



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Closing Statement

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1 INTRODUCTION

1.1 OVERVIEW

- 1.1.1 Oaklands Farm Solar Limited (“the Applicant”) is applying to the 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 (“the Application”).
- 1.1.2 The Oaklands Farm Solar Park comprises a proposed solar farm with an associated BESS (“the Proposed Development”). The Proposed Development will have a generating capacity of over 50MW and will be situated on 191 hectares (“ha”) of land at Oaklands Farm, South Derbyshire.
- 1.1.3 The solar park itself, comprising photovoltaic panel arrays, an on-site substation and BESS together with access, landscaping and other works, will be located on 135 ha of agricultural land currently in use for arable production and grazing.
- 1.1.4 The remainder of the Site will accommodate the new high voltage 132kV underground electricity cabling to connect the Proposed Development to the National Grid at Drakelow Substation, located at the former Drakelow Coal Power Station which sits south of Burton-upon-Trent. A temporary access track will also be installed across private land during construction and decommissioning to minimise traffic on the public road and prevent Heavy Goods Vehicles (HGVs) going through the villages of Walton-on-Trent and Rosliston. This area of the Site will return to its current land use during operation, and following decommissioning, of the Proposed Development.
- 1.1.5 The Applicant has secured a grid connection at National Grid’s Drakelow Substation for 162.3 Megawatts (“MW”) of export capacity, and 37.5 MW of import capacity to deliver the Proposed Development. The Proposed Development is capable of being delivered to generate clean, domestically produced electricity by 2028, making a significant contribution towards the UK Government’s Clean Power Action Plan¹ (“CP2030”) to achieve clean power by 2030.
- 1.1.6 The Proposed Development also provides a significant contribution to the 4,000 MW of solar energy and 1,300 MW of battery storage needed in the Midlands by 2030, as a “First Ready, First Needed” development². The Midlands represents 37% of all solar capacity and 8% of battery capacity required nationwide to achieve clean power by 2030, showing that the Proposed Development is the right type of project, in the right location.
- 1.1.7 The Proposed Development incorporates grid-scale electricity storage via the on-site BESS, which is critical technology needed to modernise the national electricity system. BESS will support the deployment of renewable energy generation and to achieve clean power by 2030. CP2030 states the biggest hurdles to deploying the

¹ [Clean Power 2030 Action Plan: A new era of clean electricity](#)

² [Clean Power 2030 Action Plan: A new era of clean electricity: Connections reform annex](#)

huge increase needed in grid-scale battery storage capacity is obtaining grid connections and planning decisions – the Proposed Development is well placed to overcome these hurdles to deliver grid-scale battery storage by 2028.

1.2 PURPOSE OF THIS DOCUMENT

- 1.2.1 This Closing Statement has been produced by the Applicant to summarise its submissions and its position on various matters at the conclusion of the Examination by the Examining Authority (“ExA”) of the Application.
- 1.2.2 The Applicant will summarise and justify its opinion that the Proposed Development constitutes an immediate opportunity for the Secretary of State for Energy Security and Net Zero (“SoS”) to deliver a meaningful contribution towards CP2030.
- 1.2.3 The Proposed Development has been designed sensitively and iteratively through thorough consultation, with limited environmental impact, on a site that is located less than 3 km away from an existing National Grid substation, which was formerly part of the Drakelow Coal Power Station.
- 1.2.4 The Proposed Development is a demonstration of the clean power transition in effect and should be granted Development Consent to begin contributing to the climate emergency response as soon as possible. An expedited decision by Spring 2025 will provide the Applicant the opportunity to apply for a Contract for Difference (“CfD”) in early 2025, supporting the immediate delivery of the Proposed Development.
- 1.2.5 This Statement sets out the critical need for, and the benefits of, the Proposed Development against the context of the National Policy Statements (“NPSs”). It records where the Application has been amended to address key matters and provides the Applicant’s closing position on the same. This Statement also sets out the final position of Statements of Common Ground (“SoCG”), which have been prepared during the course of the Examination.
- 1.2.6 This Statement is not intended to provide an exhaustive summary of all the matters of relevance to the Application, but to address those topics that have been a particular focus of the Examination. The Applicant has not sought in this Statement to add, or provide, any new or additional information which has not already been submitted as part of the Application or the Examination.

1.3 THE APPLICANT

- 1.3.1 The Applicant is a wholly owned subsidiary of BayWa r.e. UK Ltd (“BayWa r.e.”), which in turn is wholly owned by BayWa r.e. AG.
- 1.3.2 BayWa r.e. AG has two major shareholders; BayWa AG (51%), which was founded in 1923, has over 25,000 employees globally, and operates in over 50 countries in the fields of energy, agriculture, and construction, and Energy Infrastructure Partners (49%), is a market leader in energy infrastructure investment that manages over €7 billion from global investors.

1.3.3 BayWa r.e. is a leading, international renewable energy developer and service provider with UK and Ireland offices in Glasgow, Edinburgh, Milton Keynes and Cork. BayWa r.e. has been active in the UK since 2011. With an established track record of delivering large-scale renewable energy projects within the UK and Ireland, BayWa r.e. has developed and constructed over 550 MW of installed renewable energy generation, equating to an investment of more than £500 million in the UK to date.

