

# Oaklands Farm Solar Scheme Deadline 7 10 December 2024

## Submission by Derbyshire County Council

### PINS Reference: EN010122

#### **Comments on the ExA's schedule of changes to the draft Development Consent Order**

##### **A19:**

DCC consider that A19 relating to TPOs and veteran/ancient trees, the County Council Landscape Architect and Tree Officers have stated that they're content with the approach and methodology in the arboricultural surveys. The Tree Officer has also provided comments regarding veteran oak T56 which is regarded as needing further protection.

DCC has stated that all veteran and ancient trees are an irreplaceable resource which must remain and be afforded protection as an irreplaceable resource and their contribution to both landscape and ecology.

DCC also considers that SDDC must retain powers regarding prior approval of works affecting TPOs.

Although the ExA's comment A19 in the dDCO provides for prior approval in relation to veteran and ancient trees, DCC consider that this prior approval should be extended to trees within a TPO, with a 28 day determination period.

##### **A33:**

The amendment A33 relating to the 'decommissioning fund' should be amended to reference throughout 'other means of financial guarantee'. DCC agrees with the applicant that the wording should provide sufficient scope for the identification of the most appropriate means of securing the financial means necessary for decommissioning.

#### **Progress on matters previously raised during the Examination that have not yet been resolved to the satisfaction of Derbyshire County Council**

##### **Statement of Common Ground**

Derbyshire County Council has provided the applicant with details of the matters on which agreement has been achieved and those on which there remains differing opinion. The matter of the absolute protection of veteran and ancient trees and the need for prior notification regarding works on trees with TPOs remains an item where opinion differs.

The matter of LPA resources remains under discussion, with the possibility of utilisation of DCHLG capacity funding underspend and additional funding from the

applicant, through a joint PPA with SDDC, being used to support the discharge of requirements and monitoring.

**Interpretation – Site Preparation Works**

DCC agrees the approach taken in the dDCO to Site Preparation works and considers it to be appropriate and proportionate. This agreement has been recognised in the draft SoCG.

**From Deadline 6**

**3.2 LPA Resourcing:**

DCC is in receipt of DCHLG capacity funding to assist in the appointment of specialist consultants in relation to DCOs. This funding is currently underspent. DCC is in discussion with DCHLG to confirm the use of the underspend as a contribution to the costs of the discharge of requirements. This funding will not cover the full cost of discharging requirements and monitoring. Both DCC and SDDC are therefore in discussion with the applicant to prepare a Planning Performance Agreement to resolve the resourcing issue.

**5.1 End state after decommissioning:**

No outstanding issues.

**6.3 Loss of BMV agricultural land:**

No outstanding issues.

**7.2 Article 38 – Trees subject to TPOs and ancient and veteran trees:**

DCC maintains the position set out above, that SDDC should retain to role of prior approval regarding works on trees in TPOs and that veteran and ancient trees should be afforded absolute protection as an irreplaceable resource, contributing to ecology and landscape.

**7.3 Habitat constraints plan:**

No outstanding issues.

**7.11 Protected species:**

DCC would defer to the comments of the ecologist at SDDC.

**8.3 Archaeology:**

No outstanding issues.

**11.1 Construction traffic:**

DCC as the Highways Authority has agreed the wording in the Statement of Common Ground, particularly in relation to the routing of indivisible loads, which cannot be fully determined or approved until the exact specification of the vehicles involved is known. This information will not be available until nearer to the delivery date.

**12.1 BESS energy storage system fire risk and related emergency response:**

No outstanding issues. The applicant has been in contact with the relevant Fire and Rescue Services.

**12.3 Potential damage to existing land drainage:**

No outstanding issues.

**13.2 Cumulative effects:**

No outstanding issues.