



# OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Summary of the Status of Statements of Common Ground

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### STATUS OF STATEMENTS OF COMMON GROUND

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# 1 INTRODUCTION

## 1.1 OVERVIEW

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- 1.1.1 Oaklands Farm Solar Limited ("the Applicant") is applying to the Secretary of State for Energy Security and Net Zero ("SoS") for a Development Consent Order ("DCO") under Section 37 of the Planning Act 2008 ("PA 2008") for the construction, operation, maintenance and decommissioning of ground mounted solar photovoltaic arrays and an associated Battery Energy Storage System ("BESS") on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire.
- 1.1.1 The Oaklands Farm Solar Park comprises a proposed solar farm with an associated Battery Energy Storage System ('the Proposed Development'). The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire. The solar park itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. New high voltage 132kV underground electricity cabling would be installed by the Applicant from the project substation located within the proposed development on Oaklands Farm through land to the north at Fairfield Farm and Park Farm to connect the Proposed Development to the national grid at Drakelow electricity substation, located at the former Drakelow Power Station which sits south of Burton-upon-Trent.
- 1.1.2 This document has been prepared at Deadline 8 as part of that DCO application ("the Application") and should be read in conjunction with the other documents submitted with the Application.

## 1.2 PURPOSE OF THIS DOCUMENT

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- 1.2.1 The Applicant has entered into Statements of Common Ground ("SoCGs") with a number of parties, in order to assist the Examining Authority ("ExA") in his examination of the Application by recording the respective position of different parties on various issues of relevance to the Application.
- 1.2.2 This document has been requested by the ExA in his Rule 6 letter of the 4<sup>th</sup> June 2024 and provides an update on:
- The status of each SoCG;
  - The matters agreed between the Applicant and each Interested Party;
  - The main outstanding concerns held by each Interested Party;

- When it is anticipated that any draft SoCGs will be finalised and when the finalised signed and dated copies will be submitted to the Examination.

### 1.3 STRUCTURE OF THIS DOCUMENT

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- 1.3.1 Section 2 provides an overview summary of the parties with whom the Applicant was asked or had intended to agree a SoCG.
- 1.3.2 The subsequent sections then deal each party in turn to provide the updates requested by the ExA, as follows:
- (1) South Derbyshire District Council and Derbyshire County Council {"SDDC"};
  - (2) Environment Agency ("EA");
  - (3) Natural England ("NE");
  - (4) Historic England ("HE");
  - (5) National Grid ("NG").

## 2 OVERVIEW OF STATEMENTS OF COMMON GROUND

- 2.1.1 At the point of the application being submitted the Applicant identified a number of parties with whom it expected to seek SoCGs. The ExA then identified a number of additional parties in his Rule 6 letter. This section summarises the approach being taken in each case.
- 2.1.2 Appendix G of the ExA's Rule 6 letter of the 4<sup>th</sup> June 2024 then sets out the ExA's procedural decision to request the preparation of SoCGs between the Applicant and certain Interested Parties.

### 2.2 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

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- 2.2.1 South Derbyshire District Council (SDDC) and Derbyshire County Council (DCC) are acting jointly in respect of the Application. Both the Applicant and the ExA identified SDDC and DCC as a SoCG party. The Applicant has engaged with the Councils to agree a SoCG which has been submitted at Deadline 8. Section 3 of this document provides an update on the position of that SoCG.

### 2.3 ENVIRONMENT AGENCY

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- 2.3.1 Both the Applicant and the ExA identified the Environment Agency (EA) as a SoCG party. The Applicant has engaged with the EA to agree a SoCG which has been submitted at Deadline 8 and Section 4 of this document provides an update on the status of that SoCG.

### 2.4 NATURAL ENGLAND

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- 2.4.1 Both the Applicant and the ExA identified Natural England (NE) as a SoCG party. The Applicant submitted a signed SoCG with NE at Deadline 7 [REP7-005].

### 2.5 NATIONAL HIGHWAYS

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- 2.5.1 The Applicant identified National Highways (NH) in the Application as a party with whom it was intending to discuss a SoCG. NH submitted a Relevant Representation on the 9<sup>th</sup> April 2024 which reserved their right to make written representations if an impact of construction traffic on the Strategic Road Network (SRN) is identified, or if changes to the application are made which result in impacts to the SRN.
- 2.5.2 NH were not included by the ExA in the Rule 6 letter as a party where a SoCG was being requested. The Applicant therefore contacted NH following the issuing of the Rule 6 letter and suggested that on that basis it would not progress a SoCG



unless there was a need identified during the Examination for an SoCG. NH confirmed to the Applicant that they were content with that approach.

- 2.5.3 That position has not changed during the course of the Examination and the Applicant has therefore not progressed a SoCG with National Highways.

