



# OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Comments on Written Representations and Other  
Deadline 7 Submissions

December 2024

Document Ref: EN010122/D8/16.2

Version: Deadline 8

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# 1 INTRODUCTION

## 1.1 PURPOSE OF THIS DOCUMENT

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- 1.1.1 This Document has been prepared for submission at Deadline 8 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 7 ("D7") by Interested Parties. The submissions include representations from Derbyshire County Council ("DCC"), the Environment Agency ("EA"), Natural England ("NE"), Staffordshire County Council ("SCC"), Overseal Parish Council ("OPC") and District Councillor Amy Wheelton.
- 1.1.3 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 RESPONSE TO STATUTORY BODIES D7 SUBMISSIONS

### 2.1 DERBYSHIRE COUNTY COUNCIL

- 2.1.1 The Applicant acknowledges that DCC has responded [REP7-011] to the ExA's proposed Schedule of Changes to the draft Development Consent Order ("dDCO") [PD-015] and updated their response [REP7-011] to the Examining Authority's (ExA's) Third Written Questions [PD-014]. The Applicant has responded to these in the table below.
- 2.1.2 The Applicant also acknowledges that DCC has provided an update on the Statement of Common Ground ("SoCG") regarding additional protection of veteran and ancient trees. DCC has requested prior notification regarding works on trees subject to Tree Protection Orders ("TPOs") and the interpretation of "site preparation works". The Applicant notes that agreement has been reached on the definition of "site preparation works", as set out in the draft SoCG submitted at Deadline 7.
- 2.1.3 The Applicant's response to the proposed additional protection of veteran and ancient trees and needing prior notification regarding works on trees with TPOs is set out in the table below.

COMMENT	APPLICANT'S RESPONSE
<b>ExA's schedule of changes to the draft Development Consent Order</b>	
<p><b>A19:</b> DCC consider that A19 relating to TPOs and veteran/ancient trees, the County Council Landscape Architect and Tree Officers have stated that they're content with the approach and methodology in the arboricultural surveys. The Tree Officer has also provided comments regarding veteran oak T56 which is regarded as needing further protection.</p> <p>DCC has stated that all veteran and ancient trees are an irreplaceable resource which must remain and be afforded protection as an irreplaceable resource and their contribution to both landscape and ecology.</p> <p>DCC also considers that SDDC must retain powers regarding prior approval of works affecting TPOs.</p> <p>Although the ExA's comment A19 in the dDCO provides for prior approval in relation to veteran and ancient trees,</p>	<p>The Applicant acknowledges that DCC's Landscape Architect and Tree Officers are content with the Applicant's approach and methodology. The Applicant provided a detailed update following SDDC and DCC's response to ExQ3 7.2 at Deadline 7 [REP7-009].</p> <p>In summary, the extent of the ancient tree buffer (T56), and details of the root protection zone, will be confirmed in the Arboricultural Method Statement (AMS) for that phase as secured by Requirement 7 (arboricultural method statement) of the dDCO [REP6-004]. The Applicant confirms there is sufficient space in the cable corridor to provide appropriate tree protection measures. These details along with all tree protection measures will need to be approved by SDDC prior to each phase of the Proposed Development.</p> <p>The powers set out in Article 37 of the dDCO [REP6-004] are well precedented and the additional wording proposed by the ExA to provide further control to the local planning authority ("LPA") regarding ancient and veteran trees is proportionate to</p>

DCC consider that this prior approval should be extended to trees within a TPO, with a 28 day determination period.

alleviate the concerns raised. The Applicant maintains its position that no amendments are necessary to the dDCO.

**A33:**

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

The Applicant has amended the dDCO to reflect this as set out in its response to ExQ3 5.2 at Deadline 7 [REP7-009]. A revised dDCO has been submitted at Deadline 8.

**ExA's Third Written Questions**

**3.2 LPA Resourcing:**

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

The Applicant has continued to discuss this matter with SDDC and DCC following Deadline 6, including meetings on 9<sup>th</sup> and 16<sup>th</sup> December 2024. The Applicant maintains its position as set out at Deadline 6 in The Applicant's Response to the Third Written Questions [REP6-042] and in The Applicant's Comments to the ExA's Proposed Changes to the dDCO (submitted at D7) [REP7-008].

In summary, the Applicant disagrees with the suggestion that a Deed of Obligation set out within the DCO is the most appropriate mechanism to secure funding for LPA resourcing. The funding of the LPA's costs are not relevant to the determination of the Application or for the Application to be acceptable in planning terms.

**5.1 End state after decommissioning:**

No outstanding issues.

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

**6.3 Loss of BMV agricultural land:**

No outstanding issues.

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

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

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

The Applicant considers the powers set out in Article 37 (formerly Article 38) of the dDCO [REP6-004] reflect precedent. The Applicant considers the additional wording proposed by the ExA provides suitable controls regarding ancient and veteran trees that is proportionate to alleviate the concerns raised.

**7.3 Habitat constraints plan:**

No outstanding issues.

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

**7.11 Protected species:**

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

The Applicant has set out the position with SDDC in the signed SoCG submitted at Deadline 8. This confirms SDDC agree with the Applicant's approach to protected species apart from Barn Owls.

The Applicant has continued to discuss this matter with SDDC following Deadline 6, including meetings on 9<sup>th</sup> and 16<sup>th</sup> December 2024. The Applicant maintains its position as set out in 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].



