



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Comments on Responses by Interested Parties to the Third Written Questions and other Submissions made at Deadline 6 December 2024

Document Ref: EN010122/D7/15.4

Version: Deadline 7

CONTENTS

1	INTRODUCTION.....	2
1.1	PURPOSE OF THIS DOCUMENT	2
2	APPLICANT'S COMMENTS ON RESPONSES BY INTERESTED PARTIES TO THE EXAMINING AUTHORITY'S THIRD WRITTEN QUESTIONS.....	3
2.1	CONTENTS.....	3
2.2	APPLICANT'S RESPONSES	4
3	APPLICANTS COMMENTS ON OTHER RESPONSES BY STATUTORY BODIES.....	36
3.1	ADDITIONAL RESPONSES FROM STATUTORY BODIES ON THE EXAS SECOND WRITTEN QUESTIONS	36
	Derbyshire County Council	36
	Natural England	39
4	APPLICANT'S RESPONSE TO NON-STATUTORY BODIES D6 SUBMISSIONS	40
4.1	BRITISH HORSE SOCIETY	40
4.2	DIANE ABBOTT.....	41

1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1 This Document has been prepared for submission at Deadline 7 of the Examination by the Planning Inspectorate into an application by Oaklands Farm Solar Limited ("the Applicant") (a wholly owned subsidiary of BayWa r.e UK Ltd - "BayWa") under the Planning Act 2008 for a Development Consent Order (a "DCO") for the construction, operation, maintenance and decommissioning of ground mounted solar photovoltaic arrays and a Battery Energy Storage System ("BESS") on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire ("the Proposed Development").
- 1.1.2 This Document provides the response by the Applicant to submissions made at Deadline 6 ("D6") by Interested Parties ("IPs") including the Applicant's comments on the responses made by IPs on the Examining Authority's ("ExA") Third Written Questions ("ExQ3").
- 1.1.3 The submissions include comments on the responses to the ExA's ExQ3 from South Derbyshire District Council (SDDC), Derbyshire County Council (DCC), the Environment Agency (EA), Natural England (NE), Historic England (HE), National Grid Electricity Distribution (East Midlands) plc (NGED) and National Grid Electricity Transmission Ltd (NGET).
- 1.1.4 In addition, three submissions were made by non-statutory bodies comprising of one from British Horse Society and two from Diane Abbott.
- 1.1.5 This Document has been prepared as part of the DCO application ("the Application") and should be read in conjunction with the other documents submitted by the Applicant as part of the Application, prior to the Examination commencing and at the Examination Deadlines.

2 APPLICANT'S COMMENTS ON RESPONSES BY INTERESTED PARTIES TO THE EXAMINING AUTHORITY'S THIRD WRITTEN QUESTIONS

2.1 CONTENTS

Q No	Topic	Subject	Page
1.2	Draft Development Consent Order (dDCO) and other consents	Article 2 - Interpretation - Site preparation works	4
1.4		Article 11 - Temporary stopping up of PROWs	6
2.2	Land rights, related matters, and statutory undertakers	Stat undertakers rights and PPs	6
3.2	General and cross-topic planning matters	LPA resources	8
3.3		Solar panel and battery storage replacement at operation	9
3.5		Summary statements	10
5.1	Project lifetime and decommissioning	End state after decommissioning	11
5.2		Funding for decommissioning	12
6.1	Agriculture and soils	Impact of water drip line from panel edges	12
6.2		Outline SMP	13
6.3		Agricultural land classification	14
6.4		Potential loss of BMV agricultural land	16
6.5		Decommissioning of underground cables	18
7.1	Biodiversity	River Mease SAC/SSSI	20
7.2		Draft DCO Article 38 TPO/ancient/veteran trees	21
7.3		Habitats Constraints Plan	22
7.4		Skylark	22
7.5		Barn owl	23
7.6		Great Crested Newts	24
7.8		Badger	24
7.9		Construction haul road	25
8.1		Historic environment	Potential harm to designated assets
8.2	Archaeology		26
8.3	Draft DCO Requirement 18 - Archaeology		27
9.2	Landscape, visual, glint, and glare	The National Forest	27
10.1	Noise and vibration	Noise assessment and mitigation	28
10.2		Piling for the solar panels	29
11.1	Traffic and transport	Construction traffic - DCC and SDDC concerns	29
11.2		Construction traffic - SCC concerns	30
12.1	Water quality, resources, drainage, and flooding	BESS fire risk	31
12.2		Flood Risk Assessment	32

12.3		Potential damage to existing land drainage	33
13.2	Other planning topics	Cumulative effects	35
13.3		Socio-economics	35

2.2 APPLICANT'S RESPONSES

1.2	Applicant, South Derbyshire District Council (SDDC)		
	<p>Article 2 – Interpretation – Site preparation works</p> <p>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.</p> <p>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).</p> <p>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'.</p> <p>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]?</p> <p>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]?</p> <p>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]?</p> <p>d) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
	Applicant at D6	SDDC at D6	Applicant at D7
	<p>(a) The draft DCO defines "site preparation works" as "meaning all or any of—</p> <ul style="list-style-type: none"> (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; (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 	<p>c) SDDC has been in discussion with the Applicant and are now content with the Applicant's approach which is consistent with other consented DCOs for solar and other forms of development.</p>	<p>The Applicant welcomes the response from SDDC and that there are no other outstanding matters. No further action is required.</p>

<p>(h) site clearance (including vegetation removal, demolition of existing buildings and structures);".</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(d) No response required.</p>		
---	--	--

1.4	South Derbyshire District Council (SDDC)		
	Article 11 - Temporary stopping up of public rights of way		
	<p>a) Further to Issue Specific Hearing 1 [EV4-002] Item 9m), please could SDDC set out any concerns about Article 11?</p> <p>b) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
	Applicant at D6	SDDC at D6	Applicant at D7
	<p>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.</p>	<p>a) The temporary stopping up of public rights of way as provided for in the DCO, particularly under Article 11, also raises concerns, as it grants broad powers to stop up, divert, or alter public rights of way without extensive restrictions. Whilst it is recognised that public rights of way may need to be temporarily obstructed to facilitate construction, the guidance suggests that such powers should be exercised with caution to minimise disruption to the public.</p> <p>The DCO allows for the stopping up of rights of way without clearly defined or stringent criteria for restoring access or mitigating impacts. There is also flexibility for the applicant to use public rights of way for temporary worksites, which may further inconvenience local communities. The guidance emphasises that access for pedestrians and affected communities should be carefully managed to minimise disruption, and provisions for restoring rights of way after works should be clear and enforceable. The absence of specific measures in the DCO for quickly reinstating public access, or for providing sufficient alternative routes, raises concerns about how public convenience and access will be safeguarded during the development.</p>	<p>The Applicant maintains its position as set out in its Deadline 6 response, including that SDDC will have the opportunity to approve details of any temporary stopping up at the detailed design stage. This is secured via Requirement 14 (Public rights of way diversions) of the dDCO [REP6-004]</p> <p>Whilst the Applicant considers it appropriate to seek the powers included in the dDCO to provide sufficient flexibility as necessary, it does not seek to unduly stop up the Public Right of Way (PRoW) at any point.</p> <p>The Applicant considers that it is likely that the PRoW would remain open for the entirety of the construction period, with appropriate measures and controls in place to ensure the safe use of that PRoW.</p>

2.2	National Grid Electricity Transmission Plc (NGET), National Grid Distribution (East Midlands) plc (NGED)		
	Statutory Undertakers' rights and Protective Provisions		
	<p>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?</p> <p>b) Does each Statutory Undertaker maintain objections to the land rights powers sought by the Applicant? What might be done to address any objections?</p> <p>c) Please could each Statutory Undertaker also set out its' position at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
	Applicant at D6	NGET at D6	NGED at D6
	<p>The Applicant will review the responses by the statutory undertakers to this question before commenting on those responses where necessary at Deadline 7.</p>	<p>a) NGET is continuing to work with the Applicant to agree a set of protective provisions. It is NGET's understanding that there is currently only one outstanding point in the protective provisions and that relates to the definition of "acceptable security". NGET's standard definition of "acceptable security" is required which requires either a parent company guarantee or a bank bond or letter of credit in favour of NGET to cover the Applicant's liability to NGET to a total liability cap of £50 million. NGET has established that the £50 million total liability cap is, as a minimum, necessary to protect its</p>	<p>NGED has agreed tailored Protective Provisions ("PPs") with the Applicant. The document is currently with the Applicant and NGED for signing and we are awaiting its return. Once the agreement has been completed, NGED intends to withdraw its objection to the Applicant's DCO application.</p>
			Applicant at D7
			<p>The Applicant notes the submissions made by NGET and NGED and expects agreement to be reached with both statutory undertakers before the close of Examination.</p>

		<p>apparatus from damage or injury caused by the authorised works. NGET will continue to work with the Applicant to reach an agreed position regarding the protective provisions</p> <p>b) Yes, NGET maintains its objection unless and until NGET can agree its standard form protective provisions with the Applicant and these protective provisions are included in the draft Development Consent Order. These protective provisions are required by NGET to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.</p> <p>Additionally, NGET objects to any compulsory acquisition powers for rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights being invoked which would affect its apparatus, assets, land or rights over its land.</p> <p>To address this point, NGET has commenced negotiations with the Applicant for an option for easement which would, if exercised, give the Applicant rights over NGET's land at Drakelow electricity substation (Substation). It is essential that NGET maintains control over its land at the Substation in order to protect apparatus and facilitate the delivery of sufficient electrical capacity and/or future customer connections in this location pursuant to NGET's duties as a statutory undertaker. Compulsory acquisition powers could cause serious detriment to NGET's undertaking, for example, by preventing future customer connections to the substation or by preventing NGET from being able relocate apparatus or to extend and/or upgrade the Substation to meet electrical demand.</p> <p>NGET is continuing to work with the Applicant to agree a set of protective provisions to ensure the adequate protection of its interests, statutory undertaking and compliance with relevant safety standards. NGET will also continue to work with the Applicant in order to progress the option for easement which, if exercised, will provide the Applicant with the rights it needs without the Applicant needing to use compulsory acquisition powers. NGET will keep the ExA updated as regards progression of the protective provisions and the option for easement.</p> <p>c) Yes, NGET agrees that it will set out its position at Deadline 7 and 8 of the Examination.</p>		
--	--	---	--	--