1.3.4 Notably, in the last five years, BayWa r.e. has grown its UK team to approximately 200 members of staff. BayWa r.e. has achieved the following significant milestones in contributing to the UK’s electricity decarbonisation:

YEAR	MILESTONE
2020	<ul style="list-style-type: none"> Construction and energisation of the UK’s first subsidy free wind farm, Inverclyde Wind Farm (8 turbines, 24 MW).
2021	<ul style="list-style-type: none"> Acquisition of the 50 MW High Constellation Wind Farm in Argyll & Bute. Achieved consent for the 49.9 MWp Rag Lane Solar Farm, near Bristol.
2022	<ul style="list-style-type: none"> Construction and energisation of the 42 MW Dalquhandy Wind Farm, located on a former opencast coal mine in South Lanarkshire. Achieved consent for the 49.9 MWp Perrinpit Solar Farm in Gloucestershire. As part of the Buchan Offshore Wind Farm, successfully secured the rights via ScotWind to develop a 960 MW floating offshore wind farm in the North Sea. Successfully securing eight CfDs in AR4.
2023	<ul style="list-style-type: none"> Construction and energisation of Bracks Solar Farm, a 30 MWp solar farm in Cambridgeshire. Achieved Section 36 Consent for Corriegarth 2 Wind Farm, a 70 MW Wind Farm in the Highlands. Achieved consent for Clump and Hill Solar Farms, totalling a combined 60 MWp+ in Leicestershire. Achieved consent for Meadow Farm, a 57 MW BESS in Durham.
2024	<ul style="list-style-type: none"> Construction and energisation of Broken Cross Wind Farm, located on another former opencast coal mine in South Lanarkshire (9 turbines, 43 MW). Completed construction of Scurf Dyke Solar and BESS Farm, BayWa r.e.’s first co-located solar and BESS park in the UK (80 MWp). Achieved consent for Yanel Solar Farm (> 40 MWp, Somerset). Successfully securing three CfDs in AR6 totalling over 150 MW.

1.3.5 2025 is anticipated to include delivery of three solar farms totalling 150 MWp throughout England, commencing construction of Corriegarth 2 Wind Farm, and submission of the Buchan Offshore Wind Farm consent application. A number of planning decisions are also anticipated including the Proposed Development, multiple solar farms and two large-scale wind farms in Scotland.

1.3.6 BayWa r.e. has a growing UK pipeline with over 1.9 GW of solar, 550 MW onshore wind, and 1.8 GW BESS at various stages of development, and is continuing to make valuable contributions to the UK’s decarbonisation, including projects directly aligned with CP2030.

2 THE NEED FOR AND BENEFITS OF THE PROPOSED DEVELOPMENT

2.1 LEGISLATIVE AND POLICY CONTEXT

- 2.1.1 The legislative and policy context to the Application is set out in full in the Planning Statement [APP-181]. The PA 2008 states, in summary, that in making its decision on an application for a DCO, the SoS must have regard to any NPS that has effect.
- 2.1.2 This is the first solar Nationally Significant Infrastructure Project (“NSIP”) Application to have been accepted for Examination since the designation of the revised EN-1 (Overarching National Policy Statement for Energy) and EN-3 (Renewable Energy) NPSs on the 17th January 2024. Both of those NPSs have effect and are the primary policy context against which the Application will be determined.
- 2.1.3 Published on 13th December 2024, CP2030 sets out the UK Government’s pathway to achieving a new era of clean electricity with energy security, lower bills, jobs and climate action. With the ability to generate and export a significant amount of clean solar energy by 2028, alongside the provision of grid-scale BESS, the Proposed Development aligns entirely with the goals of CP2030.

2.2 THE NEED FOR THE PROPOSED DEVELOPMENT

- 2.2.1 CP2030 sets an ambitious timeline to deliver clean power at pace and great scale, and EN-1 takes an unequivocal starting point that there is an **urgent need** for energy generating infrastructure such as the Proposed Development. EN-1 asserts that **substantial weight** should be given to that urgent need when considering applications for development consent.
- 2.2.2 That urgent need arises to address climate change by moving to a net zero economy in the UK by 2050 and to deliver the transformation necessary to ensure a secure, reliable and affordable supply of energy. Paragraph 3.3.20 of EN-1 states that the Government expects a secure, reliable, affordable, net zero consistent energy system in 2050 which is likely to be composed predominantly of wind and solar. Paragraph 3.3.25 also sets out that the Government considers electricity storage to have a key role in achieving net zero and providing flexibility to the system.
- 2.2.3 EN-1 sets out at Section 4.2 the **critical national priority** for the provision of nationally significant low carbon infrastructure, such as the Proposed Development.
- 2.2.4 EN-1 is clear that residual impacts³ that remain once the mitigation hierarchy has been applied are unlikely to outweigh the urgent need for nationally significant

³ Where those residual impacts are not related to a European Site protected by Habitat Regulations or a Marine Conservation Zone (which does not apply in the case of this Application).

low carbon infrastructure and therefore, in all but the most exceptional circumstances, it is unlikely that consent would be refused where residual impacts remain.

- 2.2.5 Sections 1.1.6 and 1.1.7 of this Statement set out the need for energy storage. Paragraph 3.3.25 of EN-1 supports this, stating that "*storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated*".
- 2.2.6 The need for the Proposed Development is therefore clearly established through the NPSs and CP2030, as is the weight to be attributed to that urgent need and the approach to be taken to determining applications for critical national infrastructure.
- 2.2.7 There is nothing in the case of this Proposed Development, in the context of that urgent need, weight or approach, which suggests that development consent should not be granted. Instead, the balance is firmly and compellingly in favour of granting development consent, in order to secure the benefits which the Proposed Development would deliver.