## 2.6 HISTORIC ENGLAND

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- 2.6.1 Both the Applicant and the ExA identified Historic England (HE) as a SoCG party. The Applicant submitted a signed SOCG with HE at Deadline 4 [REP4-056] but then continued to engage with HE and submitted a replacement SoCG at Deadline 7 [REP7-006].

## 2.7 NATIONAL GRID

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- 2.7.1 The Applicant identified National Grid (NG) as a party it was intending to agree an SoCG with. NG are not included as a SoCG party in the Rule 6 letter but the Applicant has intended to seek a SoCG or to get NG to confirm its position. The Applicant has continued to progress discussions with NG and is not aware that it has any issues unresolved at Deadline 8 but it has not been possible to confirm that position through a SoCG.

## 2.8 EMERGENCY SERVICES

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- 2.8.1 The Applicant contacted the Derbyshire Fire and Rescue Service in June 2024 who provided the National Fire Chiefs Council Grid Scale Battery Energy Storage System Planning guidance document and an accompanying letter identifying detailed design recommendations in respect of BESS facilities. Requirement 12 of the dDCO makes provision for a Battery Safety Management Plan to be submitted and approved by the Local Authority, which must be in accordance with the outline BSMP, or agreed with the HSE and Derbyshire Fire and Rescue Service if changes are proposed from the outline BSMP. The outline BSMP [APP-093] references the National Fire Chiefs Council BESS guidance, thereby demonstrating that account has been taken of that guidance by the outline BSMP.
- 2.8.2 The Fire and Rescue Service have not indicated that they require a SoCG with the Applicant and on the basis of the above the Applicant has not pursued a SoCG with it during the course of the Examination.

## 2.9 HEALTH AND SAFETY EXECUTIVE

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- 2.9.1 The ExA requested that the Applicant seek an SoCG with the Health and Safety Executive (HSE) in the Rule 6 letter. The Applicant sought clarity on that SoCG at the Preliminary Meeting on the 10<sup>th</sup> July 2024 and subsequently the ExA confirmed in the Rule 8 letter that the Applicant could either provide a SoCG with the HSE, or that the HSE could provide a letter setting out any concerns.

- 2.9.2 The Applicant contacted the HSE following the Preliminary Meeting and the HSE submitted a letter, dated 19<sup>th</sup> August 2024, which was published alongside Deadline 2 submissions [REP2-005]. That letter states that the HSE do not consider a SoCG to be required for the Proposed Development and on that basis the Applicant has not engaged further with the HSE regarding a SoCG.



### 3 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

- 3.1.1 The Applicant has engaged with SDDC and DCC throughout the preparation and since the submission of the Application.
- 3.1.2 SDDC and DCC have acted jointly on the SoCG and are using a combination of internal Officer and external consultant resource on the various topics which will be covered within that document.
- 3.1.3 Relevant Representation [RR-295], suggested locations for the site inspection [PDA-002], a further response on suggested site inspection locations [REP1-028] and responses to the 1st Written Questions [REP1-029]. It has then submitted a Response to the ExA's Second Written Questions [REP4-014] and submissions at Deadline 5, providing further responses to the Second Written Questions [REP5-038] and Responses to the ISH1 action points [REP5-040]. At Deadline 6 SDDC provided a response to the ExA's Third Written Questions [REP6-047] and a further submission on noise matters [REP6-048].
- 3.1.4 DCC has submitted an Adequacy of Consultation Representation [AoC-004], a Relevant Representation [RR-078] and a response to the 1st Written Questions [REP1-026]. It then submitted Responses to the ExA's Second Written Questions [REP4-012] and at Deadline 5 a response to ISH1 action points [REP5-037]. At Deadline 6 DCC submitted a response to the ExA's Third Written Questions [REP6-046] and at Deadline 7 comments on Deadline 6 submissions [REP7-011].
- 3.1.5 SDDC and DCC then submitted a joint Local Impact Report at Deadline 2 [REP2-001].

#### 3.2 STATUS OF THE SOCG AT DEADLINE 8

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- 3.2.1 The Applicant has submitted a final version of the SoCG at Deadline 8.
- 3.2.2 The Parties have reached an agreed position in respect of the following topics:
- The Application Site
  - The Proposed Development
  - Legislative and Policy Context
  - Principle of development
  - Design and Parameters
  - Aspects of DCO Requirements and Practical Matters
  - Climate change and carbon reduction
  - Cumulatives

- Glint and Glare
  - Highways
  - Heritage and Archaeology
  - Landscape and Visual
  - Noise
  - Water resources and flood risk
- 3.2.3 The Parties have recorded the matter of Local Planning Authority Resourcing as being under discussion. The Parties are in broad agreement regarding the need to provide for such resourcing and will continue to discuss the mechanism for achieving this.
- 3.2.4 The SoCG contains a separate section on Biodiversity and Ecology as whilst most points have been agreed there are points of disagreement within that topic.
- 3.2.5 The matters that remain not agreed are then as follows:
- Arboriculture (Article 37 of the dDCO)
  - Agricultural Land (albeit with points of agreement identified);
  - Project Lifetime and Decommissioning
  - Public Rights of Way
  - Decommissioning Bond (although the Parties agree on aspects of this matter, but with the Applicant maintaining its position in principle).
- 3.2.6 The position of the Parties has been recorded on those matters where agreement has not been reached.
- 3.2.7 The Parties have agreed that Air Quality, Ground contamination and Minerals do not need to be covered in detail in the SoCG.

