



OAKLANDS FARM SOLAR PROJECT – EN010122

Section 51 advice regarding draft application documents submitted by Oaklands Solar Farm Limited

On 21 April 2023 Oaklands Solar Farm Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Consultation Report
2. Environmental Statement (Chapters 1 – 3) and Associated Figures

Feedback was provided on these documents on 17 July 2023.

On 27 July 2023 Oaklands Solar Farm Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Draft Development Consent Order
2. Draft Explanatory Memorandum
3. Environmental Statement (Chapter 4)
4. Report to inform Habitat Regulation Assessment
5. Works Plans

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



On 6 September Oaklands Solar Farm Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service²:

1. Draft Book of Reference
2. Draft Land Plans

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

² See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



CONSULTATION REPORT		
Ref No.	Paragraph/ Section	Comment/Question
1.	General	Incomplete information has been provided in the current version of the document. The Applicant may wish to ensure this document is reviewed to ensure sufficient information is provided and that presentational issues are resolved prior to submission of the application.
2.	3.6.2 and 8.13.1	These paragraphs appear to be missing content. It is unclear whether this is intentional due to the document being in a draft form or due to a typographical error.
3.	10.5.1 and Table 10.1	The Applicant may wish to review the explanation of its consultation of Local Authorities under Planning Act 2008 section 42 and section 43. It appears that the explanation of what constitutes a Local Authority for section 43 “D” authorities may be erroneous. Derby City Council as a Unitary Authority may qualify as both a “A” and a “D” Authority rather than as just a “A” Authority. It is unclear why Cheshire East Council, Stockport Metropolitan Borough Council (MBC), Tameside MBC, Oldham MBC, Kirklees MBC, Barnsley MBC, and Sheffield City Council are excluded whilst Rotherham MBC is included as an “A” s42 authority defined by s43. The Applicant may wish to review its approach and ensure the required Local Authorities have been consulted prior to submission and if it does not consider it essential for these Authorities to be consulted, there should be clear reasoning to support this in the Consultation Report submitted as part of the application. The Applicant should consider the status of Metropolitan Borough Council and Unitary Authorities within the scope of section 43 of the Planning Act 2008.
4.	Table 14.1	It is not clear from Table 14.1 or Paragraph 14.4.2 what regard has been given and resulting amendments, if any, made in response to consultation under section 47 and section 48, due to an absence of information being provided. The Applicant must ensure that this is comprehensively completed in the final submitted Consultation Report.
5.	Section 17	The Inspectorate is unable to comment on this section relating to compliance due to this section of the Consultation Report being incomplete.



ENVIRONMENTAL STATEMENT (CHAPTERS 1 – 3)		
Ref No.	Paragraph/ Section	Comment/Question
6.	Para 3.18	Para 3.18 refers to the study area of statutory designed sites within 5 kilometres. Why has the search been restricted to this? Has the Habitats Regulation Assessment included a wider study area?

DRAFT DEVELOPMENT CONSENT ORDER		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
7.	General Drafting	<p>It has been noticed that the definition of requirements in Article 2 (1) refers to Part 1 of Schedule 2 despite the requirements being in Part 2 of Schedule 1. It has also been noticed that the first part of Schedule 1 has not been titled Part 1.</p> <p>The Draft Development Consent Order does not appear to include any limits of deviation, but these are referred to in Paragraph 6 of Part 4 of Schedule 8.</p> <p>It is also noted that the end of the first part of Schedule 1 refers to further associated development and the definition of authorised development in Article 2 (1).</p> <p>The Applicant may wish to review their Draft Development Consent Order and ensure that not only is the Draft Order in the Statutory Instrument template but to follow guidance and best practice for drafting in accordance with the latest version of the guidance from the Office of the Parliamentary Counsel and Advice Note 15. The Draft Development Consent Order should be fully audited to ensure there are no inconsistencies within the Order and its constituent parts. Additionally, where there is an Explanatory Note at the end of a draft Order that states that documents will be available for inspection at a third-party location the applicant should confirm in writing that the stated third party has agreed to that.</p>



DRAFT DEVELOPMENT CONSENT ORDER		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
8.	Article 6 (1), Article 6 (2) and Article 38	<p>It is not clear whether this provision to be able to remove hedgerows should be qualified by reference to a submitted Landscape & Ecology Management Plan or Landscape masterplan, or Schedule 5 as referred to in Article 37. Consideration may need to be given to Article 6 (1) in relation to watercourses/drainage, due to the proximity of the River Mease SAC. Article 38 appears to give wide ranging powers in respect to tree removal and it may be advisable that this power is cross-referenced to the Landscape & Ecology Management Plan or Landscape masterplan. The Applicant may wish to give further consideration as to the approach to be taken in each of these Articles and ensure that a clear and justified approach is outlined.</p>
9.	Article 7	<p>It is noted that there are controls on noise elsewhere in the draft Development Consent Order but it is important that the Applicant is sure that these are sufficient to justify the defence being provided by this article to statutory nuisance claims relating to noise and that if the defence has been extended to other forms of nuisance under section 79(1) Environmental Protection Act 1990, the same consideration should be given.</p> <p>It is also noted that this article sometimes refers to legislation that has been repealed – e.g. section 65 Control of Pollution Act 1974. The Applicant should be careful to refer to extant legislation only.</p> <p>The Applicant may wish to reflect on the above and come to a view on the sufficiency of controls taken to justify the defence to nuisance claims and also ensure that the order is drafted to take account of extant legislation.</p>
10.	Articles 5 and 39	<p>If any part of this article is drafted so as to allow any transfer of benefit by the applicant (undertaker) to any other named person or category of person without the need for the Secretary of State’s consent, then the Applicant should provide full justification as to why a transfer to such person is appropriate. Where the purpose of the provision is to enable such person(s) to undertake specific works authorised by the draft Development Consent Order the transfer of benefit should be restricted to those works. If the provision seeks to permit transfer of compulsory acquisition powers the applicant should provide evidence to satisfy the Secretary of State that such person has sufficient funds to meet the compensation costs of the acquisition.</p>