2.3 BENEFITS OF THE PROPOSED DEVELOPMENT

- 2.3.1 The Proposed Development would deliver a wide range of benefits and positive outcomes, including:

Climate Change Benefits

- **Renewable Energy Generation:** generating and exporting some 138 MW of renewable energy by 2028, a significant amount of clean electricity capable of powering some 35,000 homes;
- **Aligned with CP2030:** making an important contribution towards the Government's CP2030 objectives by delivering infrastructure that has been identified as a Critical National Priority and responds to the urgent need for new low and zero carbon energy infrastructure in the UK;
- **Tackling the Climate Crisis:** reducing carbon emissions and tackling the climate crisis, which has been acknowledged by a former SoS as "*the biggest threat to nature and food security and to our rural communities*"⁴. The Proposed Development will allow for some 767,723 tonnes of CO₂ emissions to be avoided during its operational period;

Electricity System Benefits

- **Increasing Energy Security:** improving grid resilience and reducing dependence on imported energy supplies by contributing significant

⁴ [Clean Energy Superpower Mission - Hansard - UK Parliament](#)

⁵ [Written statements - Written questions, answers and statements - UK Parliament](#)

domestic renewable electricity generation⁶, responding to the Climate Change Committee's statement that *"British based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become"*;

- **Optimising Existing Infrastructure:** re-use of existing and available grid connection infrastructure of the decommissioned Drakelow Coal Power Station and first export of electricity to the National Grid by 2028. Making use of existing, fossil fuel infrastructure to support generation of clean electricity is evidence of the energy transition taking place in practice whilst reducing the reliance on new grid infrastructure;
- **Delivery of Grid-Scale Battery Storage Capacity:** providing energy storage to manage electricity flows to/from the grid, whilst reducing network reinforcement costs and contributing to the resilience and flexibility of the wider electricity network, in line with the Government's stated need for huge increases in grid-scale battery storage⁷;

Biodiversity and Nature Benefits

- **Biodiversity Net Gain (BNG):** Securing a significant BNG of up to 125% in habitat units, 20% in hedgerow units and 20% in river units, and a minimum of 20% habitat units, 10% in hedgerow units and 10% in river units, through a comprehensive scheme of landscaping and biodiversity improvements around the Site;
- **Strengthening Ecological Connectivity:** will be achieved through the creation and enhancement of linear movement corridors;
- **Improving Habitats for Pollinators:** across a large area, which is currently intensively farmed, by establishing grassland and wildflower meadow throughout the Site and increasing pollinator populations resulting in wider biodiversity benefits to flora and fauna on and off-site. The change in use of the land will also result in a decreased usage of fertilisers and herbicides throughout the 40-year operational life of the Proposed Development;
- **Improved Soil Health:** by taking the land out of intensive agricultural use for a period of up to 40 years;
- **Skylark Population Enhancement:** Delivering a significant enhancement to the skylark population through the provision of up to 38 new skylark plots on land adjacent to the Proposed Development;

Socio-economic Benefits

- **Improving Recreation:** creating a new permissive path to improve the connectivity of the Public Rights of Way ("PRoW") network in the vicinity

⁶ [Clean Energy Superpower Mission - Hansard - UK Parliament](#)

⁷ [Clean Power 2030 Action Plan: A new era of clean electricity](#)

of the Site, offering new access to land that provides safe walking routes between the villages of Walton-on-Trent and Rosliston via the Cross Britain Way and other existing footpaths. Alongside the new permissive path, an interpretation board on solar energy will be provided as a recreational and educational enhancement;

- **Creating Employment Opportunities and Economic Activity:** particularly during the construction phase as set out in the Outline Skills, Supply Chain and Employment Plan (“OSSCEP”) including:
 - 114 Full-Time Equivalent (“FTE”) jobs during construction, of which, approximately 50 FTE jobs would be generated in the local economy;
 - Creation of approximately 91 additional indirect and induced FTE jobs;
 - An estimated £80 million in construction expenditure, of which £20 million would be retained within the UK (the majority of non-UK construction expenditure consists of specialist components not produced in the UK);
 - Indirect economic benefits of £170k for the local economy through construction worker spend;
- **Local Business Support:** supporting the existing dairy business on the Site with diversified income from annual land rental payments whilst still enabling an income to be generated from the grazing of sheep amongst the solar panels through the life of the Proposed Development.

2.3.2 In addition, although not material to the SoS’s decision, the Proposed Development will provide a community benefit payment of £55,000 per year (£2.2 million over the life of the Proposed Development) and funding that will support local services from the payment of Business Rates at £230,000 per year (£9.2 million over the life of the Proposed Development).