3.2	Applicant, SDDC and Derbyshire County Council (DCC) <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?			
	Applicant at D6	SDDC at D6	DCC at D6	Applicant at D7
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The Applicant is not aware of any precedent for requiring planning performance provisions to be secured as part of a DCO.</p> <p>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</p>	<p>a) As requested by SDDC, the Applicant has signposted SDDC towards other similar developments citing the approach they have taken as being appropriate. The Applicant's latest proposal is to specify fees within the dDCO as per the TCPA charging schedule and for this to be supplemented by addressing the provision of additional resourcing needs through flexible mechanisms like PPAs or Agreements under Section 111 of the Local Government Act 1972, and for this to be referenced in the SoCG. SDDC is considering these proposals.</p>	<p>a) As requested by SDDC and DCC, the Applicant has signposted the LPAs towards other similar developments citing the approach they have taken as being appropriate. The applicant's latest proposal is to set fees as per the TCPA charging schedule and for this to be supplemented by addressing the provision of additional resourcing through flexible mechanisms such as PPAs or agreements under Section 111 of the Local Government Act 1972. SDDC and DCC are considering these proposals.</p> <p>Derbyshire County Council was successful with a bid in 2023 for the (then) Department for Levelling Up, Housing and Communities' NSIP Innovation and Capacity Fund. Part of this funding has been used to commission a number of specialist studies to support DCC's and SDDC's position on the Oaklands Solar Farm scheme, particularly through the DCO examination process. DCC is currently exploring with the new DHCLG whether any underspend from its NSIP Capacity Funding can be used to support the two Council's ongoing involvement with the Oaklands DCO, particularly the post DCO approval phase such as processing consultations on the Discharge of Requirements and monitoring mitigation proposals. A meeting with DHCLG is scheduled for 8th January 2025.</p>	<p>The Applicant has continued to discuss this matter with SDDC and DCC following Deadline 6, including at a meeting on 9th December 2024.</p> <p>The Applicant maintains its position as set out at Deadline 6 and in its Comments to the ExA's Proposed Changes to the dDCO (submitted at D7).</p> <p>The Applicant will review any submissions by SDDC and DCC on this point at Deadline 7 and comment on those if appropriate.</p>

<p>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.</p> <p>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.</p> <p>c) No response required.</p>			
---	--	--	--

<p>3.3 Applicant, SDDC</p>		
<p>Solar panel and battery storage replacement during the operation stage</p> <p>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.</p> <p>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”:</p> <p><i>“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. 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.”</i></p> <p>The ExA is seeking firmer and more precise commitments and suggests the following, or similar:</p> <ul style="list-style-type: none"> • 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 HGV two-way movement per year. <p>a) Please could the Applicant and SDDC comment?</p> <p>b) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
<p>Applicant at D6</p>	<p>SDDC at D6</p>	<p>Applicant at D7</p>
<p>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</p>	<p>a) SDDC would welcome being notified about maintenance for forthcoming years along with supporting information, and that SDDC would need to confirm panel replacement will not lead to any materially new or materially more adverse environmental effects arising from any planned maintenance activities.</p>	<p>The Applicant welcomes the response from SDDC supporting the Applicants amended wording at Paragraph 3.1.4 of the Outline OEMP [REP6-022]. No further action is required.</p>

<p>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.</p> <p>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 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:</p> <ul style="list-style-type: none"> • 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. <p>b) No response required.</p>		
---	--	--

3.5 Applicant, Interested Parties						
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?						
Applicant at D6	SDDC at D6	DCC at D6	EA at D6	NE at D6		Applicant at D7
(a) No response required. (b) The Applicant confirms that it will be providing a closing summary statement at Deadline 8.	<i>No response provided.</i>	<i>No response provided.</i>	<i>No response provided.</i>	<i>No response provided.</i>		The Applicant is continuing to engage with Interested Parties to resolve matters during the examination. The Applicant confirms that it will be providing a Closing Statement at Deadline 8.

5.1 Applicant, SDDC, DCC, Environment Agency (EA), Natural England (NE)						
<p>End state after decommissioning</p> <p>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.</p> <p>a) Do SDDC, DCC, EA, or NE have any comments?</p> <p>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]?</p> <p>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?</p>						
Applicant at D6	SDDC at D6	DCC at D6	EA at D6	NE at D6	Applicant at D7	
<p>a) No response required.</p> <p>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.</p> <p>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.</p> <p>c) No response required.</p>	<p>a) SDDC are of the view that the review and agreement of updates to the end state after decommissioning during the construction and operational phase could ensure that the end state is appropriately described.</p>	<p>a) DCC agree that further description of the end state is not necessary, it is adequately discussed in the ODEMP and SRMP.</p> <p>c) Deadlines 7 and 8</p>	<p>a) We note that the Applicant has amended Requirement 22 (Decommissioning and restoration) to ensure the Decommissioning and Environmental Management Plan (DEMP) is approved by the Local Planning Authority in consultation with the EA. Therefore, we have no further comments to make.</p> <p>c) We have no remaining concerns as we will be consulted on the DEMP (Requirement 22).</p>	<p>The oDEMP commits to restoring land quality to its pre construction condition at the end of operation. The applicant also commits to alleviate localised impacts which will enable them to reinstate land to its original use and ALC grade. Natural England are satisfied with the measures proposed, this combined with pre construction ALC survey data will enable them to restore the land to its pre development condition.</p>	<p>The Applicant welcomes the comments from DCC, the EA and NE confirming they are content with the Applicant's approach.</p> <p>The Applicant has continued to discuss this matter with SDDC, including during a meeting on 9th December 2024.</p> <p>The Applicant understands that SDDC are content on this matter such that no further action is considered necessary.</p> <p>This position will be reflected in the final signed SoCG with SDDC which will be submitted at D8.</p>	

5.2	SDDC		
<p><u>Funding for decommissioning</u></p> <p>The ExA is considering whether, to respond to concerns and provide security, a commitment should be made to building a decommissioning fund during operation.</p> <p>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:</p> <p><i>"Requirement 27 – Decommissioning fund</i></p> <p><i>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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(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."</i></p> <p>a) Please could SDDC comment?</p> <p>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?</p>			
	Applicant at D6	SDDC at D6	Applicant at D7
	The Applicant will review the response by SDDC to this question before commenting on that response where necessary at Deadline 7.	a) SDDC would welcome the inclusion of measures to build up a decommissioning fund during operation.	The Applicant acknowledges the response from SDDC and notes that the ExA has included the Applicant's wording for Requirement 27 (decommissioning fund) in The Examining Authority's Schedule of Changes to the draft Development Consent Order [PD-015]. For clarity and consistency within the requirement, the Applicant has ensured all references to the "decommissioning fund" mirror the drafting in paragraph (1) of the requirement i.e., "decommissioning fund or other form of financial guarantee".

6.1	Applicant, SDDC		
<p><u>Impact of water drip-line from panel edges</u></p> <p>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.</p> <p>a) Please could the Applicant respond to SDDC's concerns and ensure that any necessary related mitigation is secured?</p> <p>b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>			
	Applicant at D6	SDDC at D6	Applicant at D7
	(a) The Applicant's response is provided as Appendix B to this document [REP6-042]. (b) No response required.	No response provided.	The Applicant is continuing to engage with SDDC on agricultural matters as part of the SoCG. The Applicant and SDDC expect to have a final signed SoCG at Deadline 8 that addresses agricultural matters.

6.2	Applicant, NE, SDDC			
<p>Outline Soil Management Plan (Outline SMP)</p> <p>NE [AS-022, AS-033] sets out a number of concerns regarding the Outline SMP, including that it should:</p> <ul style="list-style-type: none"> • 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 restored, which would enable a satisfactory standard of agricultural after use to be reached, with regards to cultivating, reseeded, draining or irrigating, applying fertiliser, or cutting and grazing the site. <p>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].</p> <p>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.</p> <p>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?</p> <p>b) Does NE have any other concerns about the Outline SMP?</p> <p>c) Please could the Applicant respond to SDDC's additional concerns and ensure that any necessary related mitigation is secured?</p> <p>d) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>				
Applicant at D6		SDDC at D6	NE at D6	Applicant at D7
<p>a) No response required.</p> <p>b) No response required.</p> <p>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.</p> <p>The additional points raised by SDDC at D5 [REP5-039 matter 6.2] are:</p> <ul style="list-style-type: none"> • 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. <p>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</p>		<p>No response provided.</p>	<p>Natural England note that the oCEMP document has been written to comply with the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) and the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working. However we have not been able to review the oSMP due to resource pressure so will provide comments at deadline 7 & 8.</p>	<p>The Applicant has continued to discuss matters with both SDDC and NE through the SoCGs.</p> <p>NE has since confirmed it does not have any outstanding matters or queries following its review of the oSMP. The completed and signed SoCG with NE confirms this and is submitted at Deadline 7.</p> <p>SDDC's position will be set out in the signed SoCG which will be submitted at Deadline 8.</p>

<p>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.</p> <p>Closed Period. The oSMP contained in the oCEMP and oDEMP (paragraphs 1.4.4 and 4.13 respectively) [REP5-011] specifies as follows:</p> <p><i>"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)".</i></p> <p>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.</p> <p>d) No response required.</p>			
--	--	--	--

<p>6.3 Applicant, NE, SDDC</p> <p><u>Agricultural Land Classification (ALC)</u></p> <p>NE [AS-022] [REP1-037] raise various concerns regarding ALC, including:</p> <ul style="list-style-type: none"> • 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. <p>NE [AS-033] say that they have no further concerns regarding ALC survey methodology, but did not provide any further detail.</p> <p>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].</p> <p>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.</p> <p>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?</p>

