or the installing underground electrical cabling via trenching may result in disturbance or damage to existing land drains. Where this occurs and creates an unacceptable surface drainage issue, other measures (e.g., repairing or installing new land drains) would be available to rectify such drainage issue. Once established, the drainage on-site will be monitored, and drainage measures altered or improved as necessary.*" Section 3.1.4 of the Outline DEMP [REP5-015] says that "*the Applicant intends to remove buried cables after decommissioning, though 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.*" Paragraph 1.6 of the Outline SMP embedded in the Outline DEMP [REP5-015] includes that "*The Applicant commits to the repair of*	a) No response required. b) The Applicant agrees that all cables should be laid to a minimum depth of 0.9m and has updated Table 4.2 Design Parameters Used in the EIA in Chapter 4 of the ES and has submitted this revised Chapter 4 document at Deadline 6. c) The Applicant agrees with the EA's comments about leaving cables in situ, and has updated the Outline DEMP at paragraph 3.1.3 as follows: "Prior to the removal of buried cables, the Applicant will conduct a risk assessment to be reviewed by the local planning authority and in consultation with the Environment Agency or its successor, to ensure that risks to the environment are understood and mitigated. Cables can only be left in situ if the local planning authority, in consultation with the Environment Agency or its successor, are satisfied that the Applicant has demonstrated that leaving the cables will not result in pollution." d) No response required.

		land drains or the installation of new land drains where removal of solar panel mounts and/or the removal of underground electrical cabling results in damage or disturbance to existing land drains and where an unacceptable surface water issue occurs as a result. Once established, the drainage on-site will be monitored for up to 5 years, and drainage measures altered or improved as necessary." a) Does SDDC have any comments? b) Noting NE's comments in relation to soils, and the need to provide adequate protection to cables crossing roads, does the Applicant consider that all cables should be laid to a minimum depth of 0.9m? If not, why not? EA [REP5-043] say that: • cables in general, unless oil filled, would be unlikely to be considered as a waste if left in the ground; • the Applicant would need to demonstrate that leaving cables in situ would not result in pollution; • 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; and • risks to the environment will remain at the time of decommissioning so another risk assessment should also be carried out before decommissioning takes place. c) Please could the Applicant respond to the matters raised by the EA and ensure that any necessary related mitigation is secured? d) Please could EA and SDDC summarise any outstanding concerns about the decommissioning of cables in relation to agriculture, soils, and pollution at Deadlines 7 and 8 with suggestions about how they might be addressed?	

Ref:	Question to:	Question:	Applicant's Response at D6
7.	**Biodiversity**		**Applicant's Response at D6**
7.1	Applicant NE SDDC	River Mease Special Area of Conservation (SAC) River Mease Site of Special Scientific Interest (SSSI) NE [AS-033] would be happy to be included it as a consultee on the final CEMP in Requirement 9 of the dDCO [REP5-003]. a) Please could the Applicant add a requirement for approval in consultation with NE to Requirement 9(1)? NE [AS-033] say that with the exception of obviously harmful/ toxic chemicals, where grassland cover is maintained under and around all solar PV areas, any cleaning product or chemical runoff is likely to infiltrate and be attenuated within the soil prior to reaching the SAC. Paragraph 4.2.4 of the Outline OEMP [REP5-013] includes that the panels would be cleaned using a solution similar to a household detergent and that the final OEMP will include precise details of the cleaning product to be used, which would be agreed with SDDC. b) Do NE have any remaining concerns in the mitigation measures for the chemicals used to clean the panels? The ExA [EV4-002] requested that the Applicant respond to SDDC's suggestion to secure the location and acreage of grassland to mitigate impacts on the River Mease SAC and SSSI. Paragraph 2.6.9 of the Outline CEMP [REP5-011] includes that the area of the Site located within the River Mease SAC Catchment (approximately 2.8 hectares as shown in ES Figure 8.1 [APP-144]) would be sown at the earliest opportunity to further minimise any interaction the River Mease SAC. c) Recognising the importance of this mitigation, please could the Applicant add clarification of what this area would be sown with and secure a commitment to maintain this area of grassland during operation? d) Please could NE and SDDC set out any remaining concerns about the River Mease SAC and SSSI at Deadlines 7 and 8 with suggestions	a) The Applicant has added a requirement for approval in consultation with NE to Requirement 9(1). b) No response required. c) Paragraphs 4.25 and 4.30 of the Outline Landscape and Ecological Management Plan (OLEMP) [REP4-040] detail the seed to be used to sow this area of the Site. Along the field boundaries, species-rich grassland (moderate condition) will be created, consisting of EM2 Standard General-Purpose Meadow Mix or a similar species mix (Paragraph 4.25). Likewise, underneath the solar panels, species-rich grassland (poor condition) will be created, using EM2 Standard General-Purpose Meadow Mix or a similar species mix (Paragraph 4.30). The commitment to maintain this area of grassland during operation is provided in Paragraph 4.27 – 4.28 and 4.30 – 4.31 of the OLEMP. The delivery of the LEMP is secured by Requirement 8 (landscape and ecological management plan) of the dDCO. d) No response required.

		about how they might be addressed?	

Ref:	Question to:	Question:	Applicant's Response at D6
7.2	SDDC DCC	Draft DCO [REP5-003] Article 38 - Trees subject to Tree Preservation Orders (TPO) Ancient/ veteran trees SDDC [REP4-014] and DCC [REP4-012] raised concerns about impacts on ancient/ veteran trees. The ExA [EV4-002] referred to Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects, and suggested that the Applicant identify trees subject to a TPO that would be affected and the works permitted to each tree (e.g. fell, lop, or cut back its roots) in a schedule to the dDCO [REP5-003]. The Applicant [REP5-024, REP5-026] responds to the concerns and has revised Article 38 (trees subject to tree preservation orders) of the dDCO [REP5-003] to limit the powers granted by that article to the trees identified in Schedule 13 of the dDCO. Schedule 13 identifies trees within the area identified as W4 in SDDC's TPO No. 122. a) Please could SDDC and DCC comment? b) Please could SDDC and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	The Applicant will review the responses by SDDC and DCC to this question before commenting on those responses where necessary at Deadline 7.

Ref:	Question to:	Question:	Applicant's Response at D6
7.3	Applicant SDDC DCC	Habitat Constraints Plan SDDC [REP4-014] and DCC [REP4-012] referred to the need for a Habitat Constraints Plan with interpretable maps to provide the necessary details and extent of site clearance works relating to buffer zones to sensitive features such as ancient/ veteran trees, other retained trees, ponds, watercourses, hedgerows and woodlands. The Outline CEMP [REP5-011] includes provisions for a Habitats Constraint Plan [Section 2.8.5] and buffers [Sections 2.6.4, 2.6.5, 2.8.2, 2.8.3, 2.8.5, and 2.8.6]. The Applicant provides a series of interpretable maps of habitat constraints [REP5-030]. a) Please could the Applicant add the draft interpretable maps to the Outline CEMP [REP5-011] and secure that interpretable maps be included in the final CEMP? b) Please could SDDC and DCC comment? c) Please could SDDC and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) The draft Habitat Constraints Plans have been added to the Outline CEMP at Appendix 4. A final version of the Habitat Constraints Plans will be delivered as part of the final CEMP as secured by Requirement 9(2)(n). b) No response required. c) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
7.4	Applicant SDDC	Skylark SDDC [REP4-014] considers that the Proposed Development would harm skylark or other ground nesting birds and that specific mitigation for skylark would be appropriate in the form of skylark plots to be created within arable fields adjacent to Oakland Farm. The Applicant [REP5-024, REP5-026] considers that specific mitigation for skylark is not necessary, but acknowledging SDDC's differing position is in the process of agreeing the terms of a S106 unilateral undertaking to provide for offsite mitigation in the form of skylark plots. The Applicant's position is that the mitigation being proposed would be sufficient to result in a benefit for this species. It says that the terms of any undertaking would require a skylark mitigation strategy to be submitted to SDDC prior to the commencement of development and the skylark mitigation areas maintained for the lifetime of the development. a) Please could the Applicant provide evidence that the S106 unilateral undertaking is secured, as described? b) Please could SDDC comment? c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	(a) The Applicant has agreed the terms of a private agreement to secure the use of nearby land for the delivery of skylark mitigation with a local landowner. The agreement would secure land sufficient for the delivery of up to 38 skylark plots. In order to ensure enforceability, the Applicant and the landowner have agreed the terms of a short S106 unilateral undertaking, which would prohibit commencement of development until a skylark mitigation strategy has been submitted to and approved by SDDC. The skylark mitigation areas would require to be managed in accordance with the approved strategy for a period of at least 40 years from commencement of development, and no activities would be permitted on the skylark mitigation areas during the lifetime of the development unless in accordance with the skylark mitigation strategy. A copy of the signed S106 unilateral undertaking will be submitted to examination as soon as it is signed and completed. (b) No response required. (c) No response required.

7.5	Applicant SDDC	Barn owl The ExA [EV4-002] requested that the Applicant clarify the evidence to support that impacts and mitigation can be identified without a barn owl survey and asked it to consider whether a barn owl survey and update of mitigation measures is required before the start of the site preparation works. The Applicant [REP5-024, REP5-026] says that specific barn owl surveys were not undertaken as "*there is a very good understanding of barn owl ecology*", and provides reasoning to support that view. The mitigation for barn owl in Section 2.8.6 of the Outline CEMP [REP5-011] has been updated and includes pre-construction checks. The ExA notes that, as defined by the dDCO [REP5-003], 'pre-construction' is not necessarily before the site preparation works. a) Please could the Applicant consider whether a barn owl survey and update of mitigation measures is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly? b) Please could SDDC comment? c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) The barn owl survey and update of mitigation measures will be required and completed before the start of the site preparation works. Paragraph 2.8.9 of the OCEMP has been amended to ensure that the survey and update of mitigation measures will be undertaken prior to the start of site preparation works. b) No response required. c) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
7.6	Applicant SDDC	Great crested newt The ExA [EV4-002] requested that the Applicant consider whether additional precautionary mitigation is required for great crested newt. The Applicant [REP5-024, REP5-026] provides reasoning for why it considers it highly unlikely for great crested newt to occur within the site or to be impacted by the Proposed Development. The mitigation for great crested newt in Section 2.8.7 of the Outline CEMP [REP5-011] has been updated to require "*best practice methods*" for the construction works. Section 2.8.7 of the Outline CEMP [REP5-011] includes for pre-construction surveys for great crested newt. The ExA notes that, as defined by the dDCO [REP5-003], 'pre-construction' is not necessarily before the site preparation works. a) Please could the Applicant consider whether a great crested newt survey is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly? b) Please could SDDC comment? c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	(a) Section 2.8.7 of the Outline CEMP does not include for pre-construction surveys for great crested newt. No pre-construction survey for GCN is proposed or required. The risk to GCN is considered negligible and therefore no specific mitigation measures are considered necessary. Nevertheless, in accordance with a highly precautionary approach, construction works would apply best practice methods which are secured at Paragraph 2.8.10 of the OCEMP [REP5-011]. (b) No response required. (c) No response required.
7.7	Applicant	Otter Section 2.8.8 of the Outline CEMP [REP5-011] includes for pre-construction surveys for otter. The ExA notes that, as defined by the dDCO [REP5-003], 'pre-construction' is not necessarily before the site preparation works. Please could the Applicant consider whether an otter survey is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly?	An updated otter survey, and any subsequent update of mitigation measures that is identified as being required following that survey, will be undertaken before the start of the site preparation works. Section 2.8.11 of the OCEMP has been amended at Deadline 6 to secure this commitment.
7.8	Applicant	Badger	(a) An updated badger survey, and any subsequent