3 SECURING THE BENEFITS

- 3.1.1 Prior to the submission of the Application, the Applicant undertook a thorough, considered and iterative approach to understand the Site and the local context.
- 3.1.2 The Applicant consulted and engaged with a wide range of stakeholders, as set out in the Consultation Report [APP-022], defined a set of key design aims, as set out in the Design Statement [REP6-035] and followed a logical process to reach and address those aims. This iterative design approach informed changes to the Proposed Development including, but not limited to:
- The removal of a large area of solar panels and a commensurate reduction in the Order Limits;
 - The relocation of the BESS and on-site substation to the centre of the Oaklands Farm area to address concerns about visual impact and noise from receptors;
 - Revising the proposed construction vehicle routing subject to changes in weight limits on local bridges and known transport constraints, with alternate routes for HGVs assessed to provide options in the event the Walton Bypass bridge is or is not available for construction.
 - The introduction of a temporary haul road across private land to minimise the impacts of construction and decommissioning vehicles on the surrounding road network and to prevent HGVs travelling through the villages of Walton-on-Trent and Rosliston;
 - Altering the cable connection to be underground for its entire length, rather than overground as originally proposed, in response to local community feedback during consultation exercises;
 - Agreeing to utilise temporary culverts and a bridge to facilitate crossing of the watercourse with the construction and decommissioning haul road, to avoid increases to offsite flooding and to allow vegetation to regrow naturally during operational phase
 - Introducing a permissive path through the Proposed Development, to provide a new safe walking link between the existing PRow in the vicinity of the Site, across private land not previously accessible to the public.
- 3.1.3 These design changes show that consultation was effective and resulted in meaningful changes to the Proposed Development, ensuring environmental impacts were minimised and the submitted scheme was appropriately designed.
- 3.1.4 Following submission, the Works Plans [AS-003] and the associated description of the Works in the dDCO [EN010122/D8/3.1] have remained substantially unchanged. Together with the defined development parameters, these documents provide the framework and basis for further detailed design following the granting of development consent, through the discharge of Requirement 5 (detailed design) of the dDCO. This will ensure the efficient and effective use of the Site for the

generation of electricity, energy storage and delivery of the associated climate change, biodiversity and socio-economic benefits.

- 3.1.5 The submitted Outline Management Plans have evolved considerably and form the basis for detailed management plans to be produced to satisfy the relevant Requirements, following the making of the DCO. These include an:
- (1) Outline Construction Management Plan ("OCEMP") [REP6-018];
 - (2) Outline Operational Management Plan ("OOEMP") [REP6-020];
 - (3) Outline Decommissioning Management Plan ("ODEMP") [REP6-022],
each containing a tailored Outline Soil Management Plan ("oSMP") for that stage,
 - (4) Outline Construction Traffic Management Plan ("OCTMP") [REP6-028]; and
 - (5) Outline Landscape and Ecological Management Plan ("OLEMP") [REP4-040].
- 3.1.6 These Outline Management Plans have formed a key part of the Examination and have been amended and adjusted by the Applicant throughout based on detailed questions and consultation with relevant statutory consultees. The Outline Management Plans capture and deliver mitigation; protect existing features and habitats; secure enhancement measures; and secure ongoing monitoring and maintenance measures.
- 3.1.7 The OSSCEP [REP6-043] ensures the economic benefit of the Proposed Development is captured at the local level for the benefit of the hosting communities.
- 3.1.8 Overall, the refined Outlined Management Plans give confidence to all stakeholders and decision-makers that all detail and mitigation committed to with relevant consultees during the examination process is secured and is deliverable, ensuring the Proposed Development is capable of being implemented in a timely manner to contribute to CP2030 goals.

4 DELIVERING THE PROPOSED DEVELOPMENT AND CP2030 OBJECTIVES

- 4.1.1 The Proposed Development can connect to the National Grid and supply a significant amount of renewable energy by 2028, which is strongly aligned with the government's objective of delivering CP2030.
- 4.1.2 The Applicant has secured the necessary land rights via voluntary land agreements for the solar panel and BESS area, and the majority of the grid connection cable route and temporary haul road.
- 4.1.3 The Applicant is in advanced stages of negotiation with outstanding landowners to secure the rights for the rest of the grid connection cable route and temporary haul road, and throughout the Examination has received no objection from landowners to the inclusion of compulsory acquisition powers (save for National Grid Electricity Transmission's ("NGETs") standard holding objection until Protective Provisions are agreed, which is imminent).
- 4.1.4 The Applicant expects to secure voluntary land agreements for the remaining land required to deliver the Proposed Development, and therefore anticipates the compulsory acquisition process and any associated project delays will be avoided.
- 4.1.5 In terms of ensuring delivery of the Proposed Development, a key driver of realising energy projects is electricity offtake arrangements. CfDs are a critical tool to the successful delivery of projects, such as the Proposed Development, aligned with CP2030. Timing of consenting decisions relative to the CfD auction windows will be fundamental in accelerating delivery of projects that are CP2030 compliant, and determinations of consenting applications in advance of such auction windows will significantly increase the likelihood of projects, such as the Proposed Development, achieving their planned programme.
- 4.1.6 The Applicant acknowledges the need for the Recommendation and Decision processes to take the time needed to fully assess and determine the Application but invites the SoS to consider the timings of determination for the Proposed Development relative to the 2025 CfD auction periods, and would welcome a decision in advance of Spring 2025 to afford the Proposed Development the opportunity to be included within AR7.

5 THE APPLICANT'S POSITION ON KEY MATTERS

5.1 CONTINUED ENGAGEMENT

- 5.1.1 The Applicant has undertaken extensive and positive engagement with stakeholders, including the relevant planning authorities and statutory consultees, prior to and during the Examination. The Applicant has made significant progress in reaching agreement and narrowing areas of disagreement, which has included reaching full agreement on all matters with the Environment Agency ("EA") and Natural England ("NE"), and substantial agreement on the majority of matters with Historic England ("HE"), South Derbyshire District Council ("SDDC") and Derbyshire County Council ("DCC").
- 5.1.2 The high level of agreement with key statutory undertakers enables the Proposed Development to be delivered efficiently and effectively, enhancing its ability to be delivered by 2028 in line with CP2030.
- 5.1.3 This is further explained within the Applicant's Position on Key Matters section below.