	Applicant at D6	SDDC at D6	NE at D6	Applicant at D7
<p>b) Please could the Applicant respond to SDDC's additional concerns and ensure that any necessary related mitigation is secured?</p> <p>c) Do NE or SDDC have any comments on the Additional Land Classification Survey at Park Farm [REP5-036]?</p> <p>d) Does NE have any other concerns about ALC? How might they be addressed?</p> <p>e) Please could SDDC and NE set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> <p>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?</p>	<p>a) No response required.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>The Applicant's response to these comments is as follows:</p> <ul style="list-style-type: none"> 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; 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. <p>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.</p> <p>c) No response required.</p> <p>d) No response required.</p> <p>e) No response required.</p> <p>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.</p>	<p>c) SDDC accept that the Additional Land Classification Survey at Park Farm was undertaken by an appropriate professional.</p> <p>SDDC note that of the 48.2Ha surveyed in the 2021, 7.3Ha was subgrade 3a (Good) ALC, i.e. 15.2% of that area. However, of the additional 10.2Ha surveyed in 2024, 8.1Ha was subgrade 3a (Good) ALC, i.e. 79.4% of that area.</p> <p>SDDC are of the view that the total impacted area of BMV agricultural land is clearly significantly more when the additional survey area is taken into account, more than double, and this increases the concerns SDDC has in regard to the loss of BMV agricultural land resulting from the development.</p>	<p>Natural England note that a soil survey has been undertaken on the cable route to inform the oSMP. Natural England also note that the applicant has committed to providing the qualifications of the soils scientists (surveyors). However we have not been able to review the oSMP due to resource pressure so will provide comments at deadline 7 & 8.</p>	<p>The Applicant has continued to discuss matters with both SDDC and NE through the SoCGs.</p> <p>In response to the comments from SDDC, the Applicant maintains the position set out in response to this question at Deadline 6 [REP6-033 and REP-042] in that the installation of the cable within the cable corridor (covered by the Additional Land Classification Survey at Park Farm) will not affect the land's agricultural grading, subject to successful implementation of the mitigation measures set out in the oSMP. The Applicant does not consider any further mitigation necessary. The Applicant expects to submit a signed SoCG with SDDC at Deadline 8 which covers agricultural matters.</p> <p>NE has since confirmed it does not have any outstanding matters or queries following the review of the oSMP, which is confirmed in the signed SOCG submitted at Deadline 7.</p>

6.4	Applicant, EA, SDDC			
<p>Potential loss of BMV agricultural land</p> <p>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.</p> <p>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”.</p> <p>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.”</p> <p>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.”</p> <p>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.</p> <p>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?)?</p> <p>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?</p> <p>EA [REP4-017] request that the Applicant takes the ecological enhancements achieved during the development’s lifetime into account.</p> <p>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]?</p> <p>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?</p> <p>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.</p> <p>f) Please could the Applicant respond to SDDC’s concerns and ensure that any necessary related mitigation is secured?</p> <p>g) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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]?</p> <p>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?</p> <p>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?</p>				
Applicant at D6	SDDC at D6	EA at D6	Applicant at D7	
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.	No response provided	i) The potential loss of Best and Most Versatile (BMV) agricultural land is not within the remit of the EA. Natural England are the lead for BMV agricultural land. Therefore, we have no comments to make in relation to the restoration of BMV	The Applicant notes the EA’s response. The Applicant has continued to engage with NE through the SoCG. NE has confirmed it does not have any outstanding matters or queries

<p>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.</p> <p>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.</p> <p>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 guidelines and criteria for grading the quality of agricultural land", MAFF (October 1988).</p> <p>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) <i>"the current agricultural use, or intensity of use, does not affect the ALC grade"</i>.</p> <p>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.</p> <p>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:</p> <p><i>"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"</i>.</p> <p>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.</p> <p>The survey will be mostly one of observation coupled with some examination of soil, generally topsoil.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>		<p>agricultural land following decommissioning.</p>	<p>following the review of the oSMP. The Applicant has submitted a signed SoCG with NE at Deadline 7 which reflects this position. The Applicant therefore considers this matter resolved.</p> <p>At Deadline 7, the Applicant continues to discuss agricultural matters with SDDC, including a meeting on 9th December 2024. The Applicant will be submitting a final SoCG with SDDC at Deadline 8.</p>
--	--	---	---

<p>place every 5 years during operation and this commitment has been secured in the oSMP added at Appendix 1 of the oOEMP.</p> <p>g) No response required.</p> <p>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.</p> <p>i) No response required.</p> <p>j) No response required.</p>			
---	--	--	--

<p>6.5 Applicant, EA, SDDC</p> <p><u>Decommissioning of underground cables</u></p> <p>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.</p> <p>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.</p> <p>NE [AS-033] say that <i>"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."</i></p> <p>Paragraph 2.6.9 of the Outline CEMP [REP5-011] includes that <i>"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."</i></p> <p>Section 3.1.4 of the Outline DEMP [REP5-015] says that <i>"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."</i></p> <p>Paragraph 1.6 of the Outline SMP embedded in the Outline DEMP [REP5-015] includes that <i>"The Applicant commits to the repair of land drains or the installation of new land drains where removal of solar panel</i></p>
--

<p><i>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."</i></p> <p>a) Does SDDC have any comments?</p> <p>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?</p> <p>EA [REP5-043] say that:</p> <ul style="list-style-type: none"> 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. <p>c) Please could the Applicant respond to the matters raised by the EA and ensure that any necessary related mitigation is secured?</p> <p>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?</p>			
Applicant at D6	SDDC at D6	EA at D6	Applicant at D7
<p>a) No response required.</p> <p>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.</p> <p>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:</p> <p>"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."</p> <p>d) No response required.</p>	<p>a) SDDC are of the view that it is important to understand and fully consider at this stage whether cables will be removed or not, since cable removal at decommissioning is likely to have a significant adverse impact on soil quality at that time.</p>	<p>d) We have no remaining concerns as the EA are to be consulted on the DEMP in line with Requirement 22. At the time of decommissioning the Applicant would need to demonstrate, as part of the DEMP, that leaving cables in situ would not result in pollution to ground or surface water.</p>	<p>In response to SDDC's comments, the Applicant has confirmed in the Outline DEMP [REP6-022] (Section 3.1.3) that the Applicant intends to remove buried cables, subject to that being the method likely to have the least environmental impact at the time of decommissioning.</p> <p>The text added to the Outline DEMP at Deadline 6 (Section 3.1.3) ensures an appropriate mechanism for either removing buried cables or leaving them in situ. The appropriate approach will be fully considered at the decommissioning stage which will be approved by SDDC in accordance with Requirement 22 (Decommissioning and restoration).</p> <p>The Applicant welcomes the response from the EA. No further action is required.</p>

7.1	Applicant, NE, SDDC			
River Mease Special Area of Conservation (SAC) River Mease Site of Special Scientific Interest (SSSI)				
<p>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].</p>				
<p>a) Please could the Applicant add a requirement for approval in consultation with NE to Requirement 9(1)?</p>				
<p>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.</p>				
<p>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.</p>				
<p>b) Do NE have any remaining concerns in the mitigation measures for the chemicals used to clean the panels?</p>				
<p>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.</p>				
<p>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.</p>				
<p>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?</p>				
<p>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 about how they might be addressed?</p>				
	Applicant at D6	SDDC at D6	NE at D6	Applicant at D7
	<p>a) The Applicant has added a requirement for approval in consultation with NE to Requirement 9(1).</p> <p>b) No response required.</p> <p>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).</p> <p>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.</p> <p>The delivery of the LEMP is secured by Requirement 8 (landscape and ecological management plan) of the dDCO.</p> <p>d) No response required.</p>	<p><i>No response provided</i></p>	<p>Natural England welcome the clarification that the panels will be cleaned with domestic strength cleaner. This kind of activity is unlikely to impact the designated features of the River Mease SAC. Therefore Natural England does not have any remaining concerns about the impact of the Oaklands Solar Farm on the River Mease SAC or SSSI.</p>	<p>The Applicant welcomes the comments from NE and confirms that no further action is required.</p> <p>The Applicant continues to engage with SDDC regarding ecological matters, including a meeting on 9th December 2024. The Applicant will be submitting a SoCG at Deadline 8 which confirms the position.</p>

7.2	<p>SDDC, DCC</p> <p><u>Draft DCO [REP5-003] Article 38 - Trees subject to Tree Preservation Orders (TPO) Ancient/ veteran trees</u></p> <p>SDDC [REP4-014] and DCC [REP4-012] raised concerns about impacts on ancient/ veteran trees.</p> <p>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].</p> <p>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.</p> <p>a) Please could SDDC and DCC comment?</p> <p>b) Please could SDDC and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>			
	Applicant at D6	SDDC at D6	DCC at D6	Applicant at D7
	<p>The Applicant will review the responses by SDDC and DCC to this question before commenting on those responses where necessary at Deadline 7.</p>	<p>a) Within the latest dDCO, the Schedule identifies Works Nos. 5 and 5A to take place to tree within W4 that are afforded protection by TPO 122. SDDC has specific concerns in relation to any veteran/ancient trees (irreplaceable habitat) within that woodland and it would be helpful if it could be clarified if any veteran/ancient trees occur within W4 and, if so, for those trees to be identified, afforded special protection, and/or avoided completely during proposed works.</p>	<p>a) The DCC arboricultural officer has stated that the appropriate methodology for the assessment of ancient and veteran trees has been applied and accepts the results of the survey. However, an ancient Oak, T56, requires a greater root protection zone than is indicated. The arboricultural officer suggests that the root protection zone should be fenced to ensure adequate protection.</p> <p>DCC maintains the view that prior works on trees within the TPO, consent of the LPA should be required for proposed works and further, that ancient and veteran trees should be afforded absolute protection as an irreplaceable resource.</p> <p>DCC consider that the applicant has identified the Trees in a TPO that are to be affected by the proposal and therefore, SDDC has been made aware of that potential impact and is in a position to secure mitigation.</p>	<p>The Applicant submitted a revised ES Appendix 6.14 - Arboricultural Survey Report [REP6-026] at Deadline 6. This included a detailed survey of the trees within W4. In summary, the more detailed survey identified that the original woodland (W8) is comprised of two smaller discrete woodland blocks (W9 and W10) with moderate quality (Category B) and a number of smaller groups (G62, G63, G64 and G67, G68 and G69).</p> <p>The groups, with the exception of G64 (Category B), are all of low quality (Category C). Most of the groups have been heavily managed for clearance of the overhead power lines. The most significant individual trees within the areas of woodland (relevant to the Proposed Development), and within the tree groups, were also surveyed.</p> <p>The individual trees identified are primarily adjacent to the existing overhead power line wayleaves. The trees are predominantly low (22No.) and moderate (21No.) quality within only two high quality (Category A) trees identified. In addition, nine very low-quality trees were identified. No veteran or ancient trees were identified within W4.</p> <p>The final cable route is still subject to the approval of National Grid. There is provision within the dDCO [REP6-004] requiring the final cable route to be approved by SDDC as part of the detailed design approval (Requirement 5) and the submission and approval of an Arboricultural Method Statement (AMS) for each phase of the Proposed Development (Requirement 7).</p> <p>With regard to T56 (Ancient Oak), it is confirmed in ES Appendix 6.14 - Arboricultural Survey Report [REP6-026], that part of the applied ancient tree buffer (of 23.4m radius) extends into the cable corridor.</p>