	SDDC	SDDC [REP4-014] say that the proposed buffer for badger/ badger sett of 30m should be adequate in most circumstances but that a detailed scope of works in relation to badger/ badger setts would help clarify the appropriate buffer and other suitable mitigation. a) Please could the Applicant respond to SDDC's concerns? b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	update of mitigation measures that are identified as being required following that survey, will be undertaken before the start of the site preparation works. Paragraph 2.8.5 of the OCEMP has been amended at Deadline 6 to secure this commitment. In the event licensable activities are required, (e.g. disturbance of sheltering badger) a Natural England licence will be secured. (b) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
7.9	Applicant SDDC	Construction haul road The ExA [EV4-002] requested that the Applicant set out the consideration given to options for the routing of the construction haul road, including in relation to the "*wildest parts of the site*" expressed by SDDC. The Applicant [REP5-026, REP5-031] requested clarification on the concerns and set out how it considers that it has designed the construction haul road sensitively. The Applicant [REP5-024] updated paragraph 1.14.1 of the Outline CEMP [REP5-011] to include that the "*Temporary Construction Haul Road would be removed following construction and reinstated for decommissioning. Following removal of the Temporary Construction Haul Road (after construction and decommissioning), the land will be restored to its current condition. This will include removal of temporary culverts.*" Paragraph 3.1.2 of the Outline DEMP [REP5-015] now includes that the "*Temporary Construction Haul Road (including temporary culverts) would be removed following decommissioning, and the land will be restored to its current condition*". SDDC [REP5-040] say that the Health and Safety Executive recommends that haul roads should be three and a half time the width of the widest vehicle using them, in this case HGVs. It also considers that the proposed haul road would 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, the works 4 and 4b would 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. a) Please could the Applicant respond to SDDC's clarification of its concerns, its comments regarding the width of the construction haul road and ensure that any necessary related mitigation is secured?	a) The Applicant has designed a 6m track surface to minimise the footprint of the temporary haul road and to minimise the environmental impacts (HGV movements may be timed and scheduled for one-way use as desired and the use of active transport management within a construction site is a standard approach to site safety). The Applicant stands by the assessment provided in [REP5-031] in relation to the sensitive design and limited ecological impacts from the Temporary Construction Haul Road and temporary culverts or bridge structures. The Temporary Construction Haul Road and associated temporary culverts or bridge structures will be in place for the construction and decommissioning periods only, and therefore for the vast majority of the 40-year life of the Proposed Development the land and vegetation impacted by the temporary installations will be allowed to re-grow and return to their natural condition. The visibility of the temporary haul road is limited and the crossing points north of Rosliston Road are located on private land not accessible to the public, but in any event vegetation and trees will be allowed to regrow and remain present for the vast majority of the 40-year life of the Proposed Development, and following decommissioning. The cable crossings in particular will only involve temporary removal of vegetation to lay trenches or utilise directional drilling if necessary. Once installed, the cable and crossings will not be visible for the life of the Proposed Development, and if it is deemed suitable at decommissioning to remove the cables instead of leaving them in situ, temporary environmental impacts will be managed by the DEMP and thereafter the land and vegetation will return to

		b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	its natural state. No further mitigation to that already provided for within the submitted management plans is therefore considered necessary. b) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
7.10	Applicant	Invasive non-native species (INNS) Section 2.8.2 of the Outline CEMP [REP5-011] includes for pre-construction surveys for INNS. The ExA notes that, as defined by the dDCO [REP5-003], 'pre-construction' is not necessarily before the site preparation works. Please could the Applicant consider whether a survey for INNS is required before the start of the site preparation works and ensure that necessary mitigation is secured accordingly?	An updated survey of INNS, and any subsequent update of mitigation measures that are identified as being required following that survey, will be undertaken before the start of the site preparation works. Paragraph 2.8.5 of the OCEMP has been amended at Deadline 6 to secure this commitment.
8.	**Historic environment**		**Applicant's Response at D6**
8.1	Applicant HE	Potential harm to designated heritage assets The SoCG between the Applicant and HE [REP4-056] refers to matters not agreed and 'further landscape mitigation' suggested by HE to reduce harm to heritage assets, including in relation to metal security fencing, lighting and closed circuit television (CCTV). a) Please could the detail of mitigation suggested by HE in the SoCG [REP4-056] for the matters not agreed be submitted to the Examination? b) Please could the Applicant and HE provide an update of progress in resolving the matters not agreed and update the SoCG accordingly. c) Please could HE set out any remaining concerns at Deadlines 7 and 8 and suggest how they might be addressed?	a) The Applicant has been seeking a response on this point from HE following ISH1 and HE provided the Applicant with its response to this question on 25th November 2024. As the Applicant received the detail of HE's position immediately prior to Deadline 6 the Applicant is reviewing that response and will progress discussions with HE following Deadline 6. b) The Applicant will be seeking to agree a further version of a SoCG with HE for Deadline 7, having received details of HE's proposed mitigation on 25th November 2024. c) No response required.
8.2	HE	Archaeology – potential harm to assets subject to the policies for designated heritage assets The SoCG between the Applicant and HE [REP4-056] does not address archaeology. The Applicant [REP5-026] says that this is because there are no archaeological heritage assets within the remit of HE. The ExA notes that there is some uncertainty about the nature of	The Applicant will review the response by HE to this question before commenting on that response where necessary at Deadline 7.

		any potential archaeology. Please could HE comment on the potential for harm to archaeological heritage assets within its remit?	

Ref:	Question to:	Question:	Applicant's Response at D6
8.3	Applicant DCC	Draft DCO [REP5-003] Requirement 18 – Archaeology DCC [REP5-037] comments on Requirement 18 and provides reasoning for suggested alternative wording: "*(1) No phase within the authorised development, and no part of the site preparation works for that phase, is to be 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.*" a) Please could the Applicant comment and update the dDCO [REP5-003] accordingly? b) Please could DCC set out any remaining concerns about archaeology at Deadlines 7 and 8 with suggestions about how they might be addressed?	(a) DCC's proposed wording for Requirement 18 is acceptable to the Applicant, and the Applicant has updated the draft DCO at this Deadline 6 to include this wording. (b) No response required.
9.	**Landscape, visual, glint, and glare**		**Applicant's Response at D6**
9.1	Applicant	Operation stage mitigation – Pennywort Cottage The Applicant [APP-104 page 14] considers that there would be a reduction in magnitude of change in views and visual amenity because of the Proposed Development at Pennywort Cottage from medium to low-medium at Year 10 due to enhancements to hedgerows. The ExA has observed the topography and notes the elevation of solar panels above intervening hedgerows.	The Applicant's response is provided as Appendix C to this document.

		Please could the Applicant justify the claimed reduction in magnitude of change in views and update the ES as necessary?	

Ref:	Question to:	Question:	Applicant's Response at D6
9.2	SDDC	The National Forest SDDC [REP5-039] says that it will be content with the proposals in relation to compliance with Local Plan Policy INF8 once detailed tree works are provided for SDDC to consider. a) Have SDDC's concerns been addressed? How might they be addressed? b) Please could SDCC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	The Applicant will review the response by SDDC to this question before commenting on that response where necessary at Deadline 7.
9.3	Applicant	Glint and glare The Applicant [REP5-034] refers to British Horse Society 'Advice on solar farms near routes used by equestrians' that "*reflections are unlikely to be a direct problem to horses, riders, or carriage-drivers*". a) Please could the Applicant provide a full copy of the British Horse Society advice? The Applicant [REP5-034] says that the ground floor of dwellings is modelled as this is typically the main living space during daylight hours, and that its approach represents industry best practice. b) Does the Applicant have evidence that any residential dwellings that could potentially be impacted do not have a main living space on an upper floor? c) Please could the Applicant comment on the potential for the upper floors of dwellings to be subject to glint and glare when the ground floor isn't, for example when intervening hedgerows would mitigate effects on the ground floor but not the upper floors? The Applicant [REP5-034] says that the German guidance approach does not necessarily	a) The British Horse Society advice is provided as Appendix D to this document. b) Pager Power does not have evidence that any dwellings within the assessment area have living spaces above the ground floor. The reasons why it is a reasonable assumption for properties in the area to have living spaces on the ground floor are: • The properties are traditional houses and not blocks of flats where a main living space is likely on all floors, or an 'upside down house' where bedrooms are typically located on the ground floor and the main living spaces on the first floor. • No local residents have provided a response or evidence to suggest that they have a main living space above the ground floor. c) The glint and glare assessment (Appendix 14.1 of the ES) [REP4-034] addresses this potential by defining a 'negligible' residual impact where views from all floors would be

		[emphasis added] present a worse case than its own methodology. d) Is the Applicant able to provide more evidence to demonstrate whether its methodology is robust when compared with the German guidance approach?	significantly obstructed, and therefore there would be limited if any glint and glare effects throughout the dwelling, and a 'low' residual impact where views from the first floor are predicted. Of the 85 dwelling receptors where solar reflections are geometrically possible, observers at 44 dwellings are not predicted to experience any effects, and observers at 41 dwellings may experience effects from above the ground floor. No significant effects are predicted for any of the 41 dwellings where views of the reflecting panels are possible. d) The Applicant stresses its approach to glint and glare is robust and has been accepted as appropriate for the Proposed Development and other UK developments, supported by the findings in SDDC's independent report into the assessment undertaken for the Proposed Development and their responses to Examiner's questions on glint and glare. The comparison to German guidance does not alter the appropriateness of the Applicant's glint and glare assessment for the Proposed Development, but, for the avoidance of doubt, neither methodology necessarily presents the worst-case, the two main differences that illustrate this include: a. The distance that is considered to be critical for receptors (100m in German guidance versus 1km in Pager Power Assessment); and b. What solar reflections count towards the listed glare durations (reflections coinciding with sunlight or not). The German guidance deems critical receptors (i.e. receptors where significant effects can occur) mostly to be those within 100m of a site. In the case of the proposed development, the closest receptor is approximately 200m from the closest panel and therefore none of the surrounding dwellings could be considered critical under the German guidance. Pager Power deems receptors further than 100m, and up to 1km, to be critical. Pager Power's methodology of assessing receptors within 1km is more likely to over-predict glare, as opposed to under-predicting it, when compared to the German Guidance.

			Referring to the solar reflections that are included when determining the overall glare time, the German guidance only considers solar reflections that do not coincide with direct sunlight. This means that there could be an extended occurrence of glare towards a receptor not accounted for when considering the real-world duration because they coincide with direct sunlight. For this particular project, where the panels are ground mounted and south facing, solar reflections coinciding with direct sunlight is a common glare scenario for each receptor, and it would be overly conservative to dismiss solar reflections that coincide with direct sunlight. Therefore the Pager Power methodology is more likely to over-predict glare, as opposed to under-predicting it when compared to the German Guidance.