5.2 LANDSCAPE AND VISUAL IMPACTS

- 5.2.1 The Site sits outside any landscape designations, in an area already containing overhead transmission lines and where the topography and existing vegetation means that the Proposed Development can be readily accommodated with very limited landscape and visual impacts.
- 5.2.2 Chapter 5 of the ES [REP1-013] documents how the design process has led to a number of embedded measures to reduce the landscape and visual impacts of the Proposed Development, with those embedded measures captured through the design parameters and the Works Plans.
- 5.2.3 New landscape planting and the strengthening of existing vegetation is then proposed to further minimise the landscape and visual impacts of the Proposed Development, secured via the OLEMP. Some landscape and visual impacts from this type of infrastructure are inevitable, however the embedded design measures and proposed landscaping will ensure that those are appropriately limited and reduced to being minor and not significant apart from certain viewpoints seen only by road users very close to the Proposed Development.
- 5.2.4 Amongst other resources, the Applicant has used visualisations to inform the assessment of landscape and visual impacts. The accuracy of visualisations has been queried by an Interested Party during the Examination. The Applicant maintains that the visualisations have been prepared by experienced professionals, who are Chartered Members of the Landscape Institute. Industry standard software, data and industry guidance has been used / followed. The visualisations are therefore an appropriate, and accurate, basis to inform the assessment of the landscape and visual impacts of the Proposed Development.

SDDC and DCC agree the general methodology, approach to and conclusions of the landscape and visual assessment.

- 5.2.5 The OLEMP has been updated during the Examination to clearly identify embedded mitigation to ensure that landscaping was being secured. The OLEMP was also updated where necessary to allow for further surveys, monitoring and maintenance of the landscaping to be installed. The detailed LEMP, to be agreed through Requirement 8 (landscape and ecological management plan), will provide an effective ongoing mechanism to comprehensively deliver the detailed landscaping scheme, which will be assessed by the Local Planning Authority ("LPA") through the discharge of Requirement 5 (detailed design).

5.3 BIODIVERSITY

River Mease Special Area of Conservation (SAC)

- 5.3.1 The Applicant has provided commitments within the OCEMP and OLEMP that the area of the Site, which falls within the River Mease SAC catchment, will be seeded to establish grassland at the earliest opportunity, to avoid any issues of sediment run-off. The OOEMP provides clarity over the type of chemicals to be used for the cleaning of panels during the operational lifetime of the Proposed Development. Cleaning will occur annually, in dry weather and utilise mild detergents.
- 5.3.2 The Applicant has made provision in the OCEMP for a pre-site preparation survey for otter, to inform an update of any mitigation measures necessary to prevent any harm to otter during construction. Similar measures will be employed at the point of decommissioning to avoid impacts at that stage.
- 5.3.3 As confirmed by the Report on the Implications on European Sites [PD-013], there are no impacts expected on the River Mease SAC arising from the Proposed Development.

Skylark

- 5.3.4 The Proposed Development will significantly increase biodiversity across the Site and will provide improved foraging for the skylark population in the area, given in its current form the Site is sub-optimal habitat for that species.
- 5.3.5 The Proposed Development will deliver a significant further enhancement to the skylark population of the area in the form of at least 38 skylark plots being created on land in the vicinity of the Site. This enhancement is secured through a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. SDDC have confirmed, through their SoCG, that they are satisfied that the approach adequately addresses the impacts on Skylark and would result in a net benefit for the species. This is a significant benefit which will be directly delivered by the Proposed Development.

Other Protected Species

- 5.3.6 The Applicant has been in continued discussions with other parties throughout the Examination regarding protected species. Its concluding position is as follows:
- **Barn Owl** – it was not necessary to undertake specific barn owl surveys to support the Application as Barn Owl ecology is well understood. Appropriate mitigation will be specified through a species protection plan, following a further survey prior to site preparation, and the Proposed Development will provide improved foraging for Barn Owls.
 - **Great Crested Newt (GCN)** – the risk to GCN is negligible and there is no need for further surveys prior to works on-site. A highly precautionary approach will still be taken during construction to avoid any impacts on GCN, this is secured via the OCEMP.
 - **Otter** – due to the mobility of the species, further surveys will be undertaken prior to site preparation to specify appropriate mitigation measures, should those be needed.
 - **Badger** – the Applicant has secured a Letter of No Impediment (LoNI) from NE in relation to the granting of a Badger Licence. A further survey will be undertaken prior to the start of site preparation works. If following the survey or the detailed design works required under Requirement 5 (detailed design), licensable activities are required, then a licence will be obtained from NE. The use of mammal gaps in the fencing around the Proposed Development will provide for the continued movement of badgers and other mammals.
 - **Breeding Birds** – the Proposed Development will not have potential for adverse effects on breeding birds. Typical precautionary measures would be employed to prevent impacts during construction. The position on skylark is summarised in Sections 5.3.4 – 5.3.5
- 5.3.7 The measures stated above have been secured through the OCEMP during Examination. The Applicant has added Habitats Constraints Plans to the OCEMP, which SDDC and DCC acknowledge provide a clear framework and control over site clearance works, to ensure that sensitive features are identified and protected.