				<p>The cable corridor width provides sufficient space to locate the proposed cable outside of the ancient tree buffer and for the tree (T56 Ancient Oak) to be adequately protected during construction. The extent of the ancient tree buffer, and details of the root protection zone, will be confirmed in the AMS for that phase as secured by Requirement 7 of the dDCO [REP6-004]. This will need to be approved by SDDC prior to each stage of the Proposed Development.</p> <p>The Applicant considers the powers set out in Article 38 of the dDCO reflect precedent. The Applicant considers the additional wording proposed by the ExA to provide further control to the LPA regarding ancient and veteran trees is proportionate to alleviate the concerns raised.</p>
--	--	--	--	--

7.3	Applicant, SDDC, DCC			
	<p>Habitat Constraints Plan</p> <p>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.</p> <p>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].</p> <p>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?</p> <p>b) Please could SDDC and DCC comment?</p> <p>c) Please could SDDC and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>			
	Applicant at D6	SDDC at D6	DCC at D6	Applicant at D7
	<p>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).</p> <p>b) No response required.</p> <p>c) No response required.</p>	<p>b) SDDC have reviewed those interpretable maps and they provide useful clarity and should be attached to the Outline CEMP for further comprehensive review.</p>	<p>DCC welcomes the inclusion of the habitats constraints plans referenced in the OCMP at 2.8.5 including buffer zones, and requirement 9 for approval of the LPA prior to construction.</p>	<p>The Applicant welcomes the comments from both SDDC and DCC confirming acceptance of the draft Habitat Constraints Plans. No further action is required.</p>

7.4	Applicant, SDDC			
	<p>Skylark</p> <p>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.</p> <p>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.</p> <p>a) Please could the Applicant provide evidence that the S106 unilateral undertaking is secured, as described?</p>			

b) Please could SDDC comment?		
Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?		
Applicant at D6	SDDC at D6	Applicant at D7
<p>(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.</p> <p>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.</p> <p>A copy of the signed S106 unilateral undertaking will be submitted to examination as soon as it is signed and completed.</p> <p>(b) No response required.</p> <p>(c) No response required.</p>	<p>b) SDDC accept the principle of utilising a S106 unilateral undertaking to secure off-site mitigation of skylark plots to benefit skylark and other farmland birds.</p>	<p>The Applicant welcomes the comments from SDDC in support of the approach taken by the Applicant. A completed Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 has been submitted at Deadline 7 (Document 15.5).</p>

7.5	Applicant, SDDC	
	<p>Barn owl</p> <p>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.</p> <p>The Applicant [REP5-024, REP5-026] says that specific barn owl surveys were not undertaken as “<i>there is a very good understanding of barn owl ecology</i>”, 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.</p> <p>The ExA notes that, as defined by the dDCO [REP5-003], ‘pre-construction’ is not necessarily before the site preparation works.</p> <p>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?</p> <p>b) Please could SDDC comment?</p> <p>c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>	
	Applicant at D6	SDDC at D6
	Applicant at D7	
	<p>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.</p> <p>b) No response required.</p> <p>c) No response required.</p>	<p>b) SDDC understood that the Applicant had agreed for a survey to be undertaken to better quantify the barn owl population in the surrounding area and identify the degree of impact. An approximation of the barn owl population of the surrounding area would be useful to determine the level of necessary mitigation.</p>
		<p>The Applicant maintains its position on barn owl, which was set out at Sections 1.100 – 1.103 of The Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 1 [REP5-026] and in its separate response at Deadline 5 on ecological matters [REP5-031].</p> <p>In summary, the Applicant’s position is that barn owl ecology and behaviour is well understood. Various mitigation measures are available to manage and avoid any potential impacts on barn owl, with the Proposed Development</p>

			<p>ultimately expected to be of benefit to barn owl through the provision of suitable foraging habitat.</p> <p>The Applicant has committed to undertaking a barn owl survey before the start of the site preparation works. This will ensure a full understanding of the presence of barn owl and that appropriate mitigation measures are defined, prior to site preparation works.</p>
--	--	--	--

7.6	Applicant, SDDC		
	<p>Great crested newt</p> <p>The ExA [EV4-002] requested that the Applicant consider whether additional precautionary mitigation is required for great crested newt.</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>b) Please could SDDC comment?</p> <p>c) Please could SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
	Applicant at D6	SDDC at D6	Applicant at D7
	<p>(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.</p> <p>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].</p> <p>(b) No response required.</p> <p>(c) No response required.</p>	<p>b) Pre-cautionary checks as part of ECoW immediately before site preparation works (any vegetation clearance or heavy traffic) of potential refuges and marginal areas adjacent to potential newt habitat including ponds/scrub would be appropriate particularly in the vicinity of Park Farm and Hill Covert to help conclude that mobile individuals are not at risk from proposed works.</p>	<p>The Applicant confirms that paragraph 2.8.10 of the OCEMP [REP6-018] secures pre-construction surveys under the supervision of an ECoW . No further action is required.</p>

7.8	Applicant, SDDC		
	<p>Badger</p> <p>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.</p> <p>a) Please could the Applicant respond to SDDC’s concerns?</p>		

b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?		
Applicant at D6	SDDC at D6	Applicant at D7
<p>(a) An updated badger survey, 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.</p> <p>In the event licensable activities are required, (e.g. disturbance of sheltering badger) a Natural England licence will be secured.</p> <p>(b) No response required.</p>	<p><i>No response provided</i></p>	<p>The Applicant maintains its position as stated in its response at Deadline 6. The Applicant is continuing to engage with SDDC, including a meeting on 9th December 2024. The Applicant will provide a signed SoCG with SDDC at Deadline 8 which will cover ecological matters.</p>

7.9 Applicant, SDDC						
<p><u>Construction haul road</u></p> <p>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.</p> <p>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.</p> <p>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."</p> <p>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".</p> <p>SDDC [REP5-040] say that the Health and Safety Executive recommends that haul roads should be three and a half times 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.</p> <p>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?</p> <p>b) Please could SDDC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>						
<table border="1"> <thead> <tr> <th>Applicant at D6</th> <th>SDDC at D6</th> <th>Applicant at D7</th> </tr> </thead> <tbody> <tr> <td> <p>(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).</p> <p>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</p> </td> <td> <p><i>No response provided</i></p> </td> <td> <p>The Applicant is continuing to engage with SDDC, including a meeting on 9th December 2024. The Applicant maintains the position set out at Deadline 6 and will provide a signed SoCG with SDDC at Deadline 8 which will cover ecological matters.</p> </td> </tr> </tbody> </table>	Applicant at D6	SDDC at D6	Applicant at D7	<p>(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).</p> <p>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</p>	<p><i>No response provided</i></p>	<p>The Applicant is continuing to engage with SDDC, including a meeting on 9th December 2024. The Applicant maintains the position set out at Deadline 6 and will provide a signed SoCG with SDDC at Deadline 8 which will cover ecological matters.</p>
Applicant at D6	SDDC at D6	Applicant at D7				
<p>(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).</p> <p>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</p>	<p><i>No response provided</i></p>	<p>The Applicant is continuing to engage with SDDC, including a meeting on 9th December 2024. The Applicant maintains the position set out at Deadline 6 and will provide a signed SoCG with SDDC at Deadline 8 which will cover ecological matters.</p>				

<p>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.</p> <p>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 its natural state. No further mitigation to that already provided for within the submitted management plans is therefore considered necessary.</p> <p>(b) No response required.</p>		
--	--	--

<p>8.1 Applicant, Historic England (HE)</p>		
<p>Potential harm to designated heritage assets</p> <p>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).</p> <p>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?</p> <p>b) Please could the Applicant and HE provide an update of progress in resolving the matters not agreed and update the SoCG accordingly.</p> <p>c) Please could HE set out any remaining concerns at Deadlines 7 and 8 and suggest how they might be addressed?</p>		
<p>Applicant at D6</p>	<p>HE at D6</p>	<p>Applicant at D7</p>
<p>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.</p> <p>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.</p> <p>c) No response required.</p>	<p>a) Following further information provided by the Applicant's team, there is sufficient landscape mitigation between Copperhill Spinney and Oaklands Farm to alleviate concerns. Historic England would still encourage reinforcing existing buffers, such as Redferns Wood, within their own redline boundary. Historic England previously advised there was scope to increase landscape mitigation along Coton Road due to the topography.</p> <p>b) Whilst no significant progress has been made on this at this time, Historic England continue to engage and will update the SoCG for future deadlines.</p> <p>c) Yes, Historic England will ensure this is set out where necessary.</p>	<p>The Applicant has engaged in further discussion with HE on the matter of further landscape mitigation being provided.</p> <p>The Applicant maintains that further landscape mitigation is not proportionate, or necessary, given the low level of less than substantial harm which is agreed by HE.</p> <p>The Applicant has submitted a signed SoCG with HE at Deadline 7, which confirms the position of both parties on this matter.</p>

<p>8.2 HE</p>		
<p>Archaeology – potential harm to assets subject to the policies for designated heritage assets</p> <p>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.</p> <p>The ExA notes that there is some uncertainty about the nature of any potential archaeology.</p> <p>a) Please could HE comment on the potential for harm to archaeological heritage assets within its remit?</p>		
<p>Applicant at D6</p>	<p>HE at D6</p>	<p>Applicant at D7</p>

<p>The Applicant will review the response by HE to this question before commenting on that response where necessary at Deadline 7.</p>	<p>Historic England has reviewed impacts on the significance of scheduled monuments in particular the potential glimpsed and winter views from Borough Hill [NHLE:1017742]. We have not raised concerns about the impact on the significance of the scheduled monument due to the low level of these impacts. There are potential further visual setting effects in respect of approach via an old (undated) track that approaches the hill fort and farmstead from the SE side of the road between Walton upon Trent and Cotton-in-the Elms but again we have considered these to be a low level in terms of impact upon the significance of the monument. As regards other designated or equivalent (to scheduled) archaeological assets we have not identified harmful impacts. To our knowledge archaeological investigations in the course of the project to date have not identified additional sites of national importance. Whilst Historic England's functions extend across all heritage matters, we defer to the expertise of the County Archaeological advisor who will be best placed to comment on the archaeological impacts of this scheme, we can provide scientific support to County via our Science Advisor should this be required.</p>	<p>The Applicant acknowledges the response from HE and that it defers to DCC as the County Archaeological advisor to comment on the archaeological impacts of this Proposed Development.</p> <p>The Applicant, SDDC and DCC agree that there is a low potential for archaeological remains to be present, which would give rise to a significant effect, and that the Written Scheme of Investigation provided for by Requirement 18 of the dDCO [REP6-004] is an appropriate mechanism for providing further certainty regarding the presence of any archaeological remains. No further action is therefore required.</p>
--	--	--

