

SDDC Summary Statement of Unresolved Matters for Deadline 8

Project: Oaklands Farm Solar Park

PINS Reference: EN010122

This statement provides a concise summary of the matters not agreed between the Applicant and the Local Planning Authority (South Derbyshire District Council) for submission as part of the Statement of Common Ground (SoCG).

Matters Not Agreed

South Derbyshire District Council (SDDC), maintains its objection to the Proposed Development on a number of grounds, as detailed below.

Agricultural Land

SDDC maintains its objection to the Proposed Development due to the loss of Best and Most Versatile (BMV) agricultural land, including 36 hectares of Grade 2 and 87 hectares of Grade 3a land. SDDC considers this loss a significant and unjustified adverse impact. While the Applicant has committed to restoring the land post-decommissioning and minimising operational impacts through measures such as burying cables at a depth of 0.9m, SDDC remains concerned about the enforceability and practicality of these commitments. SDDC also highlights the absence of a clear and definitive commitment on whether cables will be removed or left in situ at decommissioning, noting that cable removal could negatively impact land quality.

SDDC has particular concerns regarding the loss of a sizeable area of high quality agricultural land to the access track, which provides no direct climate benefit. The track would result in the unnecessary loss of the agricultural land for the lifetime of the development, with no biodiversity net gain (BNG) upon reinstatement. The Council questions the viability of restoring this land after 40 years due to disturbance and compaction during construction and use.

The cumulative impact of BMV land loss across the site, including the access track and supporting infrastructure, remains unresolved. SDDC asserts that the Applicant has not sufficiently minimised this loss or provided evidence that alternatives were properly considered. Additionally, there is a lack of clarity regarding the specific methods, timescales, and costs for restoring agricultural land, raising concerns about the enforceability of commitments in the Outline Decommissioning Environmental Management Plan (ODEMP).

SDDC highlights that further assessments have revealed an increased extent of BMV land loss, undermining previous conclusions about its necessity. SDDC continues to object to the cumulative loss of high-quality agricultural land.

Decommissioning and Financial Security

SDDC welcomes the inclusion of Requirement 27 in the Draft Development Consent Order (dDCO), which requires a financial guarantee to ensure funds are available for decommissioning. However, SDDC stresses that any such guarantee must be explicitly approved by the Council to ensure accountability. SDDC also requests greater clarity on the timeline for implementing financial guarantees and monitoring throughout the operational and decommissioning phases to avoid risks associated with delayed or insufficient commitments.

In addition, SDDC notes that the proposals will place an additional regulatory burden on the local planning authority (LPA), particularly during the operational and decommissioning stages of the project. To ensure appropriate resources are available to discharge this responsibility effectively, SDDC expresses a preference for a formal requirement within the DCO to secure funding or resourcing for the LPA. This would provide a clear mechanism for addressing the ongoing demands associated with monitoring and enforcement of the DCO requirements.

Biodiversity and Ecology

The Applicant has proposed a range of biodiversity mitigation measures, including off-site skylark mitigation through a Unilateral Undertaking (UU), which SDDC now considers acceptable. However, SDDC continues to emphasise the need for specific barn owl surveys, arguing that pre-construction checks alone are insufficient to fully assess potential impacts and determine appropriate mitigation. Regarding great crested newts, SDDC agrees with precautionary surveys immediately prior to site preparation works but notes that Natural England has signed a Statement of Common Ground (SoCG) and raised no outstanding concerns.

SDDC also highlights unresolved issues related to ancient and veteran trees. It objects to the inclusion of deemed consent provisions in the dDCO and requires explicit Council approval for any works to Tree Preservation Order (TPO) trees. Additionally, SDDC calls for ongoing monitoring of biodiversity gains over the operational period, particularly to ensure the success of habitat restoration measures.

Flood Risk and Land Drainage

SDDC acknowledges that the majority of the site lies in Flood Zone 1 and that the Applicant's Flood Risk Assessment (FRA) and mitigation measures address flood risk during construction, operation, and decommissioning. However, concerns persist regarding the potential impacts of damage to existing land drains on agricultural soil quality. While the Applicant has committed to maintaining and repairing land drains, SDDC is concerned that damage to land drains could reduce off-site water flows, potentially impacting soil drainage and agricultural productivity. SDDC requests stronger commitments to monitor and rectify drainage issues post-construction and post-decommissioning.

Public Rights of Way (PRoWs)

SDDC is satisfied with the provisions in Article 11 of the dDCO to safeguard PRoWs, including measures to ensure alternative access and compensation for any disruption. However, SDDC emphasises the importance of timely reinstatement of PRoWs post-construction and requests clear timelines and standards for restoration.

Project Lifetime and End State

SDDC seeks greater clarity on the anticipated end state of the site post-decommissioning and recommends periodic reviews during the operational phase to ensure the end state aligns with environmental and agricultural restoration objectives. SDDC is concerned that the Outline Decommissioning Environmental Management Plan (ODEMP) does not adequately address potential conflicts between restoring land to agricultural use and maintaining biodiversity gains established during the operational phase.