Summary and BNG

- 5.3.8 The landscaping proposed as part of the Proposed Development, as secured through the OLEMP, will secure a significant level of BNG across the Site. This is provided despite that not yet being a legal requirement for DCOs. This will be of benefit to the biodiversity of the area in general and to specific species such as Skylark. The controls and measures introduced through the management plans will ensure impacts on protected species will be avoided during construction.

5.4 HIGHWAYS

- 5.4.1 The proposed on-site construction haul road will be of significant benefit by limiting and managing the impact of construction vehicles through removing those from the surrounding road network at the earliest opportunity, and preventing HGVs from travelling through the villages of Walton-on-Trent and Rosliston. The OCTMP [REP6-028] provides effective mitigation for traffic impacts including:
- (1) Traffic management controls;
 - (2) Measures to ensure compliance with the stated routing;
 - (3) Management of the low number of Abnormal Indivisible Loads required;
 - (4) Signing strategy;
 - (5) Specification of appropriate core working and delivery hours; and
 - (6) Creation of a Transport Management Liaison Group (the Applicant has already been invited to attend a meeting in January 2025 to discuss upcoming local events and traffic management plans).
- 5.4.2 If the Walton bypass is open prior to, or during, the construction phase of the Proposed Development, this will be used as the access route to the Site. However, acknowledging that the Walton bypass may not be available, the Applicant has continued to model and assess alternative routes, and has demonstrated that those alternatives would be equally acceptable from a highways perspective.
- 5.4.3 As set out in Chapter 10 of the ES [APP-155], effects arising from construction traffic associated with the Proposed Development would be no more than negligible to minor residual effects, which are not considered significant. The vehicle movements arising from the operational stage will be low and the vehicle movements associated with decommissioning will be similarly not significant. The Proposed Development does not therefore give rise to any level of highways impacts which would prevent development consent from being granted.
- 5.4.4 The Applicant's survey of the levels of activity of Non-Motorised Users (NMUs) in the vicinity of the Site, found that activity levels are relatively low. However, the mitigation measures set out within the OCTMP will aim to minimise impacts arising from the Proposed Development on NMUs.

5.5 ARCHAEOLOGY AND HERITAGE

- 5.5.1 There will be a low-level of less than substantial harm arising from the Proposed Development on heritage assets. South Derbyshire District Council (SDDC) and Historic England concur with that assessment, as demonstrated through their respective SoCGs [EN010122/D8/8.1 and REP7-005]. No further mitigation is therefore necessary, in the context of that low-level of less than substantial harm.

- 5.5.2 It has been agreed that there is a low potential for significant effects on archaeological deposits and the dDCO provides for a written scheme of investigation to be agreed with the LPA.

5.6 DRAINAGE AND FLOOD RISK

- 5.6.1 The Applicant's Sequential Assessment [REP6-045] demonstrates that there are no sites within a reasonable study area around Drakelow Substation that would be able to deliver a similar generating capacity to the Proposed Development at a lower risk of flooding, when taking account of wider sustainable development objectives and the very small area of the Site (4% which equates to 8.3 ha) which lies outside Flood Zone 1. The test at Paragraph 5.8.36 of EN-1 has therefore been met.
- 5.6.2 The proposed construction access track along the route of the cable connection between the on-site substation and the Drakelow Substation crosses an existing normal watercourse in three locations. The Applicant's updated Flood Risk Assessment [REP7-003] models the use of a temporary bridge instead of a temporary culvert at one crossing point, avoiding any temporary increase in off-site flooding. The EA have confirmed it is content with that position through its submissions at D7 [REP7-013] and their SoCG [EN010122/D8/8.2].
- 5.6.3 A sequential approach has been taken at site-level during the design process, with only buried cables and a short section of internal access track proposed to be located within Flood Zones 2 and 3. The edge of one area of panel arrays are proposed to be located in an area at risk of groundwater flooding, with the lowest edge of those arrays being comfortably higher than the level of any flooding in that area. As such, no specific mitigation is required beyond the design of those features.
- 5.6.4 The majority of the Proposed Development will be free draining. Where it is necessary for drainage to be controlled, for example at the BESS and on-site substation, SUDs and appropriate drainage controls are proposed. The planting of grassland across the Proposed Development and the design of the panel arrays, will both manage surface water run-off and prevent soil erosion.
- 5.6.5 The Proposed Development therefore satisfies both the Sequential and Exception Tests and will be safe from flooding for its operational lifetime, without increasing flood risk elsewhere at any stage of development.
- 5.6.6 The mitigation measures proposed ensure that the Proposed Development does not damage the existing drainage regime or introduce new forms of surface water run-off.

5.7 AGRICULTURAL LAND

- 5.7.1 NPS EN-3 does not prohibit the use of Best and Most Versatile (BMV) agricultural land for the development of ground mounted solar arrays as it seeks to deliver up 70GW of solar generation.

- 5.7.2 The Applicant has demonstrated in Chapter 3 of the ES [APP-084 – APP-087] that there are no other preferable sites within 10km of Drakelow Substation which would be able to deliver the Proposed Development. This study of alternatives included an assessment of previously developed and lower quality agricultural land, when taking reasonable account of other constraints and considerations.
- 5.7.3 The UK does not have an identified food security concern and there is no mandate to farmers which requires land to be used for food production. Instead, as stated by the SoS in July 2024, *"the biggest threat to nature and food security and to our rural communities is not solar panels or onshore wind; it is the climate crisis, which threatens our best farmland, food production and the livelihoods of farmers"*⁸. The Proposed Development seeks directly to address the climate crisis.