## 4 ENVIRONMENT AGENCY

- 4.1.1 The EA has submitted a Relevant Representation [AS-019], a response to the 1<sup>st</sup> Written Questions [REP1-032], a Written Representation [REP1-033] and a supplementary response to the First Written Questions [REP2-003], a submission at Deadline 3 [REP3-001] together with a submission [REP4-016] and responses to the ExQ2 [REP4-017] at Deadline 4, together with a further submission on the 22<sup>nd</sup> October 2024 prior to ISH1 [AS-019]. At Deadline 5 the EA submitted Responses to the ISH1 Action Points [REP5-042] and a document commenting on Deadline 4 submissions and providing other information requested by the ExA [REP-043]. At Deadline 6 the EA submitted responses to the ExA's Third Written Questions [REP6-049] and comments on Deadline 5 submissions [REP6-050]. At Deadline 7 the EA submitted comments on the Deadline 7 submissions [REP7-013].
- 4.1.2 The Applicant and the National Infrastructure Team of the EA held an initial inception meeting on the 9<sup>th</sup> May 2024 and have had continued correspondence and meetings since that time, relating to the points which the EA identify in their Written Representation, namely the Flood Risk Assessment, Drainage Assessment, Water Framework Directive Assessment, CEMP and the dDCO.
- 4.1.3 The Applicant submitted a revised Flood Risk Assessment and Outline Drainage Strategy at Deadline 7 [REP7-003] which clarifies the flood risk arising from the infrastructure used to cross watercourses during construction and decommissioning. Following discussions with the EA, the Applicant has altered its approach to use a combination of temporary culverts and a clear span bridge to cross those watercourses, rather than permanent culverts.
- 4.1.4 Accordingly at Deadline 7 the EA provided an updated Work Package Tracker [REP7-013] which confirms agreement of all matters apart from the Exception Test, but noting that the EA would at Deadline 8 confirm its agreement to the approach set out above.
- 4.1.5 The Applicant has submitted at Deadline 8 a final signed version of the SoCG with the EA, which reflects all matters having been agreed.

## 5 NATURAL ENGLAND

- 5.1.1 NE submitted a representation setting out their position on the Application on the 13<sup>th</sup> June 2024 [AS-022], followed by an additional submission [AS-033] and then submitted a Written Representation and their responses to the 1<sup>st</sup> Written Questions at Deadline 1 [REP1-037] and a further submission on the 21<sup>st</sup> October 2024 ahead of ISH1. NE submitted a response to the ExA's Third Written Questions at Deadline 6 [REP6-054]
- 5.1.2 Alongside the above, the Applicant submitted a draft Badger Licence application to NE on the 10<sup>th</sup> September 2024. The Applicant received a Letter of No Impediment on the 21<sup>st</sup> October 2024 and submitted this at Deadline 5 [REP5-032].
- 5.1.3 The Applicant continued to engage with Natural England following the submission of the Application, including meetings on the 29<sup>th</sup> May 2024 and 2<sup>nd</sup> August 2024.
- 5.1.4 The Applicant provided a draft SoCG to NE for review on the 5<sup>th</sup> August 2024, which covered the topics contained in NE's Written Representation. The Applicant then provided NE, on the 9<sup>th</sup> September 2024, with:
- A detailed point by point response to NE's ALC comments of the 13<sup>th</sup> June 2024;
  - A summary response to NE's ALC comments;
  - An amended version of the Agricultural Land Classification Report by SES (6.1 – ES Appendix 15.1);
  - A draft Agricultural Land Classification for the remainder of the grid connection route;
  - The Applicant's position statement in respect of NE's comments regarding the River Mease SAC.
- 5.1.5 The Applicant and NE met on the 27<sup>th</sup> September 2024 to discuss the above and continued to engage following that meeting. The Applicant committed during those discussions with Natural England to submit updated Outline Soil Management Plans, which form part of the Outline Construction Environmental Management Plan [REP6-018], Outline Operational Environmental Management Plan [REP6-020] and Outline Decommissioning Environmental Management Plan [REP6-022].
- 5.1.6 During the discussions NE has confirmed that it is no longer seeking for the Applicant to provide SUDS within the Proposed Development to manage impacts on the River Mease, as NE acknowledges that the removal of annual inputs from intensive agriculture will provide an overall improvement in water quality. NE has requested that grassland within the Mease Catchment is established at the earliest opportunity in order to help eliminate the possibility of sediment run off during construction. At Deadline 4 the Applicant amended the Outline LEMP to provide that commitment at Paragraph 4.26.