<p>8.3 Applicant, DCC</p>		
<p>Draft DCO [REP5-003] Requirement 18 – Archaeology DCC [REP5-037] comments on Requirement 18 and provides reasoning for suggested alternative wording:</p> <p><i>“(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.</i></p> <p><i>(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.</i></p> <p><i>(3) All archaeological works must be carried out in accordance with the approved WSI, including post-excavation analysis, reporting, publication and archiving.”</i></p> <p>a) Please could the Applicant comment and update the dDCO [REP5-003] accordingly?</p> <p>b) Please could DCC set out any remaining concerns about archaeology at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
<p>Applicant at D6</p>	<p>DCC at D6</p>	<p>Applicant at D7</p>
<p>(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.</p> <p>(b) No response required.</p>	<p>b) The DCC archaeologist has no further comments on archaeology following the inclusions identified as paragraphs 1- 3 and subject to the approval of the WSI by the LPA and County Archaeologist prior to commencement.</p>	<p>The Applicant welcomes the response from DCC and that there are no other outstanding matters relating to this point. No further action is required.</p>

<p>9.2 SDDC</p>		
<p>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.</p> <p>a) Have SDDC’s concerns been addressed? How might they be addressed?</p> <p>b) Please could SDCC set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
<p>Applicant at D6</p>	<p>SDDC at D6</p>	<p>Applicant at D7</p>
<p>The Applicant will review the response by SDDC to this question before commenting on that response where necessary at Deadline 7.</p>	<p>a) SDDC have no further concerns in relation to compliance with Local Plan Policy INF8 and will review detailed tree works once provided.</p>	<p>The Applicant welcomes the response from SDDC and that there are no other outstanding matters relating to this point. No further action is required.</p>

10.1	<p>Applicant, SDDC</p> <p><u>Noise assessment and mitigation</u></p> <p>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].</p> <p>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].</p> <p>b) Please could the Applicant update the SoCG with DCC and SDDC [AS-029] as necessary?</p> <p>c) Please could SDDC summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
	<p>Applicant at D6</p>	<p>SDDC at D6</p>	<p>Applicant at D7</p>
	<p>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:</p> <p>Point 10:</p> <p>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, L_s results in the Rating Level, L_{A,r}, which is then used in the impact assessment.</p> <p>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.</p> <p>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.</p> <p>Point 12:</p> <p>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 20°C 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</p>	<p>a) SDDC has prepared answers to Diane Abbott's concerns – please see separate document attached.</p>	<p>The Applicant had seen the document that SDDC refers to prior to Deadline 6 and provided its response addressing SDDCs request for further information regarding the two points.</p> <p>Following further engagement with SDDC since Deadline 6, the Applicant understands that there is now agreement on those two points and no further action is considered necessary.</p>

	<p>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.</p> <p>b) The Applicant has provided an updated SoCG with DCC and SDDC at Deadline 6.</p> <p>c) No response required.</p>		
--	--	--	--

10.2	SDDC		
	<p><u>Piling for the solar panels</u></p> <p>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.</p> <p>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.</p> <p>a) Please could SDDC set out its concerns and suggest how they might be addressed?</p> <p>b) Please could SDDC also set out any remaining concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>		
	Applicant at D6	SDDC at D6	Applicant at D7
	The Applicant will review the response by SDDC to this question before commenting on that response where necessary at Deadline 7.	a) SDDC welcomes the inclusion of the mitigation measures with the Outline CEMP, and this addresses SDDC's concerns in this regard.	The Applicant welcomes the response from SDDC and that there are no other outstanding matters relating to this point. No further action required

11.1	Applicant, SDDC DCC		
	<p><u>Construction traffic – DCC and SDDC concerns</u></p> <p>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]?</p> <p>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?</p> <p>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?</p>		
	Applicant at D6	SDDC at D6	DCC at D6 Applicant at D7
	<p>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.</p> <p>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:</p>	No response provided.	<p>c) Deadlines 7 and 8.</p> <p>The Applicant provided a draft SOCG with SDDC and DCC at Deadline 7, which included an agreed position on Highways. The work to agree that section of the SoCG did not identify any outstanding concerns for DCC and SDDC in respect of traffic and transport. The Applicant has continued to engage with both parties following Deadline 6 but no concerns have</p>

<ul style="list-style-type: none"> 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. <p>c) No response required.</p>			<p>been raised by either party ahead of Deadline 7 and the Applicant considers these issues resolved.</p>
--	--	--	---

11.2 Applicant, Staffordshire County Council (SCC)			
<p>Construction traffic – SCC concerns</p> <p>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?</p> <p>b) Please could the Applicant and SCC provide an update on discussion regarding the three matters that SCC [AS-032] identify as being outstanding:</p> <ul style="list-style-type: none"> 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]. <p>c) Please could SCC summarise any outstanding traffic and transport concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>			
Applicant at D6	SCC at D6	Applicant at D7	
<p>a) With reference to the revised outline CTMP submitted at Deadline 6:</p> <ul style="list-style-type: none"> 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]. <p>b) Productive engagement has continued with Staffordshire County Council informing the following responses:</p> <ul style="list-style-type: none"> 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. <p>c) No response required.</p>	<p><i>No response provided.</i></p>	<p>The Applicant acknowledges that SCC has agreed the Outline CTMP submitted at Deadline 6 acknowledging one point of disagreement regarding b) i) as set out in the Applicant's response at Deadline 6. The Applicant maintains its position at Deadline 6 and considers no further action is required.</p>	

12.1	Applicant, EA DCC			
<p><u>Battery Energy Storage System fire risk and related emergency response and pollution</u></p> <p>The EA [REP5-043] said that the pollution risks of emergency response had not been appropriately assessed.</p> <p>a) Is the EA satisfied that the submitted Outline Drainage Strategy included in the updated Flood Risk Assessment (FRA) [REP5-017] addresses its concerns?</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>c) Do DCC have any comments?</p> <p>d) Please could DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p>				
Applicant at D6		DCC at D6	EA at D6	Applicant at D7
<p>a) No response required.</p> <p>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 [REP6-042]) 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.</p> <p>c) No response required.</p> <p>d) No response required.</p>		<p>c) The applicant has consulted with DFRS and DCC is content that the advice and views of the DFRS have been received.</p> <p>d) Deadlines 7 and 8</p>	<p>a) Yes. The surface water system has been designed with an automated pollution control valve (linked to the fire detection system). Therefore, surface water runoff will not be discharged during a fire event, preventing it from leaving the locality and allowing the potential contaminants to be removed/ treated.</p>	<p>The Applicant welcomes the response from DCC and the EA and that there are no other outstanding matters. No further action is required.</p>

12.2	<p>Applicant, EA SDDC</p> <p>Flood Risk Assessment (FRA)</p> <p>The EA [REP5-043] raised concerns about the Sequential Test and flood risk climate change allowance.</p> <p>a) Is the EA satisfied that the submitted update to the FRA [REP5-017] addresses its concerns?</p> <p>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.</p> <p>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:</p> <p><i>“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:</i></p> <ul style="list-style-type: none"> <i>the project would provide wider sustainability benefits to the community that outweigh flood risk; and</i> <i>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.”</i> <p>The Applicant [REP5-026] updated paragraph 1.14.1 of the Outline CEMP [REP5-011] to include that the <i>“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.”</i> Paragraph 3.1.2 of the Outline DEMP [REP5-015] now includes that the <i>“Temporary Construction Haul Road (including temporary culverts) would be removed following decommissioning, and the land will be restored to its current condition”.</i></p> <p>b) Please could the Applicant provide any necessary updates in relation to satisfying paragraph 5.8.11 of NPS EN-1?</p> <p>c) Do EA or DCC (as Lead Local Flood Authority) have any comments?</p> <p>d) Please could EA and DCC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?</p> 			
	Applicant at D6	SDDC at D6	EA at D6	Applicant at D7
	<p>a) No response required.</p> <p>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</p> <p>With regard to the first part, wider sustainability benefits to the community include, but are not limited to:</p> <ul style="list-style-type: none"> 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; 	<p>c) SDDC would defer to Derbyshire County Council as Lead Local Flood Authority.</p>	<p>a)</p> <p>Sequential Test</p> <p>The Applicant has confirmed they have not undertaken the Sequential Test, but they have sequentially tested the site. As the Environment Agency (EA) confirmed at Issue Specific Hearing 1, it is not within the remit of the EA to determine whether the Sequential Test has been passed as we are unable to advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate.</p> <p>However, we refer the Examining Authority to Paragraph 5.8.7 of National Policy Statement EN-1, which is clear that new energy infrastructure should only be necessary in flood risk areas in the exception, for example where there are no reasonably available sites in areas at lower risk. According to the PPG (Paragraph: 024 Reference ID: 7-024-20220825), new development should be steered to areas with lowest risk of flooding, taking all sources of risk and climate change into account.</p> <p>The Applicant has committed to update the FRA to address the Sequential Test at Deadline 6. Once information on the Sequential Test is detailed in the FRA, we will mark this issue as agreed and therefore resolved. However, the Local Planning Authority will need to determine if the test has been passed.</p> <p>Climate change allowances</p>	<p>The Applicant has shared additional modelling and associated results with the EA, SDDC and DCC on the basis of installing a temporary, single-span, bailey bridge structure (instead of a culvert) at Crossing 3. This includes revised Flood Risk Modelling, submitted at Deadline 7 (ES Appendix 8.1).</p> <p>The EA has subsequently confirmed by email to the Applicant that the Proposed Development does not increase fluvial flood risk. The design changes representing a single-span bailey bridge at Crossing 3, mean that off-site increases in fluvial flood risk outside of the Order Limits are not observed.</p> <p>The EA has confirmed that position in its Work Package Tracker at Deadline 7 and the Applicant will be recording that position in a final SoCG to be submitted at Deadline 8.</p> <p>No further concerns have been raised by SDDC and DCC.</p>