Restoration of Agricultural Land

- 5.7.4 Following decommissioning, the Site will be restored to the pre-commencement agricultural land quality. The Applicant and technical advisors (including soil specialists) are confident that this is a realistic and achievable commitment.
- 5.7.5 To allow for restoration, the topsoil excavated to facilitate the installation of the on-site substation and BESS compounds will be stockpiled on-site. Stockpiles will be seeded to prevent soils being washed away and monitored to ensure the health of the soil is maintained. This has been agreed with the Environment Agency (EA).
- 5.7.6 The Applicant has committed to burying cables to a minimum depth of 0.9m, in line with guidance provided by NE. The Applicant confirmed at Deadline 5 through an Indicative Cable Trench Plan [REP5-029] that only 2% of the Site will be affected by trenching for buried cables, and trenching would be located almost exclusively on the perimeter of fields with a single trench serving the majority of cabling needs in most fields. This means a very small area of BMV land will be impacted by trenching and buried cables. Upon decommissioning, the Applicant has committed to remove buried cables, however, has allowed for flexibility in case of specific circumstances which means that is not desirable, or appropriate. If cables are left in the ground at decommissioning, they will be deep enough to allow more intensive agricultural activity (e.g., ploughing) to recommence.
- 5.7.7 The measures to be taken to achieve these commitments are set out in the oSMP which form part of each of the OCEMP, OOEMP and ODEMP. NE confirmed at Deadline 7 in its SoCG [REP7-006] that it agrees with the content of those oSMP.
- 5.7.8 The comprehensive range of mitigation measures proposed provide confidence that the land will be restored to its pre-commencement agricultural land quality following decommissioning.

Land Drains

- 5.7.9 The Applicant's agricultural land and flood risk/drainage experts have undertaken walkovers with the landowner to determine the location of known agricultural land drains, and understands the number of land drains is very low with those

⁸ [Clean Energy Superpower Mission - Hansard - UK Parliament](#)

primarily located at the perimeters of the various fields within the Site. The Applicant recognises that from an agricultural land perspective, the retention of the land drains is desirable and consistent with its commitment to return the land to its pre-commencement agricultural status.

- 5.7.10 The OCEMP, OOEMP and ODEMP set out measures to avoid damage to existing land drains where possible (such as a nominated Drainage Advisor to be in place during construction), for existing land drains to be repaired or new drains installed underneath and around solar panel mounting structure piles and buried cables where surface water issues arise, and for the ongoing monitoring of surface water during operation, in order that any issues identified can be rectified. Similarly at the decommissioning stage, the same regard will be taken of the presence of land drains and to repairing those where they are affected by the removal of the infrastructure. The Applicant has committed to a period of aftercare, following decommissioning.
- 5.7.11 These comprehensive measures ensure that suitable drainage is maintained for the lifetime of the Proposed Development and off-site flood risk will not be increased. These measures will allow the land to be returned to the current agricultural land quality after the Proposed Development is decommissioned.

5.8 GLINT AND GLARE

- 5.8.1 The Applicant has maintained its position throughout the Examination that there are embedded design measures which ensure that any significant impacts arising from the Proposed Development in terms of glint and glare have been mitigated.
- 5.8.2 The Applicant has confirmed its position at various points [particularly REP5-034] that the assessment of glint and glare effects has been based on a robust methodology which follows appropriate industry standards.
- 5.8.3 SDDC undertook to commission an independent review [REP5-038] of the Applicant's glint and glare assessment, which concluded that the methodology and the conclusions of the Applicant's study were robust. This independent review agreed that the detailed design stage is the appropriate time to deal with the very limited remaining matters in relation to glint and glare.

5.9 OTHER MATTERS

- 5.9.1 The Applicant does not consider there to be any outstanding matters to be resolved in respect of the other topics which have been dealt with during the Examination, which include air quality and noise and vibration.
- 5.9.2 The matter of arboriculture has been dealt with in Section 6 of this Statement.

6 FINAL DRAFT DEVELOPMENT CONSENT ORDER

6.1 GENERAL POSITION

- 6.1.1 The dDCO has from the outset used precedent established in made solar DCOs whilst positively and proactively deviating from precedent where necessary and justified in order to tailor the dDCO to the Proposed Development and to address issues raised by Interested Parties.
- 6.1.2 The dDCO is in complete accordance with the recent guidance relating to the content of a dDCO, published in April 2024⁹.
- 6.1.3 The Applicant provided comments at Deadline 7 on the ExA's proposed dDCO [REP7-008] and has at Deadline 8 submitted a final dDCO [EN010122/D8/3.1].
- 6.1.4 The Applicant has taken the opportunity to confirm its position below on points of difference relating to the dDCO which remain at Deadline 8.

6.2 ARTICLE 5 - CONSENT TO TRANSFER BENEFIT OF ORDER

- 6.2.1 The Applicant maintains its position as summarised in its comments at Deadline 7 on the ExA's Schedule of Changes to the dDCO [REP7-008] and as first set out in its response to ExQ3-1.3 [REP6-042].
- 6.2.2 The Applicant's drafting of Article 5 is well precedented. The Applicant considers its position to be correct and to have been properly justified during the Examination.
- 6.2.3 The Applicant has therefore maintained its drafting in its Deadline 8 version of the dDCO.