Ref:	Question to:	Question:	Applicant's Response at D6
10.	**Noise and vibration**		
10.1	Applicant SDDC	Noise assessment and mitigation The ExA [EV4-002] requested that SDDC consider the noise assessment concerns raised by Diane Abbott [REP4-022] and any implications for SDDC being content with the assessment and mitigation. The Applicant [REP5-025] comments on Diane Abbott's concerns [REP4-022]. a) Please could SDDC comment on Diane Abbott's concerns [REP4-022] and set out the reasons for any disagreement with the Applicant's comments [REP5-025]. b) Please could the Applicant update the SoCG with DCC and SDDC [AS-029] as necessary? c) Please could SDDC summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) 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, and that SDDC has resubmitted at Deadline 6. SDDC has only requested further information for two (points 10 and 12) of the 14 points raised. The Applicant has provided a response to these points as follows: Point 10: Paragraph 11.136 of the ES assessment addresses penalties added to the predicted noise levels at residential properties to account for the potential "characteristic features" of the sound, such as tonal (which can occur at low to high frequencies), impulsivity or intermittency. The addition of the penalty to the predicted Specific Level, Ls results in the Rating Level, LAr, which is then used in the impact assessment. Low frequency noise from the site has been assessed. Whilst it is acknowledged that detailed frequency data for each piece of equipment to be installed specific to this project is not available, it is a standard approach to use informed assumptions on available noise data and to apply penalties to provide a conservative assessment. For the Proposed Development, typical data including octave band frequency spectrum information, and in some cases 1/3 octave band data, has been gleaned from other solar farms and equipment manufacturers (which is presented in Appendix 11.3: Operational

			Noise Source Data). This octave band frequency data is inputted into the computer model (Wölfel IMMI noise prediction software) and predictions to receptors are carried out as both an overall dBA level and as octave band levels. The frequency data is reviewed to establish if there might be any strong tonal component, across the spectrum, from low frequencies to high frequencies, to be taken into account in the Rating Level. In this case, it is expected that the only plant items that may potentially have significant low frequency character are the transformers, which do not currently have a significant contribution to the overall noise level at receiver positions. Paragraph 11.136 states: For assessment, a penalty of 3dB has then been applied to the solar plant and BESS for intermittency. A penalty of 5dB has been applied to the Proposed Development's substation plant, made up of 3dB for intermittency and 2dB for potentially 'just perceptible' tonality of the transformers as a worst case. In practice the most prominent tone at 100Hz from the Proposed Development's substation transformers is not expected to be above the threshold of hearing at the nearest receptor. Low frequency sound is therefore assessed as likely to be inaudible at receptors. Point 12: The difference between the nighttime and daytime noise predictions is in the inclusion of noise from the solar inverter cooling fans, which only need to operate with temperatures greater than 20ºC and with sufficient solar generation. At nighttime, the magnitude of an effect is assessed against an external absolute lower rating level of 40 dB $L_{Aeq,\ 1\ hour}$. To that end, if the Cooling fans are included the worst-case predictions of noise during the nighttime (before 7am), the assessment at all receptors

			remain Negligible significance, except Twin Oaks House, which increases to Minor with a rating level of 41 dB $L_{Aeq, 1\ hour}$. (Note the predicted noise levels at night-time have been undertaken for receptor positions at first floor level, which is why they are marginally higher than those indicated for the daytime in the ES.) The assessment is therefore a potential Minor significance effect for one receptor under worst case assumptions, which are considered to occur on very rare occasions in practice. This noise prediction assumes that the cooling fans on the inverters would operate at 100%, however in practice the solar generation in the early hours will be closer to 50% and there will be a proportional reduction in noise output of the cooling fans; the assessment of significance is therefore considered to remain Negligible and in any event, the noise assessment based on the final chosen plant will be reviewed and approved by the LPA to discharge Requirement 15 (operational noise) and therefore, noise during the specific and rare circumstance of exceptional ambient temperatures during the night period is controlled. b) The Applicant has provided an updated SoCG with DCC and SDDC at Deadline 6. c) No response required.
10.2	SDDC	Piling for the solar panels SDDC [REP4-014, REP5-039] says that it has yet to have discussions with the Applicant following the ExA's previous question [PD-012 Question 10.3] about the potential for noise impacts from piling during construction and mitigation measures for piling. Paragraph 2.2.3.9 of the Outline CEMP [REP5-011] includes that mitigation measures in relation to piling of the solar panels will include 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, and screening or low-noise plant models.	The Applicant will review the response by SDDC to this question before commenting on that response where necessary at Deadline 7.

		a) Please could SDDC set out its concerns and suggest how they might be addressed? b) Please could SDDC also set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	

Ref:	Question to:	Question:	Applicant's Response at D6
11.	**Traffic and transport**		
11.1	Applicant DCC SDDC	Construction traffic – DCC and SDDC concerns a) Please could the Applicant submit an update to the Outline Construction Traffic Management Plan (Outline CTMP) [REP4-032] in relation to its reference to using Walton bypass if it opens during construction [REP5-025, REP5-026]? b) Please could the Applicant respond to DCC's request [REP5-037] 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? c) Please could DCC and SDDC summarise any outstanding traffic and transport concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) The Applicant has submitted a revised outline CTMP at Deadline 6. Paragraphs 3.31 and 3.34 confirm that the Walton Bypass will be the preferred route for construction traffic should it be open prior to or during the proposed development's construction phase. b) With reference to the revised outline CTMP submitted at Deadline 6 the following provisions are made for the relevant highway authority to recover costs relating to highway maintenance: • Paragraph 5.3 reiterates draft DCO Article 12 (agreement with street authorities), which contains provisions for the Applicant and street authorities to enter into agreement for the strengthening, improvement, repair or reconstruction of any street under the powers conferred by the Order and makes provision for the adoption of works and for terms as to payment and otherwise as the Applicant and street authorities consider appropriate. • Paragraphs 5.5 and 5.6 contain similar provisions for maintenance of highways outside the Order limits including a commitment by the Applicant to enter into a Section 278 Highways Act agreement for planned maintenance and a commitment by the Applicant to enter into a separate agreement for cost recovery for emergency repairs (the mechanisms of such agreement will be agreed in the final CTMP), if required.

			c) No response required.
11.2	Applicant Staffordshire County Council (SCC)	<u>Construction traffic – SCC concerns</u> a) Please could the Applicant submit an update to the Outline CTMP [REP4-032] in relation to its reference to limiting HGV journeys during school opening and closing times and ensuring that construction hours are identified consistently [REP5-025, REP5-026]? Are the construction hours quoted consistently across all documents? b) Please could the Applicant and SCC provide an update on discussion regarding the three matters that SCC [AS-032] identify as being outstanding: i) The use of route 2B in conjunction with 2A. ii) Provisions for the highway authority to recoup costs. iii) Compliance provisions in the Outline CTMP [REP4-032]. c) Please could SCC summarise any outstanding traffic and transport concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) With reference to the revised outline CTMP submitted at Deadline 6: • At paragraph 5.10 the Applicant has committed to engaging with SCC Highways and the Local Education Authority when preparing the detailed CTMP to finalise a suitable restriction period once school start and finish times within the area are established. • The working hours set out at paragraph 5.7 and the timing of vehicle movements set out at paragraph 5.13 is consistent across all documents (most notably Section 1.15 of the outline Construction Environmental Management Plan [REP5-015]). b) Productive engagement has continued with Staffordshire County Council informing the following responses: i) The Applicant's position remains unchanged from that submitted in the Applicant's response to ExAQ2,11.4 b) [REP4-011] i.e. it has been

			determined that Scenario 2B would only be suitable to use should an obstruction or closure make Route 6 under Scenario 2A, unusable. SCC does not agree with the Applicant's adopted position. ii) SCC has confirmed the revised text included in the Deadline 6 outline CTMP at paragraphs 5.5, 5.6 and 5.23 addresses its concerns relating to cost recovery for highway maintenance. iii) SCC has confirmed it is content with the updated compliance provisions set out at paragraphs 6.11 to 6.16 of the Deadline 6 outline CTMP. c) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
12.	**Water quality, resources, drainage, and flooding**		
12.1	Applicant EA DCC	<u>Battery Energy Storage System fire risk and related emergency response and pollution</u> The EA [REP5-043] said that the pollution risks of emergency response had not been appropriately assessed. a) Is the EA satisfied that the submitted Outline Drainage Strategy included in the updated Flood Risk Assessment (FRA) [REP5-017] addresses its concerns? DCC [REP4-012] suggested that the Applicant consult with the Derbyshire Fire and Rescue Service regarding site safety and particularly fire-fighting response at the BESS. The Applicant [REP5-026] set out the consultation undertaken with the Derbyshire Fire and Rescue Service and said that it will arrange a short letter from Derbyshire Fire and Rescue Service confirming its position. b) Please could the Applicant advise on the progress with Derbyshire Fire and Rescue Service and provide evidence of Derbyshire Fire and Rescue Service's position? c) Do DCC have any comments? d) Please could DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) No response required. b) Following ISH1 the Applicant contacted Derbyshire Fire and Rescue Service ('DFRS') to provide its previous correspondence and to ask DFRS to confirm its position. DFRS acknowledged that correspondence but at Deadline 6 has not provided a further response. In the absence of any further response, the Applicant has provided (as Appendix E to this document) its previous correspondence with DFRS and the two documents provided by DFRS and referred to by the Applicant in its Written Summary of Oral Submissions at ISH1 [REP5-026], comprising the NFCC Guidance to Fire and Rescue services when dealing with BESS sites and the DFRS standard letter template response. The Applicant's position remains as set out in its response to Action Point 3(f) in APP5-026, which in summary is that the outline Battery Safety Management Plan and Requirement 12 (battery safety management plan) of the dDCO makes provision for the local planning authority to consult DFRS if necessary regarding the final BSMP. The Applicant will submit any further correspondence received from DFRS prior to the end of the Examination. c) No response required. d) No response required.