- 5.1.7 The Applicant provided a second draft of the SOCG to NE on the 13<sup>th</sup> November 2024 and received confirmation on the 26<sup>th</sup> November 2024 that NE was content for that draft to be submitted to the Examination, which formed part of the Applicant's submission at Deadline 6 [REP6-040].
- 5.1.8 The Applicant then submitted a final SoCG with NE at Deadline 7 [REP7-005]. That SoCG confirms that all matters have been agreed and is consistent with NE's submissions at Deadline 7 [REP7-014], which confirm the same.

## 6 HISTORIC ENGLAND

- 6.1.1 HE submitted a representation on the 9<sup>th</sup> May 2024 [AS-021], followed by responses to the Second written questions at Deadline 4 [REP4-018]. HE then submitted responses to the ExA's Third Written Questions [REP6-049].
- 6.1.2 The Applicant engaged with HE following their first representation and sought to clarify matters by email and through a meeting on the 20<sup>th</sup> May 2024. The Applicant facilitated access to the site for HE who undertook a site walkover on the 5<sup>th</sup> June 2024.
- 6.1.3 Following its site visit, HE confirmed via email to the Applicant on the 11<sup>th</sup> July 2024 that its position was that the Proposed Development would cause harm due to the change in the setting of listed buildings, but that the harm is not serious and would constitute a low level of less than substantial harm as per paragraph 208 of the NPPF. HE further confirmed that the harm caused by metal fencing along the boundary of the Proposed Development would be mitigated by hedgerow growth.
- 6.1.4 The Applicant provided a signed SoCG with HE at Deadline 4. The SOCG records that all matters have been agreed between the Parties apart from Mitigation and Requirements. The Applicant and HE have set out their respective positions in the SOCG regarding the need to provide further mitigation but agree that the Proposed Development would not result in an effect on heritage that would constitute anything more than a low level of less than substantial harm.
- 6.1.5 Following ISH1 the Applicant has reengaged in discussions with HE to address the ExA's ISH1 Action Points 8 b) and 8 c) regarding HE's remit in respect of archaeology and the detail of mitigation suggested by HE, as well as in response to the ExA's third written questions regarding the additional mitigation being sought by HE.
- 6.1.6 HE provided a response to the Applicant on the 25<sup>th</sup> November 2024, immediately prior to Deadline 6 alongside its submissions to the ExA at Deadline 6.
- 6.1.7 The Applicant submitted a revised signed SoCG with HE at Deadline 7 [REP7-006]. That SoCG records that the Applicant and HE have reached agreement on all matters apart from Mitigation. HE's position is recorded in Section 3 of the SoCG and in its latest email to the Applicant at Appendix A (on the 9<sup>th</sup> December 2024). The Applicant's position on the matter is summarised in its email to HE on the 2<sup>nd</sup> December 2024 (Appendix A of the SoCG) and is that no further mitigation is necessary on heritage grounds, given the negligible effect and the intervening topography.

## 7 NATIONAL GRID

- 7.1.1 National Grid Electricity Distribution plc (“NGED”) submitted a Relevant Representation [RR-228], followed at Deadline 1 by Responses to the ExA’s First Written Questions [REP1-034]. NGED then submitted a Response to the ExA’s Third Written Questions at Deadline 6 [REP6-052].
- 7.1.2 National Grid Electricity Transmission plc (“NGET”) submitted a Relevant Representation [RR-229] and then at Deadline 1 a response to the ExA’s First Written Questions [REP1-035] and a Written Representation [REP1-036]. National Grid then submitted responses to the ExA’s Second Written Questions at Deadline 4 [REP4-019] and an update on Protective Provisions at Deadline 5 [REP5-044]. NGET then submitted a response to the ExA’s Third Written Questions at Deadline 6 [REP6-053].
- 7.1.3 NGET have not been identified by the ExA as a party with whom the Applicant needs to agree a SoCG. The Applicant has continued to engage with NGET on Protective Provisions which are almost agreed save for one outstanding point. This should be resolved very soon and with that the Protective Provisions can be signed and NGET has indicated it will then be able to remove its holding objection. The Applicant also continues to engage with NGET on the negotiation of the Option for Easement for laying the grid connection cable across land surrounding the Drakelow substation, and as part of those discussions has continued to explore whether a SoCG needed to be prepared. At Deadline 8 the Applicant understands that NGET does not have any outstanding concerns.