6.3 ARTICLE 11 - TEMPORARY STOPPING UP OF PUBLIC RIGHTS OF WAY

- 6.3.1 The Applicant maintains its position, as set out in its comments at Deadline 7 on the ExA's schedule of changes to the dDCO [REP7-008]. The drafting of Article 11 is well precedented and provides adequate controls on the undertaker to provide comfort to SDDC and DCC that any disruption to PRoWs would be minimised so far as possible.
- 6.3.2 The Applicant considers it appropriate to follow precedent in the drafting of Article 11 should it be required to rely on the powers granted by that article. However, at the time of writing, the Applicant does not expect to need to temporarily stop up the PRoW. Other measures, as outlined in the OCEMP (Section 2.10) [REP6-018] and the OCTMP (Section 3.19 -3.20) [REP6-028], can be used during construction to ensure that the PRoW remains safe for use.

⁹ Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects guidance published on 30 April 2024

6.4 ARTICLE 37 – TREES SUBJECT TO TREE PRESERVATION ORDERS

- 6.4.1 SDDC and DCC have taken the position in the SoCG at Deadline 8 [EN010122/D8/8.1] that any works to protected, ancient or veteran trees should only be undertaken with the permission of the LPA.
- 6.4.2 The Applicant's position on the matter is that there is established precedent for the wording of Article 37 and that it therefore provides an appropriately limited range of powers in respect of protected trees.
- 6.4.3 Notwithstanding this, the Applicant has revised Article 37 to ensure the prior approval of the LPA is obtained before any veteran or ancient trees are felled or lopped, to provide comfort to the LPAs on this point, but the Applicant considers it is unlikely that veteran or ancient trees will be impacted by the Proposed Development and has set out within its Arboricultural Impact Assessment [REP6-026] how impacts on those trees would be avoided.

6.5 REQUIREMENT 27 – DECOMMISSIONING FUND

- 6.5.1 The Applicant set out its position at Deadline 4 in its response to ExQ2 – Q5.3 [REP4-011] that the securing of decommissioning funds within the dDCO is a clear departure from how solar farms have been developed to date and that there is no precedent in comparative schemes.
- 6.5.2 The Applicant notes that the ExA proposes to add Requirement 27 to secure funding for decommissioning, using the wording proposed by the Applicant at Deadline 5 in its response to ISH1 Action Point 4(g) [REP5-026]. The Applicant at Deadline 7 [REP7-008] suggested minor alterations to that wording, which are included in the Applicant's dDCO submitted at Deadline 8.

6.6 PARAGRAPH 32, SCHEDULE 1, PART 3 - FEES

- 6.6.1 The Applicant has reconfirmed its position in its comments at Deadline 7 on the ExA's schedule of changes to the dDCO [REP7-008] that the provisions set out in the dDCO are well precedented in recent solar decisions.
- 6.6.2 The Applicant does not consider it necessary, or appropriate, to provide for a planning obligation, or similar additional arrangement, within the dDCO.
- 6.6.3 The Applicant acknowledges that a Planning Performance Agreement (PPA), or similar, will provide a suitable mechanism for supplementing the standard application fees set in the dDCO in order to provide an adequate level of resourcing for the LPAs. The Applicant has offered to enter into a PPA with the LPAs post-consent.

6.7 PROTECTIVE PROVISIONS

- 6.7.1 Protective Provisions with all Statutory Undertakers have been agreed apart from National Grid Electricity Transmission ("NGET") where a single point remains under discussion. The Applicant will inform the ExA once agreement with NGET has been reached.

7 CONCLUDING REMARKS

- 7.1.1 The Application has been subjected to a rigorous examination. The Applicant is grateful for the assistance of the Planning Inspectorate with the running of the Examination and the input provided by the LPAs, statutory consultees and other Interested Parties.
- 7.1.2 The delivery of the Proposed Development is a Critical National Priority, and both energy policy (CP2030 Action Plan) and national policy (primarily NPS EN-1 and EN-3) makes clear that there is an urgent need for this type of electricity generating infrastructure.
- 7.1.3 The Proposed Development is capable of being delivered to generate clean, domestically produced electricity by 2028, making a significant contribution towards the UK government's Clean Power Action Plan¹⁰ to achieve clean power by 2030 and the Proposed Development is also in line with the NESO grid reform prioritising "First Ready, First Needed" developments as set out in the CP2030 Action Plan: Connections reform annex¹¹.
- 7.1.4 The Proposed Development can deliver a significant amount of renewable energy generation and critical battery storage capacity by 2028, with very little environmental impact, on a site that is located less than 3 km away from an existing National Grid substation which was formerly part of a coal fired power station. It incorporates grid-scale BESS which is critical to modernise the national electricity system to support the deployment of renewable energy generation and to achieve clean power by 2030.
- 7.1.5 The CP2030 Action Plan states the biggest hurdles to deploying the huge increase needed in grid-scale battery storage capacity are obtaining grid connections and planning decisions – the Proposed Development is well placed to overcome these hurdles to deliver grid-scale battery storage by 2028.
- 7.1.6 The Proposed Development represents a fantastic opportunity to deliver a meaningful contribution towards the CP2030 Action Plan. An expedited decision will allow the Applicant the opportunity to apply for a CfD in early 2025, supporting the immediate delivery of the Proposed Development.
- 7.1.7 Against the context set out above, the Applicant respectfully submits that the Application should be given a positive recommendation by the ExA and granted Development Consent by the SoS.

¹⁰ [CP2030 Action Plan: A new era of clean electricity](#)

¹¹ [Clean Power 2030 Action Plan: A new era of clean electricity: Connections reform annex](#)