12.2	Applicant EA SDDC	Flood Risk Assessment (FRA) The EA [REP5-043] raised concerns about the Sequential Test and flood risk climate change allowance. a) Is the EA satisfied that the submitted update to the FRA [REP5-017] addresses its concerns? The EA [REP5-042, [REP5-043] also raised concerns about the proposed river crossings/ culverts and consequent increases in flood risk off site, which it notes is against the Overarching National Policy Statement for Energy (NPS EN-1) policy in relation to the Exception Test. It suggested possible solutions, including make all new crossings temporary, to be in situ for only the construction and decommission phases. The updated FRA [REP5-017 Section 8.5] indicates increases in flood risk off site. Paragraph 5.8.11 of NPS EN-1 states that: "*Both elements of the Exception Test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that:* • *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.*" The Applicant [REP5-026] updated paragraph 1.14.1 of the Outline CEMP [REP5-011] to include that the "*Temporary Construction Haul Road would be removed following construction and reinstated for decommissioning. Following removal of the Temporary Construction Haul Road (after construction and decommissioning), the land will be restored to its current condition. This will include removal of temporary culverts.*" Paragraph 3.1.2 of the Outline DEMP [REP5-015] now includes that the "*Temporary Construction Haul Road (including temporary culverts) would be removed following decommissioning, and the land will be restored to its current condition*".	a) No response required. b) The Applicant met with the EA on the 26th November 2024 to discuss its position and agreed to provide an updated flooding model, which considers the alternative approach of using a clear span bridge structure instead of a culvert at Crossing 3. The Applicant will be providing that modelling to the ExA soon after Deadline 6 and will provide an update on its discussions with the EA at Deadline 7, but the Applicant is confident this will assist in demonstrating that the Proposed Development complies with the second part of paragraph 5.8.11 of NPS EN-1 With regard to the first part, wider sustainability benefits to the community include, but are not limited to: • 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;

		b) Please could the Applicant provide any necessary updates in relation to satisfying paragraph 5.8.11 of NPS EN-1? c) Do EA or DCC (as Lead Local Flood Authority) have any comments? d) Please could EA and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	• 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. Based on the Applicant's latest modelling, it considers the Exception Test and paragraph 5.8.11 of NPS EN-1 to be satisfied. c) No response required. d) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
12.3	Applicant DCC SDDC	Potential damage to existing land drainage The ExA [EV4-002] requested that the Applicant demonstrate whether damage to existing land drains could be mitigated to avoid increasing flood risk and asked it to respond to SDDC's concerns regarding the potential for water no longer in the existing land drains to be directed more towards areas with higher flood risk. The Applicant was requested to secure the necessary mitigation. The Applicant [REP5-024, REP5-026] states that: • it broadly knows where the land drains are based on information from the landowner and that several of its team had been through the site field by field and recording them; • it provides a map identifying where land drains are understood to be present [REP5-017 paragraph 4.2.5]; • the land drainage is generally at lower parts of fields, nearer watercourses, where farmers try to speed up water flow through a land drain; • due to the expected low number of land drains on the Site, and the very small area of the Site affected by cable trench excavations (approximately 2% of Site, with trenches almost exclusively routed around the perimeter of fields), the main source of damage to any existing land drains is expected to be piling for the solar panel mounting structure legs; • water flow would be slowed if there is any damage to the drains; • some of the detailed information regarding depth of pipes would need to be investigated and identified using a digger but that this could be dealt with in detail post-consent in the Soil Management Plan; • any problem post-construction would become obvious as	a) The Applicant has included a commitment to rectifying any damage to existing land drainage that is not identified until post-construction in Section 4.2.4 of the Outline OEMP, submitted at Deadline 6. This includes the commitment to monitoring drainage on-site throughout the operational period, and drainage measures altered or improved as necessary. b) No response required. c) No response required.

		there would be a damp area; • if there are patches these can be rectified in the same manner as farmers would, which would not affect flood risk; • new land drains and other drainage features can be installed under and around the piling for the solar panels and buried cables to address any issues identified from land drains found to have been damaged during construction; and • the exact locations of piles and buried cables installed by the Applicant would be known and recorded, and these features can therefore be avoided by careful design and installation of the new drainage. Paragraph 2.6.9 of the Outline CEMP [REP5-011] includes that "*During construction of the Proposed Development, piling of solar panel mounts and / or the installing underground electrical cabling via trenching may result in disturbance or damage to existing land drains. Where this occurs and creates an unacceptable surface drainage issue, other measures (e.g., repairing or installing new land drains) would be available to rectify such drainage issue. Once established, the drainage on-site will be monitored, and drainage measures altered or improved as necessary.*" Paragraph 1.6 of the Outline DEMP [REP5-015] includes that "*The Applicant commits to the repair of land drains or the installation of new land drains where removal of solar panel mounts and/or the removal of underground electrical cabling results in damage or disturbance to existing land drains and where an unacceptable surface water issue occurs as a result. Once established, the drainage on-site will be monitored for up to 5 years, and drainage measures altered or improved as necessary.*" a) Please could the Applicant ensure that any mitigation required for damage to existing land drainage that is not identified until post-construction is secured in the Outline OEMP [REP5-013]? b) Do DCC (as Lead Local Flood Authority) or SDDC have any comments?	

		c) Please could DCC and SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?	

Ref:	Question to:	Question:	Applicant's Response at D6
13.	**Other planning topics**		
13.1	Applicant	Air Quality – Air Quality Management Areas (AQMA) a) Please could the Applicant provide an update on discussions with East Staffordshire Borough Council, including in relation to Air Quality Management Areas and compliance with paragraphs 5.2.12 and 5.2.19 of NPS EN-1? b) Please could evidence be provided of East Staffordshire Borough Council's position?	a) The Applicant contacted East Staffordshire Borough Council ('ESBC') on the 15th October 2024, asking ESBC to confirm its position, and sent a further follow up email on the 12th November 2024, but at Deadline 6 has not received any response. ExQ1-Q13.1 notes the proximity of Burton-upon-Trent AQMA1 and AQMA2 to construction vehicle Route 6. In its response to Q13.1 [REP1-025] the Applicant referred to the ESBC Air Quality Report for 2023, which states that AQMA2 has shown consistent compliance with the annual mean NO2 target for the past twelve years and is therefore at a point where it can be revoked. ESBC have now released a 2024 version of that report[1] which confirms at various points, including Point 2 at Page 4 that ESBC intend to revoke AQMA2 in 2023 or 2024. Page 28 of the 2024 Air Quality Report confirms that ESBC considers it may be in a position to revoke AQMA1 if its continued trajectory continues. The Applicant's position remains as set out in its response to Q13.1. The Proposed Development would not give rise to a level of vehicle movements during construction, operation or decommissioning that would likely to lead to a breach of any relevant statutory air quality limits or affect the ability of a non compliant area to achieve compliance (paragraph 5.2.12 of NPS EN-1). Compliance with paragraph 5.2.19 of NPS EN-1 falls to the Secretary of State, however as the Proposed Development will not lead to non-compliance with a statutory limit, objective or target, the Secretary of State's duty to refuse consent within that paragraph is not engaged. b) The Applicant will continue to seek a response from ESBC

[1] https://www.eaststaffsbc.gov.uk/sites/default/files/docs/pollution/ASR_ESBC_Final_2024.pdf

			and will submit any response received prior to the end of the Examination.
13.2	Applicant SDDC DCC EA NE	Cumulative effects The Applicant [REP5-024, REP5-025] says that it is reviewing the position on all cumulative projects, reviewing the assessment undertaken in the ES of cumulative effects, and will submit an Addendum to the ES assessing the effects of any additional cumulative sites. a) Please could the Applicant submit the updated cumulative impact assessment and ensure that it is added to Schedule 12 of the dDCO? b) Please could SDDC, DCC, EA, and NE set out any concerns about the cumulative impact assessment at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) 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 has been added to Schedule 12 of the dDCO. b) No response required.

Ref:	Question to:	Question:	Applicant's Response at D6
13.3	Applicant SDDC	Socio-economics The Applicant [REP5-026] has added Requirement 23 (Skills, supply chain and employment) to the dDCO [REP5-003] and says that it will submit an Outline Skills, Supply Chain and Employment Plan at Deadline 6. a) Please could the Applicant submit the Outline Skills, Supply Chain and Employment Plan? b) Please could SDDC set out any concerns about the Outline Skills, Supply Chain and Employment Plan at Deadlines 7 and 8 with suggestions about how they might be addressed?	a) The Applicant has submitted a Skills, Supply Chain and Employment Plan at Deadline 6. This is secured by Required 23 (skills, supply chain and employment) of the dDCO. b) No response required.

END

Appendix A

Response to Question 3.4

Review of Advice on Good Design

3.4 - Consistency with recent guidance

Please could the Applicant carry out a general review of compliance with Nationally Significant Infrastructure Projects: Advice on Good Design published on 23 October 2024 and either make any updates that are needed to comply with that guidance or justify any differences?

Applicant's Response:

The Applicant confirms that it has reviewed the Nationally Significant Infrastructure Projects: Advice on Good Design ("the Advice") and considers, at the outset, that the sections of that guidance which deal with 'The requirement for good design' and the 'Definitions of good design' are consistent with the policy set out in NPS EN-1 regarding Good Design for Energy Infrastructure. That policy is identified at Paragraph 4.2.4 of the Design Statement [REP5-021], which demonstrates how the Proposed Development has taken the holistic approach set out within the Advice.

Design principles, parameters and codes

The Design Statement explains at Paragraph 3.2.1 how the Applicant has employed a range of specialists to develop its design, which reflects the 'Design principles, parameters and codes' section of the Advice. The NIC principles referred to in that section have been identified at Section 4.7 of the Design Statement.

Good Design Process

The Applicant considers that its Design Statement demonstrates how the Proposed Development has been formulated through an approach which follows the various aspects of the 'Good design process' section of the Advice. That includes the use of an intentional and transparent process, which is described in that document, with that process focusing on a set of design principles which set an appropriate vision for the project.

Good Design Outcomes

Following the Good Design Process ensures that the Proposed Development achieves the 'Good design outcomes' set out in the Advice, including achieving a consistent design language and project wide sustainability which delivers economic, environmental and social net gain, together with ensuring that the project is durable and effective when in operation. It is recognised that the application is setting the parameters for the continued detailed design process which would be undertaken following the granting of a development consent, with Requirement 5 of the dDCO in particular being the mechanism through which that detailed design work will be undertaken.

Environmental Impact Assessment and good design

The ES describes and clearly articulates at Chapter 3 [APP-086] the site selection and design strategy, demonstrating how the EIA process has been embedded within the design process in order to avoid and reduce adverse effects and providing benefits. As highlighted in the Design Statement the evolution of the design of the scheme was the result of inputs from a wide technical team, some of which were involved in the preparation of the ES. This is further set out at Section 8.3 of the Design Statement.

Establishing Good Design – Challenges in NSIP design

In response to the 'Establishing good design – Challenges in NSIP design' section of the Advice, the application establishes a series of parameters that will guide and control the detailed design process, which include the Works Plans [AS-003] and Parameters table in ES Chapter 4 [REP5-019] and the Design Statement.

The Advice sets out four stages of the design process:

- **Assemble –** the Design Statement establishes a clear brief and aim through the design principles, which were defined following a detailed understanding of the site and the vision and aims for the development, with input from a wide technical team.

- **Research –** both the ES and the Design Statement provide the narrative as to how the design has evolved, from initial research and site concepts, to those being developed alongside and as a result of public consultation and engagement with stakeholders and statutory consultees, to further design refinement in order to mitigate for potential adverse impacts identified during that process. The result is a design which has been fully informed.

- **Co-ordinate –** the iterative design process which was undertaken is embedded throughout the design narrative and discussion in the ES and the Design Statement, which demonstrates that there was continued focus and leadership to achieve the design objectives and the overall vision, taking account of inputs like consultation responses to make informed choices during the design process.

- **Secure –** the application ensures that the design outcomes, and good design, are secured through a combination of the parameters and works and Requirement 5 (detailed design approval) for the detailed design of the Proposed Development to be reviewed and approved by the local planning authority.