In summary, the Applicant disagrees with SDDC that full barn owl surveys should have been undertaken as the Applicant's position is that barn owl ecology and behaviour is well understood at the site. 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. This is set out in the Outline Construction Environmental Management Plan which is secured at Requirement 9 (construction environmental management plans) of the dDCO [REP6-004].

**8.3 Archaeology:**

No outstanding issues.

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

**11.1 Construction traffic:**

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

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

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

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

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

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

No outstanding issues.

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

**13.2 Cumulative effects:**

No outstanding issues.

The Applicant welcomes the response confirming no outstanding issues, as confirmed in the signed SoCG submitted at Deadline 8. No further action required.

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## 2.2 NATURAL ENGLAND

- 2.2.1 The Applicant welcomes the response from NE at Deadline 7 confirming that it has no outstanding issues, which is confirmed through the submission of the signed SoCG submitted at Deadline 7 [REP7-005]. No further action is required as all matters are resolved.

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## 2.3 THE ENVIRONMENT AGENCY

- 2.3.1 The Applicant welcomes the response from the EA at Deadline 7 confirming that the only outstanding matter in its work tracker relates to the Exception Test. The Applicant acknowledges that this matter has since been resolved with the EA prior to Deadline 7 the, which the EA will confirm Deadline 8. A signed SoCG has been submitted at Deadline 8 confirming there are no outstanding matters between the Applicant and the EA. No further action is required as all matters are resolved.

## 2.4 STAFFORDSHIRE COUNTY COUNCIL

- 2.4.1 The Applicant welcomes the response from SCC at Deadline 7 confirming that it is content with the changes made to the Outline Construction Traffic Management Plan (OCTMP) submitted at Deadline 6.
- 2.4.2 The Applicant agrees there is one outstanding matter where the Applicant and SCC disagree. The Applicant's position remains unchanged from that submitted in the Applicant's response to ExAQ211.4(b) [REP4-011], which states 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 position and acknowledges in its Deadline 7 submissions that it would potentially lead to concerns from other parties if the Applicant were to revise its position.
- 2.4.3 The Applicant's position regarding the use of the Scenarios has been agreed with both DCC and SDDC, as set out in the signed SoCG submitted at Deadline 8. As such, amendments to the OCTMP are not considered necessary or appropriate.

## 2.5 OVERSEAL PARISH COUNCIL

COMMENT	APPLICANT RESPONSE
<p>I have found an incorrect statement in 6.1 Environmental Statement - Appendix 10.1 Outline Construction Traffic Management Plan. I hope that I am within time to have this amended.</p> <p>The error is on p31. 5.17 3rd bullet</p> <p>"Not permitting vehicles to leave the SRN (including the A38 and A444) or suitable holding locations if they know they are going to miss a delivery window)."</p> <p>The A444 is not part of the SRN and should not be considered as an equivalent road to the A38.</p>	<p>The Applicant acknowledges the A444 is not part of the Strategic Road Network (SRN) but is part of the Principal Road Network. However, it does not detract from the context of the clear commitment that Heavy Goods Vehicles (HGVs) will not be permitted to enter the local road network serving the Proposed Development, if it is forecast that the delivery window will be missed.</p> <p>The Applicant will revise the wording in the final Construction Traffic Management Plan, secured by Requirement 10 (construction traffic management plan) of the dDCO [REP7-004], to provide greater clarity.</p>
<p>The report then goes on to say</p> <p>"5.18 There are facilities along the A50, A38 and A444 where Heavy vehicles can wait until the local road network timing restriction has ended."</p> <p>Whilst this is correct at the present time, if the second phase of Mercia Park at M42 J11 goes ahead, I believe the laybys on the A444 will disappear as that is where they want to put the entrance and a roundabout.</p>	<p>Upon review of the emerging masterplan for the expansion of Mercia Park at M42 J11, the Applicant notes that the laybys on the A444 referred to lie outside of the planning application boundary and there is no indication that these will be lost.</p> <p>Notwithstanding this, the OCTMP provides a set of measures to manage HGV traffic. The final CTMP will contain details of the HGV holding areas that are available at that time for the duration of the construction phase of the Proposed Development. The final CTMP is secured by Requirement 10 of the dDCO [REP7-004].</p>

## 2.6 DISTRICT COUNCILLOR AMY WHEELTON

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- 2.6.1 The Applicant acknowledges that the submission at Deadline 7 comprises drone footage and imagery. The Applicant welcomes the drone footage, which shows the area of the temporary construction access track and underground cable route. This demonstrates how this part of the Site will look throughout the vast majority of the lifetime of the Proposed Development (i.e., during operation).
- 2.6.2 The cable will be underground and, following construction, not be visible. The land above the cable will be restored to its prior condition, as shown in the drone footage and imagery.
- 2.6.3 Once construction is complete, the access track and watercourse crossings will be removed. The land will be reinstated to its prior condition, as shown in the drone footage and imagery.
- 2.6.4 Small areas of vegetation will be temporarily disturbed at the watercourse crossing points during construction. These will be allowed to recover naturally and remain throughout the 40-year life of the Proposed Development, until a similar temporary disruption and reinstatement is undertaken at decommissioning. This has been considered in the Environmental Impact Assessment.
- 2.6.5 The Applicant also notes the drone footage and imagery is helpful in showing the two large overhead transmission lines supported by large pylons and a further 11kV overhead line running across the fields. This illustrates the electrical infrastructure already present in the landscape.
- 2.6.6 The drone imagery includes wider shots of the Site and in particular shows Redfern Woods to the east of the Site. This provides significant separation and screening of the Proposed Development from Rosliston.