	<ul style="list-style-type: none"> • an expected 125% biodiversity improvement in habitat units, 20% increase in hedgerow units and 20% increase in river units across the Site; • Hedgerow planting & improved management; • Improving grasslands and wildflowers; • Improving links between existing paths and PRoW; • Creation of a new permissive path for use during operation; • Creation of approximately 150 jobs created during the construction phase; • Local contracting opportunities - fencing, civil works, testing & commissioning; • Direct, indirect and induced effects for local businesses & payment of business rates; and • Continued agricultural use of site through grazing of sheep between the rows of solar panels. <p>Based on the Applicant's latest modelling, it considers the Exception Test and paragraph 5.8.11 of NPS EN-1 to be satisfied.</p> <p>c) No response required.</p> <p>d) No response required.</p>		<p>The correct climate change allowances have been used, which is the Higher Central allowance for the 2080's epoch.</p> <p>c) The Applicant's modelling has shown that implementing new watercourse crossings (culvert structures) causes increased flood risk off site to depth of up to 15cm. This is against government policy NPS EN-1 as there must not be an increase in offsite flood risk to pass the Exception Test.</p> <p>The Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 1 [REP5-026] states that "the Applicant has reviewed paragraph 2.10.88 of National Policy Statement for Renewable Energy Infrastructure EN-3 and commits to removing the three (3) culverts following construction of the proposed development. This commitment is secured in paragraph 1.14.1 of the outline Construction Environmental Management Plan ("CEMP") and table 4.2 of Chapter 4 Project Description of the Environmental Statement. The culverts will be required to be reinstalled to enable decommissioning of the Proposed Development, and thereafter removed. This commitment is secured in paragraph 3.1.2 of the outline DEMP and table 4.2 of Chapter 4."</p> <p>The removal of the culverts for the operational phase seems like a reasonable way forward to address the off-site increase in fluvial flood risk.</p> <p>However, there is still a risk that flood risk could be increased off-site during construction if an event were to occur.</p> <p>Following a meeting with the Applicant's consultants on 26 November 2024 they have proposed to install a temporary clear span bridge structure (instead of a culvert) at crossing 3, which is the crossing that causes the offsite increase. This will likely remove the offsite flood increase. We are awaiting updated model runs which include the clear span structure to determine the appropriateness of this approach. We will provide the Examining Authority with an update at Deadline 7.</p>	
--	---	--	---	--

12.3	<p>Applicant, SDDC, DCC</p> <p><u>Potential damage to existing land drainage</u></p> <p>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.</p> <p>The Applicant [REP5-024, REP5-026] states that:</p> <ul style="list-style-type: none"> • 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 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.”

- 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]?
- Do DCC (as Lead Local Flood Authority) or SDDC have any comments?
- Please could DCC and SDDC also summarise any outstanding concerns at Deadlines 7 and 8 with suggestions about how they might be addressed?

Applicant at D6	SDDC at D6	DCC at D6	Applicant at D7
<p>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.</p> <p>b) No response required.</p> <p>c) No response required.</p>	<p>b) SDDC are of the view that if, as stated by the Applicant, any damage to land drains will reduce off-site flows, thus reducing off-site flood risk, the damage may adversely impact on soil quality.</p>	<p>d) The LLFA have been consulted within DCC and have made no adverse comments regarding the proposals for the potential reinstatement of land drainage where this is identified as necessary following the proposed monitoring. The applicant states that the OSMP will be updated prior to commencement and will consider specific issues as part of the agricultural drainage design works [REP5-011 and REP5-015].</p> <p>c) Deadlines 7 and 8</p>	<p>The Applicant notes the response from SDDC and acknowledges its position regarding the balance between flood risk and agricultural land.</p> <p>The Applicant has put in place various mitigation measures to prevent, or to address, damage to land drains during the construction stage within the OCEMP.</p> <p>The Applicant welcomes the response from DCC and the confirmation that as the LLFA they have no adverse comments. No further action is required in this regard.</p>

13.2 Applicant, SDDC, DCC, EA, NE						
<p>Cumulative effects</p> <p>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.</p> <p>d) Please could the Applicant submit the updated cumulative impact assessment and ensure that it is added to Schedule 12 of the dDCO?</p> <p>e) 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?</p>						
Applicant at D6		SDDC at D6	DCC at D6	EA at D6	NE at D6	Applicant at D7
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.		<i>No response provided.</i>	b) Both SDDC and DCC have discussed cumulative impacts with the applicant and consider that these have been identified and adequately considered. Any further cumulative matters that may be identified will be raised at deadlines 7 and 8.	<i>No response provided.</i>	Natural England are unable to provide comments on the cumulative assessment at deadline 6 and will provide further comments at deadline 7.	Following discussions with the Interested Parties, the Cumulative Impact Assessment is agreed. Final SoCGs with the relevant parties will be submitted at Deadlines 7 and 8 to reflect this.
b) No response required.						

13.3 Applicant, SDDC		
<p>Socio-economics</p> <p>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.</p> <p>a) Please could the Applicant submit the Outline Skills, Supply Chain and Employment Plan?</p> <p>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?</p>		
Applicant at D6	SDDC at D6	Applicant at D7
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.	<i>No response provided.</i>	Following discussions with SDDC, it is understood that no concerns were raised with regard to the Outline Skills, Supply Chain and Employment Plan. This position will be confirmed in the signed SoCG with SDDC at Deadline 8.
b) No response required.		

3 APPLICANTS COMMENTS ON OTHER RESPONSES BY STATUTORY BODIES

3.1 ADDITIONAL RESPONSES FROM STATUTORY BODIES ON THE EXAS SECOND WRITTEN QUESTIONS

3.1.1 The Applicant acknowledges that Derbyshire County Council and Natural England have provided additional responses at Deadline 6 to a number of questions from the ExAs Second Written Questions (ExQ2). The Applicant has provided a response to these comments below.

Derbyshire County Council

6.3	<p>Applicant, SDDC, DCC</p> <p>Loss of BMV agricultural land</p> <p>Paragraph 5.11.12 of NPS EN-1 states that Applicants should seek to minimise impacts on BMV agricultural land and preferably use land in areas of poorer quality. Paragraph 2.10.29 of NPS EN-3 says that the use of BMV agricultural land should be avoided where possible.</p> <p>The ES [APP-169 paragraph 15.134] states that the Battery Energy Storage System (BESS) and onsite substation would be removed during decommissioning, but that the land in these areas may not be restored back to the same ALC grade. The BESS and substation would be within a small field of mixed Subgrade 3a and 3b quality. It is indicated that there would be a permanent loss or downgrading of 1.5ha of Subgrade 3a agricultural land if the substation was not removed or suitably restored.</p> <p>The Applicant [REP1-025, REP3-032] says that the BESS and onsite substation is proposed within a relatively small field and anticipates that this area could be restored to BMV status on decommissioning. At Deadline 4 it will submit a Soil Management Plan dedicated to this area to address the removal of topsoil, the management of that material for the duration of the consent. It anticipates restoration to comparable quality but cannot be certain of restoration back to the same ALC grade, and therefore considers that it would not be reasonable for the DCO to require no permanent loss of Subgrade 3a agricultural land.</p> <p>a) Please could the Applicant comment on whether the BESS and onsite substation could be located to avoid BMV agricultural land? If not, why not?</p> <p>b) Please could DCC and SDDC comment on the Applicant's Soil Management Plan for the BESS and onsite substation at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p> <p>DCC and SDDC [REP1-026, REP1-029, REP2-001] consider it inevitable that land drains would be compromised by piling, cabling and other infrastructure and that, in the absence of land drains, nutrients would be washed out of the soil and the soil would no longer be BMV agricultural land quality. They also say that soil compaction on soil structure would lead to reduced permeability to water and air as well as increased surface runoff and erosion. The councils consider that the impacts on soil would not be practically reversible in respect of BMV land and that the Proposed Development would result in the permanent loss of BMV land. The councils advise that the Proposed Development site contains soil that is particularly good to produce potatoes, as it is potato cyst nematode free, making the soil even more of a rarity and adding to the BMV value. They consider that the permanent loss of BMV land of the scale proposed is a critical impact and that it is reasonable for the dDCO to require no permanent loss of Subgrade 3a land.</p> <p>Councillor Amy Wheelton [REP1-039] notes that manure is not being added back to the soil to increase the organic matter content, raises concerns about the impact of the piling on the soil structure and land drainage, and considers that the land would be incapable of returning to BMV or any agricultural use as it would no longer be drained.</p> <p>The Applicant [REP3-031, REP3-033] says that although piling may disturb or break up land drains, the number affected is expected to be minimal and in the unlikely event that any significant drainage issue emerges due to construction activity, it would use measures such as SuDS, replacing or repairing land drains to rectify the situation. It considers it likely that there would be an improvement to soil quality as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff. It states that the land would be returned to an appropriate condition following decommissioning without compromising soil quality. The Applicant says that the lease requires it to make good the land in no worse state or condition prior to implementing the Proposed Development.</p> <p>c) Please could the Applicant suggest how measures to mitigate the potential for damage to existing land drains and impacts on soil quality can be secured by the dDCO [REP3-008]?</p> <p>d) Please could the Applicant suggest how the condition of the land after decommissioning can be secured by the dDCO [REP3-008]?</p> <p>e) Please could DCC and SDDC comment on the Applicant's suggestions at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>			
	Applicant at D4	Applicant at D5	DCC at D6	Applicant at D7
	a) Chapter 3 (Site Selection and Design) of the ES [APP-086] discusses the rationale behind the location of the onsite substation at Paragraph 1.66 and 1.67, with Paragraph 1.68 dealing specifically with the consideration of BMV agricultural land. Paragraphs 1.70, 1.71 and 1.72 provide a similar description of the rationale behind the location of the BESS.	The Applicant will review responses by SDDC and DCC at Deadline 5. The Applicant notes that NE provided advice on this point in its submission on the 21 st	b) DCC accepts the undertakings as set out in the OSMP which commits the applicant to restoration of the 'preconstruction ALC grade,	The Applicant welcomes the response from DCC and that there are no other outstanding matters. No further action required.