Main Factors for Applicants

In considering the individual elements of Annex A of the Advice, the Applicant confirms as follows:

Design Approach Document – the Design Statement is this document and sets out the brief, the design process, the design principles and beneficial outcomes of the Proposed Development.

Analysis and Research – Section 5 of the Design Statement explains the analysis undertaken of the site to inform the design approach, which resulted in the identification of key constraints and opportunities which formed the starting point of the design process.

Response – the Design Objectives set out in the Design Statement draw on a comprehensive understanding of the site and local context to identify both opportunities but also any potential significant adverse impacts. Chapter 11 then documents how the design has evolved following the assessment and understanding of those impacts to ensure that they are addressed and minimised.

Vision – the Vision for the Proposed Development is captured through the ten Design Objectives set out within the Design Statement, by taking the opportunity to use the land

available in an efficient way to generate renewable energy and to contribute to the resilience of the electricity grid, whilst designing sensitively and considerately to achieve sustainable development by taking those opportunities whilst minimising the impacts of the proposed development.

Skills – Paragraph 3.2.1 of the Design Statement identifies the range of professional disciplines and skill sets which have worked on the design of the Proposed Development, with the Applicant undertaking the role of design champion.

Developing the design – the approach taken to developing the design is set out in full in the Design Statement. That document describes the design objectives and therefore the principles which have underpinned the design and how those are being secured, with appropriate flexibility, through the parameters and works plans. The Design Statement provides the narrative as to how the design evolved during the design and consultation process and then describes the design outcome with reference to the Design Objectives.

Independent design review – the Advice does not consider an independent design review to be mandatory. In this case the opportunity for design review is provided through Requirement 5, which gives the local planning authority the opportunity to review and approve the final design details.

Delivery – as a solar farm the delivery of the Proposed Development can be appropriately delivered through the parameters set out within the works plans, the design parameters and the outline design principles, with Requirement 5 providing the mechanism for the detailed design to be assessed and approved by the local planning authority.

Place – part of the design approach has been to propose a development which will integrate with the existing character of the place, through features such as the retention and strengthening of field boundaries and the use of new landscaping at the boundaries and through the Proposed Development. Those aspects of the design are secured through the parameters and through other aspects of the Application such as the Landscape and Ecological Management Plan [REP4-040].

People – the approach taken by the Applicant to engagement with statutory and local authorities, communities and people with an interest in the land is set out in the Consultation Report [APP-022]. Chapter 8 of the Design Statement then documents the evolution of the Proposed Development during the preparation of the Application, which was directly influenced by the engagement described in the Consultation Report.

Integrated design approach – the ten Design Objectives set out within the Design Statement address the wide range of opportunities and constraints which are relevant to the Site and the Proposed Development, and serve to guide the design process to ensure that is holistic. As documented through the Design Statement the need to sensitively design the Proposed Development has been integrated into the preparation of the Application.

National Policy Statements – the relevant elements of the NPSs are identified at Chapter 4 of the Design Statement, with the Statement then directly demonstrating how the evolution and development of the Proposed Development and the application reflects those aspects of the NPSs.

Design Principles – Chapter 6 of the Design Statement builds on the opportunities and constraints identified from the review of the site context to then identify a number of Design Objectives. Chapter 11 of the Design Statement sets out how each of the Design Objectives has been addressed and achieved through the Application, with the parameters and design principles continuing to guide and shape the final design details through Requirement 5 to ensure that those Design Objectives are carried through to the detailed design stage.

National Infrastructure Commission (NIC) principles - the four principles of the NIC Design Principles for National Infrastructure are identified at Paragraph 4.7.1 of the Design Statement, with the response to those design principles then embedded in the discussion throughout that document.

Appendix B

Response to Question 6.1

Impact of water drip line from panel edges

Q6-1 - Impact of water drip-line from panel edges

SDDC [REP5-040] raises concerns about impact on soils during the construction and decommissioning where bare soil can quickly erode due to surface water runoff. It quotes a report which suggests that rivulets can form along the trailing edge of the panel with potential risk of soil erosion creating rills and gullies across a site.

a) **Please could the Applicant respond to SDDC's concerns and ensure that any necessary related mitigation is secured?**

Mitigation for potential surface water impacts to soil during construction and decommissioning is described in the outline CEMP [REP5-011] and DEMP [REP5-015] documents and secured by Requirements 9 (construction environmental management plan) and 22 (decommissioning and restoration).

The Applicant confirms that rivulets will not form along the "trailing edge" of the solar panels as there are multiple gaps at the joining points of the solar panels in each row of panels. This will allow water to run off the solar panels at multiple points underneath and on the edges of the row of panels. This will disperse water that falls onto the solar panel area and not concentrate the flow to a single discharge point along the bottom edge. Additionally, grass will be maintained below the solar panels throughout the life of the Proposed Development and this will help slow down and absorb water flow compared to bare ground, which appears to be a contributing factor to the issue described in the ADAS/Welsh Government document "The impact of solar photovoltaic (PV) sites on agricultural soils and land quality" Work Package Three (March 2023). SDDC particularly reference Figure 6 of that document, which is reproduced below. This shows what appear to be two small channels in bare soil presumably created by falling water.

Photo: Insert 6 from the ADAS/WG Report

Figure 6: Channels created by panel runoff within 12 months of site operation commencing

The ADAS/WG report does not explain why in Figure 6 the grass under the panels appears to have been treated to not grow, so that bare soil sits below the solar panels. This is apparent from the distinction between the soil underneath the subject panels and the grass growth on either side in the spaces between rows of panels.

The concern raised by SDDC in its response [REP5-040] as illustrated in its accompanying photographs will not occur with the Proposed Development The panels proposed are not a solid panel. They are a series of smaller panels bolted to a larger frame. As such there are gaps for water to run-off between and below each of the panels, as shown in the image below. These gaps mean that water drops to the ground at frequent intervals, and does not sluice down to the bottom of the block of panels.

Photo showing panel sections with gaps (photo by Tony Kernon, Purton, Wiltshire)

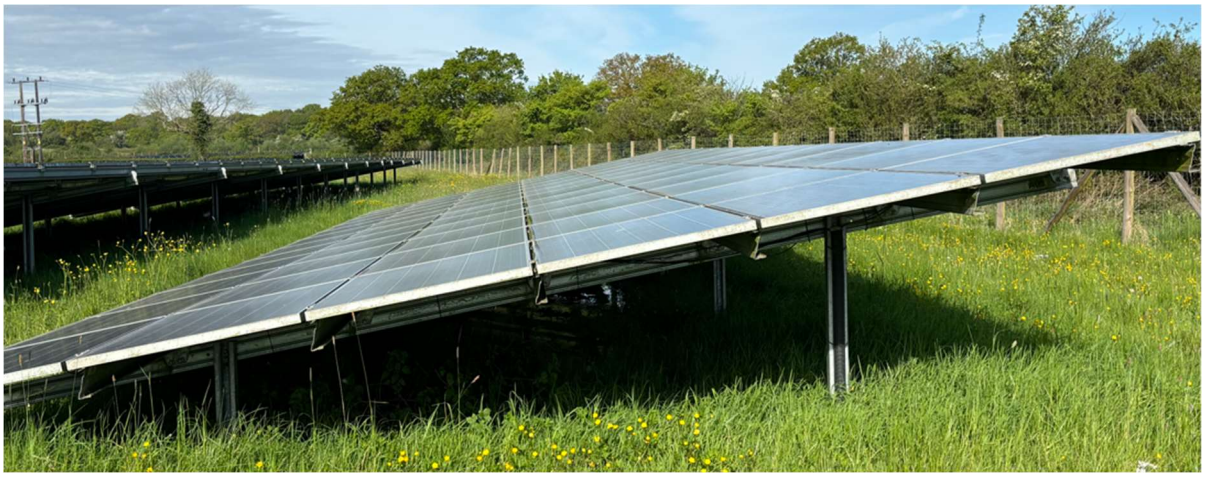
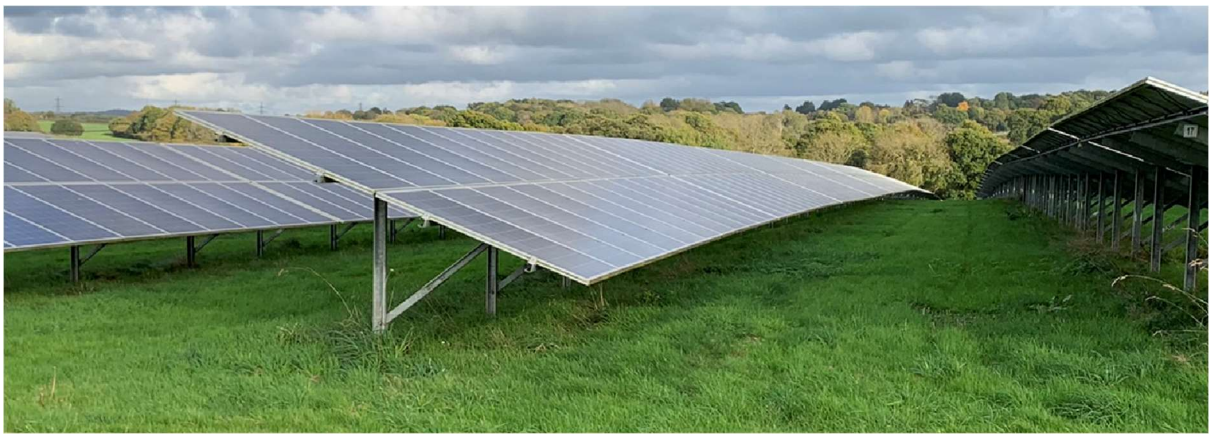


Photo showing close-up of sections. The gaps between panels are clear.

The grass will stabilise the soil and prevent the type of erosion shown in Figure 6 of the ADAS/WG Report.

The following photographs from existing solar farms, not developed by the Applicant, show the ground at the bottom edge of a number of solar panels that have been in place for more than 5 years. There is no evidence of any indentation caused. Similar panel and mounting structures will be used in the Proposed Development, and similarly grass will be maintained underneath the panels, and therefore indentation will not occur as a result of the Proposed Development.

Photo of an established panel array showing no indentation (photo by Tony Kernon, Little Horsted, East Sussex)



Close up of panel showing grass growth and no indentations (photo by Tony Kernon, Sheriffhales, Shropshire)

View of leading edge of panels and no indentations and grass growth clear (photo by Tony Kernon, Eggington, Bedfordshire)

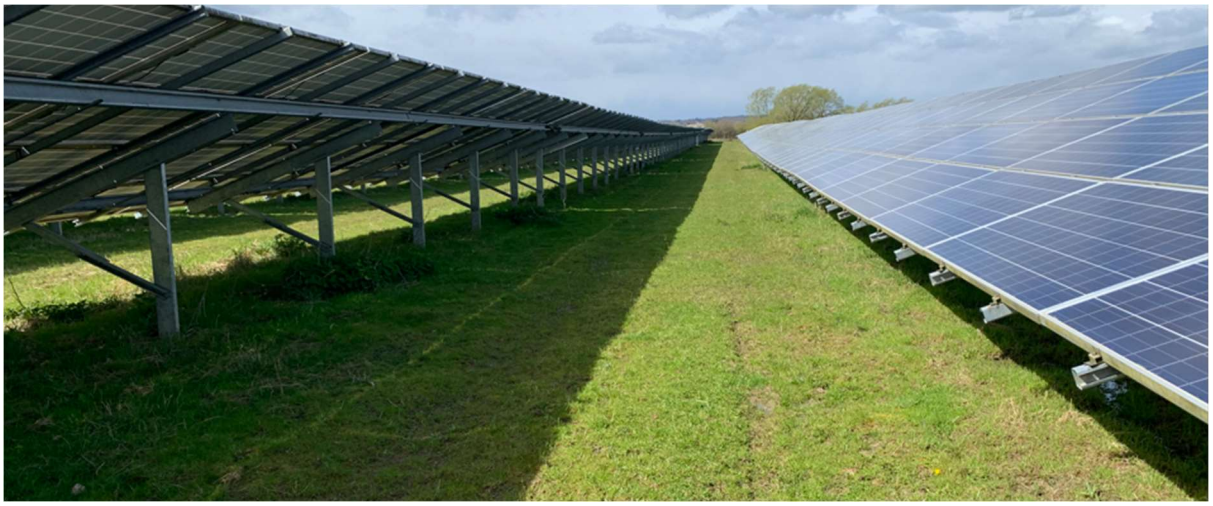


Photo of panels showing no indentation (photo by Tony Kernon, Pamber End, Hants)

Appendix C

Response to Question 9.1

Operation Stage mitigation – Pennywort Cottage

Q9.1 Operation stage mitigation – Pennywort Cottage

The Applicant [APP-104 page 14] considers that there would be a reduction in magnitude of change in views and visual amenity because of the Proposed Development at Pennywort Cottage from medium to low-medium at Year 10 due to enhancements to hedgerows.

The ExA has observed the topography and notes the elevation of solar panels above intervening hedgerows.

Please could the Applicant justify the claimed reduction in magnitude of change in views and update the ES as necessary?

The Residential Visual Amenity Assessment (RVAA) contained in Appendix 5.5 of the Environmental Statement, acknowledges that during operation of the Proposed Development, the proposed PV panels (notably in fields O2 and O5) will be seen above field boundaries when viewed from the eastern façade and rear garden of Pennywort Cottage, because the land rises up to the east, away from the property. The proposed PV panels will sit approximately 350m away from Pennywort Cottage, with the intervening view remaining one of agricultural fields, hedgerows and trees throughout all phases of the Proposed Development.

As noted in the RVAA, there will be some filtering by trees along the western boundary of field O2 and by vegetation along the edge of the property when viewed from the garden. It is important to note that PV panels have not been proposed on the western half of field O5, which is where the land slopes up to a gentle ridge (upon which lies a 'roundel' with trees), being the most prominent slope that is seen from the property.

The PV panels are proposed on the land east of the ridge (where the land starts to drop), although some PV panels will be visible towards the top of the slope, within the south-eastern corner of field O5 and the eastern half of field O2. The magnitude of change during operation has been judged as **medium** in the RVAA, as these PV panels will be clearly discernible from the eastern aspect of the property, the driveway and the rear garden.

The RVAA states that the hedgerow between fields O1 and O2 will be enhanced further to assist in filtering views of PV panels on the rising landform within field O1. Although this mitigation measure will play an important part in integrating the development into the landscape and filtering views of the PV panels, the main reason for a reduction in the magnitude of change upon Pennywort Cottage (as stated in the RVAA) is the proposed belt of

woodland understorey planting with trees, which will be planted around the western edge of the PV panels within fields O2 and O5 (i.e. in-front of the panels when viewed from the eastern façade and rear garden of Pennywort Cottage). The location of this planting is marked as number 1 in the image below (Image 1) which is an extract taken from the Illustrative Landscape Strategy Plan (Figure 1a of Appendix 5.6 – Outline Landscape and Ecological Management Plan).

Image 1: Extract taken from the Illustrative Landscape Strategy Plan

The planting will be well established and closer to semi-maturity by Year 10, filtering views of the proposed development. Therefore, the adverse visual effects experienced from Pennywort Cottage will gradually reduce over time by the mitigation measures, and as judged in the RVAA, will reduce the magnitude of visual change to **low-medium** at Year 10.

This is a precautionary assessment in that the judgement is between a low and a medium magnitude of change rather than a reduction to 'low', acknowledging that the presence of the PV panels will still partly be apparent and glimpsed through the proposed planting, particularly in winter where the filtering of the PV panels will be reduced, as branches lose their leaves.

The planting of new hedgerows outside of the visibility splays along Coton Road (to replace those removed during construction) and the management proposed in allowing them to grow taller to 3m, are mentioned in the RVAA. However, it is acknowledged that the screening/

filtering of PV panels by these hedgerows will be limited (particularly of the PV panels in field O5 when viewed directly from the rear garden of the property). This is given the slight elevation of this field above the road, and given some of the PV panels will be seen towards the top of this field. The RVAA has been updated to make this point clearer. However, this does not change the outcome of the assessment of visual effects at Pennywort Cottage (as assessed in the Environmental Statement).

Appendix D

Response to Question 9.2

British Horse Society Guidance

Advice on Solar farms near routes used by equestrians

The British Horse Society

The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all countries but the legal requirements in Scotland and Northern Ireland may differ from those in England and Wales.

More advice is available on www.bhs.org.uk/accessadvice.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society recommends seeking advice specific to the site.

Contents

Where solar farms are proposed, the potential impact on horses should be considered on any route used by them — including byways, bridleways, roads and permissive routes — which may be affected, and on equestrian businesses where horses are kept or trained.

While sympathising with views of local people against change of a rural landscape to fields of solar panels, the Society is aware that retaining the view or the experience of a more natural environment is rarely a 'material planning consideration' with any weight to prevent such a development, therefore, the Society's work is most likely to focus on gaining equestrian access from the development, and mitigation of its effect on existing bridleways or byways.

Principles of solar generation

Electricity is generated from solar panels by daylight rather than direct sunlight and, with the improvement in solar panel technology, the intensity of the daylight in much of Britain

and Ireland is capable of producing levels of electricity for solar farms to be viable even on overcast winter days.

A solar farm involves the installation of solar photovoltaic panels on open land, usually that which is relatively even across the site, to avoid having to compensate for undulations, which would require greater spacing between ranks of panels. Flat land is more likely to be used than a hillside for ease of installation, maintenance and to reduce visual impact.

Standard photovoltaic panels are fixed on frames mounted on vertical supports. Their height above ground is usually up to 3m, but designs are changing in this rapidly progressing industry. They are designed to absorb rather than reflect light for efficiency (reflected light is wasted energy) and although the amount of reflection varies with the component materials and the angle, the incidence of glare or dazzle is very low compared with glass and will not be uniform throughout a period of sunlight, assuming that the panel is static. Any reflection is unlikely to be a direct problem to horses, riders or carriage-drivers because of the angles and distances involved. The panels will also be constructed to avoided over-heating, because this too would be wasted energy.

Ranks of linked panels, called arrays, are aligned for optimum exposure to sunlight by their orientation and angle to the sun. Small developments may track the sun and change angle to optimise solar gain but this is not cost-effective in large commercial developments so panels will normally be fixed facing south and tilted at approximately 45 degrees. The arrays will be spaced at two to three times their height to avoid shading at any time of year. The whole site is likely to be fenced for security and may also be hedged for screening if required by planning conditions.

The static panels do not make any noise or movement and require very little maintenance, other than cleaning and vegetation control.

Rain hitting the panels will make a gentle sound which may be lost in the general ambient noise in those conditions, although, obviously, the greater the extent of panels, the greater the cumulative effect of the noise may be.

There are no moving parts or machines except for inverters which produce a low humming sound and are housed in small buildings, which can be constructed to minimise transfer of sound.

Depending on the previous use of the land and its quality, it may become grassland that can be used to graze sheep or poultry to reduce the need for vegetation cutting. Some land is deliberately managed to increase biodiversity, and such sites can be very beneficial to nature as a result.

Solar farms are relatively straightforward to build involving erecting the frames which hold the panels, trenches for cabling and small buildings to house inverters. Tracks may be built to facilitate vehicle movements around the site during construction or for subsequent maintenance.

The frames to support the photovoltaic panels are piled into the ground and can be removed when the farm is decommissioned. The piling operation is generally the most intrusive part of the build project. As a steady and predictable sound, it is unpleasant, but is unlikely to be particularly distressing to horses, although provision of an alternative route when piling is close to an equestrian route may be needed.

In some circumstances, such as presence of archaeological interest, the frames may be mounted on concrete blocks on the surface, but the cost is likely to make the project unviable so is rare.

Trenches run between the arrays and carry cabling to an inverter building where the direct current produced by the panels is converted to alternating current and fed to the National Grid.

Considerations for a solar farm development

As part of the planning process, the developer will conduct a range of studies, typically to find out about the existing ecology and other aspects of the site. The effect on public rights of way should be included in these studies. The results and the design for the solar farm will make up the planning application so you can see at that stage whether the impact on rights of way has been accommodated.

The life of a solar farm is usually 25 years, often with an option to renew for a further period, although some planning permission will specify a return to original use without extension.

The construction phase of an average 40-acre site is likely to be around 16 weeks. Over this period there would be up to 100 lorry deliveries to the site. There will be some construction noise, but less than for many other types of developments. Components are not large so abnormal load vehicles should not be required.

Solar farms are usually secured by fencing which may include hedge screening. The most common type of fencing in use is open mesh 1.8 to 2m high, which is the least intrusive and this can be stipulated in the planning permission.

After construction, traffic to the solar farm will be minimal, with occasional maintenance visits and ground maintenance (mowing or grazing). If the site is currently farmed, usually it is maintained so that it can revert to agriculture after the life of the solar farm.

Planning authorities will normally require that a proposal will minimise disturbance to agricultural land and be mindful of visual impact on any brownfield or agricultural site. As even large solar farms are considered temporary, all the structures and any works (such as tracks) must be capable of removal or reversible.

Vehicular access to the arrays will be controlled to prevent criminal removal of panels. Security lighting and cameras are also likely to be installed; however, such measures usually use infrared to avoid visible light and light pollution.

Factors which could affect equestrians and should be considered during the planning phase are:

- Construction
- Drainage
- Fencing
- Security
- Additional access opportunities

Construction

Construction traffic will create many vehicle movements, relative to the size of the site, but is likely to be much greater on some days than others. A traffic effect plan should be produced during the planning application which should take into account the safety of users of rights of way both on and adjacent to the site and on roads used in the locality. Traffic can be restricted by planning conditions to normal working hours, avoiding the early mornings, evenings and weekends when equestrians are most likely to be out.

Bridleways, byways and unsurfaced roads **should not** be used for site access. If it is unavoidable, every effort should be made to ensure that the surface will be maintained and restored to a surface material suitable for horses after construction of the solar farm. An alternative route for equestrians should be provided during construction to minimise disruption and to ensure users' safety, which includes not forcing them to use roads as the only alternative.

Closures without alternative routes should be avoided and, if necessary, construction traffic managed to reduce the length of closures, rather than an automatic blanket closure throughout the period of construction.