<p>The Design Statement [REP3-027] provides at Paragraphs 8.3.10 – 8.3.12 a summary of the explanation provided in the Preliminary Environmental Information Report produced for the purposes of consultation on the application of the proposed location of the BESS and onsite substation.</p> <p>At the point of the PEIR being produced the indicative layout (Appendix E of the Design Statement) showed the onsite substation being located in what was considered to be the most appropriate location from an operational point of view, in the northern part of the Oaklands Farm array, closest to the point of grid connection at Drakelow. That location would have minimised cabling installations and construction costs and was a flat unobstructed area at a low risk of flooding and appropriately screened from nearby properties.</p> <p>From an operational perspective it is preferential to locate the BESS as close as possible to the onsite substation. However as documented at Paragraph 8.3.12 of the Design Statement, it was not considered appropriate at the PEIR stage to propose the BESS adjacent to the onsite substation due to the potential for significant effects on residential amenity. The BESS was shown as being located in its current position, with the field in question being flat, unobstructed and well screened by surrounding topography and existing vegetation, as well as avoiding any mature trees and identified ecological receptors.</p> <p>As documented in Section 8.3.15 of the Design Statement, following statutory consultation the onsite substation was proposed adjacent to the BESS, which increased the distance between the substation and the nearest residential properties and was considered by the Applicant to be an improvement in terms of landscape and visual impact compared to the PEIR proposal.</p> <p>The Design Statement and Chapter 3 of the ES demonstrate that a careful and considered approach was taken during the preparation of the Application to the proposed layout. The Applicant's position is that it would not be possible to relocate the BESS and onsite substation to a parcel of land within the Order Limits which is similarly flat and unobstructed in order to avoid BMV agricultural land, without giving rise to potentially significant environmental impacts in terms of matters such as landscape and visual impacts, arboricultural and ecological impacts or residential amenity.</p> <p>The Applicant will review responses by DCC and SDDC, but confirms it has taken a precautionary approach to environmental assessment by assuming that the very small amount of BMV land in the BESS and onsite substation areas (1.5ha of Subgrade 3a, and 0.3ha of Subgrade 3b) may not be restored back to the same ALC grade once the Proposed Development is decommissioned.</p> <p>b) The Applicant will review any responses by DCC and SDDC and provide further comments at Deadline 5 if required.</p> <p>c) The Applicant has committed through Section 2.6.5 of the OCEMP to rectify construction-related surface drainage issues as required, including solutions such as repairing or replacing land drains as required, or alternative measures such as SuDS, as appropriate. Compliance with the OCEMP is secured through Requirement 9 (construction and environmental management plans) of the dDCO, which ensures that potential damage to existing land drains is mitigated.</p> <p>The OCEMP and the ODEMP also include an Outline Soil Management Plan (OSMP), which sets out both good practice and bespoke mitigation measures to minimise effects on the nature and quality of the soil, both during the construction of the Proposed Development and its subsequent decommissioning. The OCEMP is secured through Requirement 9 of the dDCO and the ODEMP through Requirement 22 (decommissioning and restoration). The OSMP will mitigate the potential for impacts on soil quality.</p>	<p>October 2024, and the Applicant has at Deadline 5 provided an updated OSMP, which confirms at Paragraph 1.1.5 that soils will be restored to the pre-construction ALC grade and that a programme of monitoring for up to 5 years post-decommissioning will be set out to ensure the correct ALC criteria have been reached and that the habitats created are in a suitable condition.</p> <p>Section 4.6.2 of the Outline Operational Environmental Management Plan has been updated at Deadline 5 to provide commitment to monitoring soil health every 5 years during the operational period of the Proposed Development. Details of the monitoring programme will be provided in the detailed OEMP, as approved by the local planning authority.</p> <p>In respect of areas of temporary development, the OCEMP (Paragraph 1.14.1) and ODEMP (Paragraph 3.1.2) have been updated at Deadline 5 to state that the haul road will be removed immediately after construction before being reinstalled for decommissioning and removed once decommissioning of the scheme is complete.</p>	<p>without exception.' OSMP para 1.7.</p> <p>e) DCC has considered the applicant's submissions [REP5-025 and REP5-026] and accepts that these measures will address the concerns relating to the land drainage impacts associated with damage to existing agricultural land drains. DCC note that the applicant undertakes to review drainage issues throughout the construction, operation and decommissioning phases and to amend plans as the assessment of the conditions progresses.</p>	
---	--	---	--

<p>d) Requirement 22 of the dDCO requires the undertaker to submit for approval, prior to decommissioning, a Decommissioning Environmental Management Plan, which must be substantially in accordance with the relevant parts of the outline Decommissioning Environmental Management Plan. The approval of the DEMP requires the undertaker to provide details of the condition of the land following decommissioning, and for the local planning authority to approve those details ensuring the condition of the land following decommissioning is therefore secured through Requirement 22 of the dDCO.</p> <p>e) The Applicant will review any responses by DCC and SDDC and provide further comments at Deadline 5 if required.</p>			
---	--	--	--

<p>7.11 Applicant, SDDC, DCC Draft DCO [REP3-008] Requirement 21 – Protected Species</p> <p>Species Protection Plans</p> <p>SDDC [REP1-029] consider that the Outline CEMP [REP1-007] should provide Species Protection Plans for Otter, Great Crested Newt/ /Ponds, Hedgerows & Trees and Woodland and identify important zones for each species to feed into mitigation strategies. DCC [REP1-026] suggest that outline Species Protection Plans. should be provided in outline during the Examination. The Applicant has updated paragraph 2.81 of the Outline CEMP [REP1-007] to set out the high level contents for a Species Protection Plan to be included in the final CEMP. The ExA notes the series of concerns raised by SDDC [REP1-029, REP2-001] in relation to scoping, surveys and potential impacts on a number of protected species, including skylark, barn owl, great crested newt, and otter.</p> <p>a) Please could the Applicant, in consultation with SDDC and DCC, submit an updated Outline CEMP [REP1-007] at Deadline 4 to include more detail of Species Protection Plans so that specific measures are identified for individual species and address SDDC’s concerns?</p> <p>b) Site preparation works which include (amongst other things) remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and the demolition of existing buildings and structures, typically fall outside the Outline CEMP [REP1-007]. Should Species Protection Plans be required for the site preparation works?</p> <p>c) Please could SDDC and DCC comment on the provisions for Species Protection Plans in the updated Outline CEMP at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>				
Applicant at D4	DCC at D4	Applicant at D5	DCC at D6	Applicant at D7
<p>a) The Outline CEMP has been updated at Deadline 4 to include more detail on specific protection measures for various species:</p> <ul style="list-style-type: none"> Paragraph 2.8.6 – Barn owl; Paragraph 2.8.7 – Great Crested Newt (GCN); Paragraph 2.8.8 – Otter. <p>Further mitigation for hedgerows, trees, woodland etc is included in Section 2.8 of the Outline CEMP. The Applicant’s commitment to providing a Habitats Constraint Plan has been added to the Outline CEMP (Paragraph 2.8.5). The delivery of the CEMP, and the Habitats Constraint Plan, is secured by Requirement 9 (construction environmental management plans). As detailed in its Status of Statements of Common Ground document at Deadline 4 [Doc 8.0] the Applicant is arranging a meeting with the local planning authorities to discuss ecological matters and will be using that to discuss the measures to be used to protect specific species and ecological features. The Applicant will endeavour to provide an update to the ExA ahead of the issuing of the agenda for the Issue Specific Hearings to be held in October 2024.</p>	<p>b) DCC would welcome the drafting of an updated CEMP to include more detail of Species Protection Plans and the requirement for Species Protection plans to be agreed prior to site preparation works.</p>	<p>The Applicant notes the comments made by the Interested Parties at Deadline 4 and considers its revisions to the Outline CEMP (Paragraphs 2.8.6 – 2.8.8) to have dealt with those concerns. No further action is therefore necessary.</p>	<p>c) DCC accepts the additions to the outline CEMP and would defer to the comments made by the ecologist at SDDC regarding protected species.</p>	<p>The Applicant welcomes the response from DCC and that there are no other outstanding matters.</p> <p>The Applicant is continuing to engage with SDDC regarding protected species, including a meeting on 9th December 2024. The Applicant will be submitting a SoCG at Deadline 8 which confirms the position.</p>

	<p>b) The Applicant does not consider it necessary for Species Protection Plans to be required for the site preparation works that fall outside the scope of the CEMP secured by Requirement 9 of the dDCO. Requirement 9 secures the delivery of Species Protection Plans for the relevant phase of the authorised development. The Applicant considers the site preparation works carved out of the definition for "commence", that is those not comprising of site clearance, are not "so extensive that they would be likely to have significant environmental effects themselves".</p> <p>c) No response required.</p>				
--	---	--	--	--	--

Natural England

3.1.2 The Applicant notes that Natural England has provided a response to ExQ2 3.1 regarding the submission of draft or final Statements of Common Ground (SoCG) as part of their D6 submission in response to ExQ3. NE state:

"Natural England note that the applicant has engaged with us full on all aspects of the proposed project. Natural England have agreed with the applicant all aspects of the SOCG which has been submitted to the inspector except from agricultural land. This is only because Natural England have been unable to review the updates that applicant has made to the oSMO, ODEMP and oCEMP. We will provide further comments at deadline 7 & 8."

3.1.3 The Applicant welcomes the comments from NE regarding the SoCG and has been continuing to engage with NE to resolve matters. A final SoCG with NE has been submitted at Deadline 7.

4 APPLICANT'S RESPONSE TO NON-STATUTORY BODIES D6 SUBMISSIONS

4.1 BRITISH HORSE SOCIETY

4.1.1 The Applicant acknowledges that the British Horse Society (BHS) have not previously provided any representation on the Application during the Examination. The Applicant did consult the BHS during the pre-application stage as set out in the Consultation Report [AS-010] and Appendix 8.1 Key stakeholder List [APP-023]. The BHS did respond to the Preliminary Environmental Information Report Consultation and a meeting was held on 28th April 2024 to discuss the Application.