Trenches for cables should not cross or be laid along rights of way. If it is unavoidable, authorisation will be required from the Highway Authority to disturb the surface of the right of way. Acting without authorisation is a criminal offence. The surface must be reinstated to a firm and safe condition within a set period, which should be as short as possible to minimise inconvenience to users. If the surface is not reinstated, the Authority can restore it and charge the cost to the landholder. The finish must be one that is suitable for horse use.

Damage to a good natural resilient surface is commonly a negative impact of a development because it may not be possible to reinstate the surface, and yet another grass track is lost. This can be avoided by careful planning, and using horizontal directional drilling to minimise damage rather than direct burial, which increases damage, even though the cost may be higher for drilling. Damage from vehicles engaged in the cable-laying can also be minimised by using temporary protective tracks on which the vehicles run, but which are removed to leave minimal impact on the surface.

When responding to a planning application for a solar farm, always consider the cable routing and its impact on bridleways and byways, it is often missed and the damage to surfaces can be very disadvantageous to equestrians, especially where not reinstated or where replaced by a sealed surface.

There will be noise during construction, particularly from pile driving, which is unpleasant, but its temporary nature means it is not usually a material planning consideration requiring control.

Drainage

Drainage provision for the radically changed surface of a solar farm compared with greenfield land must be taken into account to prevent potentially serious detrimental effects on equestrian routes on and immediately adjacent to the site and for some distance away, depending on drainage patterns, outflow and the terrain.

Hard surfaces create a very different drainage situation from an open field as run-off is immediate and much higher in volume. The extensive surface area of the panels could significantly change the nature of the drainage. Existing drainage may not be adequate to cope with the changed run-off and a holding pond may be required. New drainage to protect equestrian routes is essential to ensure they are not affected. This must be considered well beyond the site itself so that flash flood damage does not occur.

Equally, land which has a higher density of natural vegetation because not cultivated, heavily grazed or treated with pesticide may be able to absorb more water, therefore reducing speed and immediate volume of runoff from the site.

The effect of the construction process and vehicular access on drainage should also be considered. Levelling a site, soil stripping, trenching for cables, compaction and creating access tracks will all affect the drainage of the site and should be carefully provided for in the construction phase so that there is no adverse effect on equestrian routes.

Hard surfacing routes which currently have an adequate natural surface should not be the automatic answer; it is usually better to preserve the existing surface by attention to drainage. However, the existing surface and potential future use should be taken into account and the opportunity for upgrading the surface with a finish suitable for horse use should be taken if appropriate.

Fencing

Solar farms are valuable investments with material that is vulnerable to crime. They may be fenced to above head height for security. If bridleways or byways are alongside or through sites, care must be taken not to create a narrow corridor. Fencing can be intimidating, especially at this height, and create a need for vegetation control, or, if solid, create a drainage or poached surface problem by preventing light and air reaching the surface. A narrow corridor may also potentially create conflict from users being confined to a corridor, with no ‘escape space’ from a threat as would be the case with an open

field. The need to maintain adjacent hedges and surface vegetation so as not to further reduce the available width should also be considered, as well as vehicular access for maintenance if appropriate.

A minimum **useable** width of 4m between fences is required, which usually means fencing at no less than a 5m corridor, irrespective of any recorded width of the bridleway or byway, with vegetation cut through the full width. This mitigates the enclosed effect of the corridor of the right of way.

Where a bridleway or byway has been previously unfenced, it is likely that the used width has been at least 4m as users do not risk passing each other more closely than necessary, particularly on multi-use routes where horses, bicycles, pedestrians and dogs may be involved.

Use of open mesh fencing is preferable to close boarding or metal palisade-type fencing with sharp points on top. The latter two are much more intrusive in the landscape so should not be permitted in a rural location; they also create unpleasant and intimidating alleys, even if relatively wide, in any location. Metal palisade fencing with spikes on top should be avoided as its rigidity and sharp edges are dangerous and have safety implications for riders. While it may be above head height for a pedestrian, its top is likely to be at or below chest height for a rider and serious injury is likely should a rider be thrown onto or against such a fence.

Security

There may be a wish to restrict vehicle access to the site to minimise theft or vandalism. Anti-vehicle barriers cannot be authorised on bridleways or byways for the purpose of security, only to control livestock or to safeguard users of the right of way. The site must therefore only be permitted if it can be secured without affecting bridleways, byways or roads. On permissive paths, barriers should conform to BHS Advice on gaps, gates and vehicle barriers to ensure safety of users.

Alternative or additional access

Large developments are opportunities for increasing access, particularly those which contribute to community funds. There may be chance to upgrade a footpath to bridleway or to gain an additional route. Even very short links can have important effects by enabling greater or safer use of existing routes in an area.

It should not be necessary to divert a bridleway or restricted byway (a byway open to all traffic cannot be diverted under normal circumstances) as arrays can be arranged around the route. However, this could significantly reduce the number of panels that can be accommodated and there may be a proposal to divert a route to the edge of the site. In some cases, this may be acceptable if it provides a more advantageous route, but not if it is less convenient or attractive to users. Diversions should be avoided, unless the proposal is more desirable than the existing route as the solar farm is a temporary structure. If it is

essential to divert a convenient route, consideration should be given to it reverting to the original line on expiry of the planning permission for the solar farm.

Planning conditions

Where a solar farm is proposed, conditions can be imposed on planning permission to ensure the points above are included. The primary ones are:

- Routes for constructions traffic should avoid passing along or across equestrian routes, including byways and bridleways. Where such use is unavoidable, provision of safe alternatives for the duration of the development, or protection of the equestrian access, should be in place.
- Existing bridleways, byways or other highways across the land should be provided for at no less than 5m width between fences.
- Inverter housing should be constructed to avoid sound transmission and sited away from bridleways and byways to ensure operational noise and maintenance is at a distance.
- Additional opportunities for equestrian access should be considered.

Battery storage

Some solar farms may be associated with battery storage as well as feeding into the National Grid. Siting of batteries should be considered carefully in relation to bridleways and byways because of the fire risk. Apart from the immediate health and safety risk, such fires are very difficult to control, produce high levels of toxins, so closure of all public access may be required. In addition, access routes may be severely damaged by operations to attend the fire.

If this is a saved or printed copy, please check bhs.org.uk/accessadvice for the latest version (date top of page 2).

Appendix E

Response to Question 12.1

Correspondence with Derbyshire Fire and Rescue

Outlook

RE: Oaklands Farm Solar Park - Notification of acceptance of the application for Examination

From [redacted]@Derbys-Fire.Gov.UK>
Date Wed 05/06/2024 08:56
To [redacted]@dhaplanning.co.uk>

2 attachments (645 KB)
Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf; TEMPLATE - BESS Letter.docx.pdf;

[External email - This message originated from outside DHA – prior to opening any attachments or opening links, please ensure their authenticity with the sender]
Hi David

Many thanks for your time yesterday.

Please see the attached as discussed:

1. The NFCC guidance to fire and rescue services when dealing with BESS sites
2. DFRS's standard letter template response to BESS planning application consultations.

If there is anything outside of guidance which relates to your site, we can look to discuss these prior to consultation and agree a way forward.

Kind regards,
Matt

Matthew Hine
Fire Safety Inspecting Officer
Derbyshire Fire & Rescue Service
South Area
Ascot Drive Community Fire Station
DE24 8GZ
[redacted]

From: [redacted]@dhaplanning.co.uk>
Sent: Tuesday, May 21, 2024 5:07 PM
To: [redacted]@Derbys-Fire.Gov.UK>
Subject: RE: Oaklands Farm Solar Park - Notification of acceptance of the application for Examination

Hello Matthew

Thanks for the response – yes, I hadn't had anything back on my original email until your reply.

As per my first email we are primarily looking to establish the correct contact at this stage, with a view to being able to send through a draft Statement of Common Ground and to advance discussions around that. We are happy to take the lead with drafting the Statement of Common Ground and have generally been taking the approach of keeping those succinct wherever possible.

I'd therefore be grateful if you could let me know if you would be the right person or point me in the right direction if not.

Kind regards

David

David Harvey
Director

Email: [redacted]@dhaplanning.co.uk
Mobile: [redacted]

From: [redacted]@Derbys-Fire.Gov.UK>
Sent: Friday, May 17, 2024 1:35 PM
To: [redacted]@dhaplanning.co.uk>
Subject: RE: Oaklands Farm Solar Park - Notification of acceptance of the application for Examination

[External email - This message originated from outside DHA – prior to opening any attachments or opening links, please ensure their authenticity with the sender]
Hi David

Please accept my apologies for the delay in getting back to you.

Are you still waiting for somebody to respond?

Kind regards,

Matthew Hine
Fire Safety Inspecting Officer
Derbyshire Fire & Rescue Service
South Area
Ascot Drive Community Fire Station
DE24 8GZ
[redacted]

From: [redacted]@dhaplanning.co.uk>
Sent: Thursday, April 25, 2024 9:05 AM

To: [redacted]@Derbys-Fire.Gov.UK>
Subject: RE: Oaklands Farm Solar Park - Notification of acceptance of the application for Examination

CAUTION: This is an External email and not from DFRS. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Hello Hayley

Thanks for your acknowledgement email below.

I had a question and wondered if you would be able to assist with it. As part of our work on the Oaklands project we were hoping to enter into a Statement of Common Ground with the relevant emergency service, effectively to hopefully demonstrate to the Examining Authority that some specific aspects of the scheme (such as access for emergency vehicles and Outline Battery Management Plan) are suitable and appropriate. We have however had difficulty finding the right contact in order to progress that.

Is that something you are able to assist with or would you be able to point me in the right direction?

Kind regards

David

David Harvey
Director

Email: [redacted]@dhaplanning.co.uk
Mobile: [redacted]

From: South Area Admin Shared Mailbox <SouthAreaAdmin@Derbys-Fire.Gov.UK>
Sent: Thursday, March 21, 2024 10:35 AM
To: [redacted]@dhaplanning.co.uk>
Subject: FW: Oaklands Farm Solar Park - Notification of acceptance of the application for Examination

[External email - This message originated from outside DHA – prior to opening any attachments or opening links, please ensure their authenticity with the sender]
Good morning,

Thank you for your email and updating us regards the above premises

Many thanks

Hayley

Hayley Aram
Administrator South
South Area Office | Derbyshire Fire & Rescue Service | Ascot Drive Community Fire Station | Ascot Drive | Derby | DE24 8GZ
[redacted]
[redacted]@derbys-fire.gov.uk

From: Reception <Reception@derbys-fire.gov.uk>
Sent: Wednesday, March 20, 2024 4:20 PM
To: South Area Admin Shared Mailbox <SouthAreaAdmin@Derbys-Fire.Gov.UK>
Subject: Fw: Oaklands Farm Solar Park - Notification of acceptance of the application for Examination

Good afternoon,

Please see the attached and below.

Kind regards,
Grace

Reception | Derbyshire Fire & Rescue Service | Butterley Hall | Ripley | DE5 3RS | Email: reception@derbys-fire.gov.uk

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From: [redacted]@dhaplanning.co.uk>
Sent: Wednesday, March 20, 2024 4:05 PM
To: [redacted]@dhaplanning.co.uk>
Subject: Oaklands Farm Solar Park - Notification of acceptance of the application for Examination

Dear Sir/Madam

I am writing on behalf of Oaklands Farm Solar Ltd (the Applicant) who has submitted an application seeking Development Consent for the Oaklands Farm Solar Park, on land west of Rosliston in South Derbyshire. The application was accepted for examination by the Planning Inspectorate on the 5th March 2024.

The Applicant is required to notify various Prescribed Consultees of the acceptance of the application. They are contacting each Prescribed Consultee by post, but for completeness we are also taking the opportunity via this email to provide the attached s56 letter, the s56 Notice relating to the application and a Site Location Plan.

The attached s56 letter and s56 Notice provide details of the application and the process for registering with the Planning Inspectorate as an Interested Party. They also provide contact details should you have any queries at this stage.

Kind regards

David

David Harvey
Director

Email: [redacted]@dhaplanning.co.uk

Ensure you continue to stay safe from fire - you can get regular fire safety advice & information on our Website, Facebook page, or Twitter.

Contact Name & Address

South Area Office
Ascot Drive Community Fire Station
Ascot Drive
Derby
DE24 8GZ

Contact Telephone No
01332 777850

Contact Email
southareaadmin@derbys-fire.gov.uk

Our Reference

Your Reference

Date

Dear Type salutation from Correspondence Form

Town and Country Planning Act 1990 (as amended)
Planning Application Number: Type planning application number
Address of proposed BESS site: Type address of proposed BESS site
Eastings and Northings: Type Eastings and Northings

A We write to you in relation to the planning application for the above proposed BESS site dated Type date of application.

B Thank you for your consultation regarding the above proposed BESS site, dated Type date of application and received by Derbyshire Fire and Rescue Service on Type date application received at DFRS.

Whilst Derbyshire Fire and Rescue Service (DFRS) is not a statutory consultee in relation to this proposed project, we welcome opportunities to work and engage with developers to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce.

As BESS sites fall outside the scope of the Building Regulations, thus removing the Service's opportunity to comment under Approved Document B, we would recommend that the developer and operator apply relevant sector specific guidance to ensure safe practice is employed in the construction, operation and decommissioning of the site.

Once the site is occupied, the site as a whole; including the battery storage containers and ancillary buildings will fall into the scope of the Regulatory Reform (Fire Safety) Order 2005. This places certain fire safety duties on the person responsible for the site which includes carrying out and regularly reviewing the fire safety management plan and the fire risk assessment to protect relevant persons by identifying fire risks and removing or reducing them to as low as is reasonably practicable.

To assist developers, responsible persons and Fire and Rescue Services with the requirements of BESS sites, the NFCC have produced a guidance document which can be found at https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf. This guidance gives advice on how to reduce the risk of fire and fire spread and the requirements for firefighting purposes. It can be summarised as follows:

BESS site developers must ensure the risk of fire is minimised by:

- Procuring components and using construction techniques which comply with all relevant legislation.
- The inclusion of Automatic Fire Detection systems in the development design.
- Including automatic fire suppression systems in the development design. DFRS recommends a water sprinkler system as fires involving lithium-ion batteries have the potential for thermal runaway and other systems would be less effective in preventing re-ignition.
- Including redundancy in the design to provide multiple layers of protection.
- Designing the development to contain and restrict the spread of fire using fire-resistant materials.
- Ensuring the BESS site is located with due considerations of impact on communities, sites and infrastructure. Prevailing wind directions should be factored into the location of the BESS site to minimise the impact of a fire involving lithium-ion batteries due to the toxic fumes produced.
- Developing an emergency response plan with DFRS to minimise the impact of an incident during construction, operation and decommissioning of the facility.
- The emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of regular on-site training exercises.
- The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to DFRS
- Considering the environmental impact of the BESS site by preventing ground contamination, water course pollution and the release of toxic gases.

The BESS site facilities should be designed to provide:

- Adequate separation between containers.
- Adequate thermal barriers between switch gear and batteries,
- Adequate ventilation or air conditioning systems to control the temperature. Ventilation is important since batteries will continue to generate flammable gas if they are hot. Also,

carbon monoxide will be generated until the batteries are completely cooled through to their core.

- A very early warning fire detection and alarm system, such as aspirating smoke detection/air sampling system.
- Carbon Monoxide (CO) detection within the BESS containers.
- Sprinkler protection within BESS containers. The sprinkler system should be designed to BS 12845 or equivalent and designed specifically to reduce or eliminate the risk.
- Sufficient water for manual firefighting. An external fire hydrant should be in close proximity of the BESS containers. − The water supply should be able to provide a minimum of 1,900 l/min for at least 120 minutes (2 hours). Further hydrants should be strategically located across the development. These should be tested and serviced at regular intervals by the operator. If the site is remote from a pressure fed water supply, then an Emergency Water Supply (EWS) meeting the above standard should be incorporated into the design of the site e.g. an open water source and/or tank(s). If above ground EWS tanks are installed, these should include facilities for the FRS to discharge (140/100mm RT outlet) and refill the tank.
- A safe access route for fire appliances to manoeuvre within the site (including turning circles). An alternative access point and approach route should be provided and maintained to enable appliances to approach from an up-wind direction.
- As the majority of BESS are remotely monitored, consideration should include the fixing of an Information Box (IB) at the FRS access point. The purpose of the IB is to provide information for first responders e.g., Emergency Response Plan, to include water supplies for firefighting, drainage plans highlighting any Pollution Control Devices (PCDs) / Penstocks etc for the FRS.
- DFRS are aware that large scale BESS sites are a fairly new technology, and as such risks may or may not be captured in current guidance in pursuance of the Building Regulations 2010 (as amended) and the Regulatory Reform (Fire Safety) Order 2005. This will highlight challenges the FRS have when responding to Building Regulations consultations. For this reason, we strongly recommend applying the *National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems* along with guidance from the *NFCC Grid Scale Battery Energy Storage System Planning*.

Once the site is near to completion, DFRS must be notified, and arrangements made with us, so that fire crews may visit the site to familiarise themselves with the location, site access, site layout, available water supplies and access information.

If I can be of any further assistance to you in this matter please do not hesitate to contact me.

Yours sincerely faithfully

Authorised Fire Safety Inspecting Officer
And on behalf of the Derbyshire Fire and Rescue Authority

Contact Name & Address

South Area Office
Ascot Drive Community Fire Station
Ascot Drive
Derby
DE24 8GZ

Contact Telephone No
01332 777850

Contact Email
southareaadmin@derbys-fire.gov.uk

Our Reference

Your Reference

Date

Dear Type salutation from Correspondence Form

Town and Country Planning Act 1990 (as amended)
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Eastings and Northings: Type Eastings and Northings

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As BESS sites fall outside the scope of the Building Regulations, thus removing the Service's opportunity to comment under Approved Document B, we would recommend that the developer and operator apply relevant sector specific guidance to ensure safe practice is employed in the construction, operation and decommissioning of the site.

Once the site is occupied, the site as a whole; including the battery storage containers and ancillary buildings will fall into the scope of the Regulatory Reform (Fire Safety) Order 2005. This places certain fire safety duties on the person responsible for the site which includes carrying out and regularly reviewing the fire safety management plan and the fire risk assessment to protect relevant persons by identifying fire risks and removing or reducing them to as low as is reasonably practicable.

To assist developers, responsible persons and Fire and Rescue Services with the requirements of BESS sites, the NFCC have produced a guidance document which can be found at https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf. This guidance gives advice on how to reduce the risk of fire and fire spread and the requirements for firefighting purposes. It can be summarised as follows:

BESS site developers must ensure the risk of fire is minimised by:

- Procuring components and using construction techniques which comply with all relevant legislation.
- The inclusion of Automatic Fire Detection systems in the development design.
- Including automatic fire suppression systems in the development design. DFRS recommends a water sprinkler system as fires involving lithium-ion batteries have the potential for thermal runaway and other systems would be less effective in preventing re-ignition.
- Including redundancy in the design to provide multiple layers of protection.
- Designing the development to contain and restrict the spread of fire using fire-resistant materials.
- Ensuring the BESS site is located with due considerations of impact on communities, sites and infrastructure. Prevailing wind directions should be factored into the location of the BESS site to minimise the impact of a fire involving lithium-ion batteries due to the toxic fumes produced.
- Developing an emergency response plan with DFRS to minimise the impact of an incident during construction, operation and decommissioning of the facility.
- The emergency response plan should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of regular on-site training exercises.
- The emergency response plan should be maintained and regularly reviewed by the occupier and any material changes notified to DFRS
- Considering the environmental impact of the BESS site by preventing ground contamination, water course pollution and the release of toxic gases.

The BESS site facilities should be designed to provide:

- Adequate separation between containers.
- Adequate thermal barriers between switch gear and batteries,
- Adequate ventilation or air conditioning systems to control the temperature. Ventilation is important since batteries will continue to generate flammable gas if they are hot. Also,

carbon monoxide will be generated until the batteries are completely cooled through to their core.

- A very early warning fire detection and alarm system, such as aspirating smoke detection/air sampling system.
- Carbon Monoxide (CO) detection within the BESS containers.
- Sprinkler protection within BESS containers. The sprinkler system should be designed to BS 12845 or equivalent and designed specifically to reduce or eliminate the risk.
- Sufficient water for manual firefighting. An external fire hydrant should be in close proximity of the BESS containers. − The water supply should be able to provide a minimum of 1,900 l/min for at least 120 minutes (2 hours). Further hydrants should be strategically located across the development. These should be tested and serviced at regular intervals by the operator. If the site is remote from a pressure fed water supply, then an Emergency Water Supply (EWS) meeting the above standard should be incorporated into the design of the site e.g. an open water source and/or tank(s). If above ground EWS tanks are installed, these should include facilities for the FRS to discharge (140/100mm RT outlet) and refill the tank.
- A safe access route for fire appliances to manoeuvre within the site (including turning circles). An alternative access point and approach route should be provided and maintained to enable appliances to approach from an up-wind direction.
- As the majority of BESS are remotely monitored, consideration should include the fixing of an Information Box (IB) at the FRS access point. The purpose of the IB is to provide information for first responders e.g., Emergency Response Plan, to include water supplies for firefighting, drainage plans highlighting any Pollution Control Devices (PCDs) / Penstocks etc for the FRS.
- DFRS are aware that large scale BESS sites are a fairly new technology, and as such risks may or may not be captured in current guidance in pursuance of the Building Regulations 2010 (as amended) and the Regulatory Reform (Fire Safety) Order 2005. This will highlight challenges the FRS have when responding to Building Regulations consultations. For this reason, we strongly recommend applying the *National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems* along with guidance from the *NFCC Grid Scale Battery Energy Storage System Planning*.

Once the site is near to completion, DFRS must be notified, and arrangements made with us, so that fire crews may visit the site to familiarise themselves with the location, site access, site layout, available water supplies and access information.

If I can be of any further assistance to you in this matter please do not hesitate to contact me.

Yours sincerely faithfully

Authorised Fire Safety Inspecting Officer
And on behalf of the Derbyshire Fire and Rescue Authority