COMMENT	APPLICANT RESPONSE
<p>The 16 month construction period with an estimated 13 HGV return journeys per day at the height of the construction period will impact on the volume of traffic on the road network locally. Already mainly 60mph roads with some sections of 30mph and 50mph, the additional traffic and the added complication of vehicles regularly turning into the access road will make the road higher risk for vulnerable road users in the absence of speed restrictions or other traffic calming measures. Movement of the construction traffic may well coincide with times that equestrians are active on the bridleways and local highways network to reach the off-road routes. Notification of this to allow equestrians to choose to avoid the area on that day would be helpful.</p> <p>HGV's are generally 2.5m wide and 4.5m high (some vehicles for component transportation significantly larger) which, on the road network local to the site, would sandwich a horse and rider between the vehicle and the hedgerow or ditch along the route with little room for refuge which may cause panic. Appropriate information for development workers and signage giving priority to users of the PRoW would be welcome and there should be additional signage during construction to warn traffic of equestrians and other vulnerable road users in the area, and ensure they are considerate in terms of vehicles stopping if necessary and allowing PRoW users to pass safely.</p>	<p>In respect of Non-Motorised Users (NMU), including horseriders, the Applicant's position is set out in its response to ExQ2 – 11.1 [REP4-011] where it notes that NMU movements in the area were recorded as being relatively low. DCC agreed with the methodology of that assessment, and that the potential impact of construction traffic would not surpass the threshold to change the scoring within ES Chapter 10 [APP-156]. Notwithstanding this, mitigation measures have been designed into and embedded in the Proposed Development, such as including a construction haul road off Walton Road to remove HGVs from the public highway at the earliest opportunity, as well as mitigation measures in the OCEMP (REP6-018) and CTMP (REP6-028) also benefitting NMUs.</p> <p>The Applicant acknowledges that DDC and its Public Rights of Way (PRoW) team have raised no objections to the proposed changes to the off-road network or the impacts on non-motorised users.</p>
<p>An abnormal load is mentioned. Local riders are concerned that the abnormal load route would pass both Grangewood livery and Sealbrook livery yards. How will this be managed for safety?</p>	<p>During the construction period, only two Abnormal Indivisible Load (AIL) trips are anticipated. ES Chapter 10 [APP-155] has assessed sections of the proposed routes. The assessment concluded that the level of construction traffic impact from AILs on Coton Road and Coalpit Lane will result in a negligible effect on NMUs with mitigation, which is not a significant effect.</p> <p>Section 2.12 – 2.17 of the OCTMP [REP6-028] sets out how AILs will be appropriately managed and mitigated. Guidance requires that arrangements are made to implement temporary traffic management and/or management of the timing of AIL movements to have as little impact as possible on the local highway network.</p>
<p>The position of the inverters should ensure they are installed away from the highway. Sudden noise and continuous levels of noise can be a hazard for equestrians as horses are flight animals, therefore the further these elements can be located from the highway, not just the houses, the better it will be for safety.</p>	<p>ES Chapter 11 (Noise) [REP4-045] has assessed the potential noise impacts as a result of the Proposed Development. Mitigation has been embedded in the design of the Proposed Development, including optimising the location of the energy storage facility away from receptors.</p> <p>The design places string inverters away from noise sensitive properties, where possible. Good practice measures will be implemented when finalising the operational plant to be used on-site, such as limiting sound power in plant selection and selection of string inverters. The ES has concluded the operational noise as a result of the Proposed Development would be negligible.</p>
<p>The access locations to/from the site are opportunities to mitigate impact by improving the safety on the road network with signage, refuge spaces and speed limits. Where is the assessment of the impact on vulnerable road users been considered in the application?</p>	<p>The assessment of the impact on NMUs has been considered in ES Chapter 10 [APP-156]. The assessment concluded that the effect on vulnerable road users would be negligible to minor with mitigation, which is not a significant effect.</p>

It was discussed with the Project Lead in 2022, that equestrian access to the proposed permissive routes and permissive bridleways using existing footpaths (Walton Upon Trent FP9, Drakelow FP 5) for the life of the project would contribute to the community and provide off-road access for all vulnerable road users. However, the feedback from consultation does not appear to include any other vulnerable road users other than pedestrians. The dimensions proposed to buffer permissive and public rights of way would provide ample space for shared use.

Research in the area of under-recorded or unrecorded rights of way have resulted in at least one Definitive Map Modification order application for bridleway being submitted in a neighbouring parish, which, if successful, would link well to the proposed permissive routes.

The permissive path will be linked into the wider landscape and ecological management of the Site with hedgerow and wildflower planting adding to the visual and biodiversity value of the path. The delivery of the new permissive path is secured via the OLEMP [REP4-040] and Requirement 8 of the dDCO.

The Applicant has engaged with the BHS, including during a meeting in April 2022. At the request of the BHS, the Applicant considered whether it was possible for the new permissive path to be of suitable specifications to be used as a bridleway. As detailed in Table 12.1 of Chapter 12 of the ES, the Applicant considered this request seriously however, as the permissive path does not connect to any existing bridleways (the closest bridleway being to the south-west of the Site), it is proposed to remain a footpath.

4.2 DIANE ABBOTT

4.2.1 Diane Abbott has provided further comments in response to the Applicant's Comments on Written Representations and other Deadline 5 Submissions [REP6-056]. These are set out in the table below along with the Applicant's response.

COMMENT	APPLICANT RESPONSE
<p>Noise Standards</p> <p>On page 5 of their response document, the Applicants states:</p> <p>"BS8233 is referenced in the National Policy Statement EN-1 at 5.12.9, where it is stated: "Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance" and is therefore considered appropriate."</p> <p>The key word in this statement is <u>relevant</u>.</p> <p>I have already demonstrated that BS8233 specifically highlights that is not relevant in this type of application. The standard itself states:</p> <p><u>BS 8233 is applicable to the design of new buildings, or refurbished buildings undergoing a change of use, but does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building."</u></p> <p>I also refer to Method implementation document (MID) for BS 4142 (December 2023) which very clearly states in section 8.5:</p> <p>"You must not use BS 8233 to assess noise pollution from an industrial or commercial sound."</p> <p>It is possible that this statement has been introduced to this guidance document because BS8233 has previously been erroneously referenced in planning applications. In light of this reasonably new guidance, it should be considered that any previous use of BS8233 should not set a precedent in relation to assessing noise levels from solar installations.</p>	<p>The Applicant maintains the position that the use of BS8233 is appropriate for the reasons set out in The Applicant's Comments on Written Representations and other Deadline 4 Submissions [REP5-025]. The appropriateness of the methodology for the Noise Assessment, and the use of BS8233, is supported by SDDC as set out in SDDCs Comments on Diane Abbott's Noise Representation [REP6-048].</p>
<p>Tranquillity</p>	<p>ES Chapter 5 (Landscape and Visual) and ES Appendix 5.3 [APP-102] has assessed the tranquillity of the Site in reference to the DCC (2013) Technical Support Document 2: Tranquillity. The Technical Support Document acknowledges that the methodology applies a broad overview of tranquillity at a national scale</p>

The Applicants state that the site is not tranquil as there is agricultural activity, and yet this area of South Derbyshire is noted as one of the most tranquil areas within the county.

See "technical-support-document-2-tranquillity.pdf" which is available on the Derbyshire County Council website if you search for landscape character. This report makes the following points:

"Tranquillity is an important perceptual quality of the landscape and makes a significant contribution to people's enjoyment of an area. Unfortunately a lot of modern development, such as new roads and urban extensions, has led to a diminution of tranquillity. In order to reverse this trend it is important to record the current resource and provide a spatial context for considering tranquillity within Derbyshire. Tranquil areas occur in the west associated with the Derbyshire Peak Fringe and Lower Derwent NCA and the Needwood and South Derbyshire Claylands NCA... There continue to be localised pockets of tranquillity associated with the Southern Magnesian Limestone, the Melbourne Parklands and the Mease/Sence Lowlands NCAs." (*Oakland's Farm is shown in the Mease/Sence Lowlands on the map within this document.*)

Historical Temperatures

On page 8, the Applicant shares some temperature information for 2023 to show that the inverter cooling fans will be unlikely to be running before 7am as the temperature only reached 18°C on the dates they checked. What they did not disclose is that local weather records for the heatwave on 16th – 19th July 2022 recorded temperatures of between 20°C and 25°C at 7am. Climate change will only make this type of sustained heat more likely, and any noise analysis should reflect this.

which becomes a "coarser scale" when applied at the County level. The assessment undertaken as part of this Application provides a more detailed local level assessment of tranquillity, as set out in ES Chapter 5 and Appendix 5.3.

The Applicant has provided further detail on this matter in the response to ExQ3 10.1 [REP6-042]. This stated:

"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 20°C and with sufficient solar generation. At nighttime, the magnitude of an effect is assessed against an external absolute lower rating level of 40 dB LAeq, 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 LAeq, 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."

- 4.2.2 Diane Abbott has also provided separate comments [REP6-057] on the Response by the Applicant on Landscape and Visual Matters [REP5-033]. The representation from Diane Abbott reiterates many of the points already raised in previous representations, which the Applicant has responded to and addressed.
- 4.2.3 In summary, the visualisations were prepared by experienced and independent professionals from LUC, on behalf of the Applicant, using industry standard software, data and following the industry guidance. The limitations and the margins of error, which are common to all computer-generated images, have been explained previously. Viewpoints were agreed with the local planning authority, as is a requirement of the process. As independent assessors, and Chartered Members of the Landscape Institute, the landscape specialists at LUC are bound by the Code of Conduct and Practice for Landscape Professionals, requiring them to act with integrity, competence and professionalism.
- 4.2.4 The comparison work undertaken by Diane Abbott is not based upon a professional understanding of the nature of the imagery. Diane Abbott has overlaid photomontages on screenshots from 3DS Max. 3DS Max views can only work with planar projections, whilst the photomontages were rendered and presented in a cylindrical projection, so they cannot be directly compared. The distortion in the vertical axis of all cylindrical projections means methodology for comparison and measurement used by Diane Abbott cannot be relied upon. The 3DS Max views are accurate but should not be used in the manner which Diane Abbott is doing.
- 4.2.5 As set out in the methodology, OST5 data with an RMSE of 2.5m has been used, as per the industry standard. As previously noted, Lidar can be a more accurate dataset. To help understand potential differences, LUC undertook a similar but more accurate exercise to that which Diane Abbott is seeking to convey, showing potential variations with coloured lines. DA's exercise essentially repeats that, but without the understanding of the limitations of cylindrical and planar projections.

4.2.6 The use of visualisations is just one of a number of tools used to aid understanding, and to inform the LVIA. They are not expected to be an exact replication of reality. There will also be discrepancies between the modelled representations and the 'as built' development, following detailed design. This will include the inevitability of some micro-siting and variance to reflect the situation on the ground. Therefore, the Applicant maintains the position that the visualisations that supplement the LVIA are fit for purpose as they are accurate to an appropriate degree. This work has been undertaken by technical experts, accredited by the Landscape Institute and are in accordance with the relevant industry standards and guidance.