DRAFT DEVELOPMENT CONSENT ORDER		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		The Applicant may wish to reflect on their approach and consider whether in light of other cases this provision is likely to be favoured by the Secretary of State determining an application.
11.	Articles 6 (1) (e), 27 and 28	<p>It should be noted that temporary possession is not itself compulsory acquisition.</p> <p>The Articles giving temporary possession powers should be considered carefully to check whether or not they allow temporary possession of any of the Order land within the Order limits, regardless of whether or not it is listed in any Schedule to the draft Development Consent Order which details specific plots over which temporary possession may be taken for specific purposes listed in that Schedule. If they do, then, the Applicant should justify why those wider powers (which also allow temporary possession of land not listed in that Schedule) are necessary and appropriate and explain what steps they have taken to alert all landowners, occupiers, etc. within the Order land limits to this possibility.</p> <p>If compulsory acquisition articles (land and rights) are drafted to authorise the compulsory acquisition of all of the Order land there may need to be consideration of the need for there to be a provision in the temporary possession article which prevents compulsory acquisition of land which is only intended to be used temporarily (if any is only intended to be used temporarily). Careful consideration must be given to the drafting of the compulsory acquisition of rights article in relation to new rights/restrictions and the effect of its interaction with this provision.</p> <p>If the compulsory acquisition of rights article authorises the creation of new rights over all of the order land, in addition to the new rights described in a specific schedule, wording permitting the creation of new rights in accordance with that article will permit the creation of undefined new rights in the land over which temporary possession powers are granted (which is also all of the Order land).</p> <p>The Applicant may wish to reflect on the above and ensure the approach to be taken can be justified prior to submission of an application.</p>



DRAFT DEVELOPMENT CONSENT ORDER		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
12.	Articles 9, 10 and 11	<p>This appears to be is a wide-ranging power that authorises alteration etc. of any street within the Order limits. It should be clear why this power is necessary, and consideration given to whether or not it should be limited to identified streets.</p> <p>Notwithstanding other precedents, justification should be provided as to why the power is appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets. The Applicant may wish to reflect on this and make any amendments to the approach they consider appropriate.</p>
13.	General and Article 14	<p>It has been noticed that the reviewed Draft Development Consent Order does not appear to have provisions in this regard that would disapply section 153 for changing a Development Consent Order. However, it has also been noticed that it appears that there are provisions relating to temporary speed restrictions in Article 14. The Applicant may wish to reflect and satisfy themselves that this the most appropriate approach is being taken.</p>
14.	Part 1 Article 2 (1)	<p>There does not appear to be a clear definition provided for Generating Station which is a term used in Part 6 Article 32 and in Schedule 1. The Applicant may wish to review their approach and give consideration as to which definitions should be included in the Draft Development Consent Order.</p>
15.	Article 10	<p>Article 10 in relation to the construction and maintenance is poorly referenced due to an apparent formatting error. The Applicant may wish to review their Draft Development Consent Order to ensure that the article and paragraphs in the Order are correct and fit with the references to them given elsewhere in the order.</p>
16.	Article 15	<p>The Applicant should be aware of and mindful of section 146 of the Planning Act 2008. The Applicant may wish to reflect on its approach and ensure that it is content that the order is taking into account legal provisions that may have relevance.</p>



DRAFT DEVELOPMENT CONSENT ORDER		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
17.	Article 40 and Part 3 of Schedule 1	Also, in Article 40(1), if it remains in the draft the Applicant intends to submit with its application, the Applicant should be advised to reconsider the drafting of it so that the words “must not be unreasonably withheld or delayed” do not apply to the Crown.
18.	Articles 17 (4) (a) and 42	<p>The Applicant may wish to review and amend this Article in the Draft Development Consent Order to reflect the demise of the Crown on Thursday 8 September 2022. Article 42 references the Crown as Her Majesty in right of the Crown rather than His Majesty in right of the Crown.</p> <p>The framing of this Article is important and so the Applicant may wish to remove “take possession of” from this Article 42 as well as considering whether it is the most recent form of this article in a format preferred by the relevant Secretary of State (currently the Secretary of State for Energy Security and Net Zero).</p> <p>It should be noted that consent under section 135 (1) and (2) should also be obtained from the Crown authority.</p> <p>With reference to article 17(4)(a) the Applicant may wish to reflect on the necessity of these provisions considering the provisions of Article 42. If the Applicant believes that it these additional provisions are required, please can they provide explanation and justification for this approach. The Applicant should also consider the drafting in terms of which Crown body would need to give consent and reconsider its drafting so that the words “consent must not be unreasonably withheld” do not apply to the Crown.</p> <p>The Applicant may wish to reflect on the above and amended, if required, to be in alignment with the approach to be taken going forward.</p>
19.	Articles 18, 20, 21, 23 and 29 and Schedule 6	Schedule 6 (referred to in Article 20) is unpopulated. It will need to be populated (as will any other unpopulated Schedules). The Applicant should satisfy itself that Schedules and relevant Articles are populated as appropriate.



DRAFT DEVELOPMENT CONSENT ORDER		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
20.	Part 2 – Article 17	It does not appear that there is reference to the Decommissioning Environmental Management Plan to be submitted with the application which may make it harder to assess the temporary or permanent nature of changes to landscape and biodiversity. The Applicant may wish to consider the approach to be taken to Decommissioning and ensure that a justified approach is taken which is reflected within the draft Development Consent Order.
21.	Part 2 – Articles 12 and 13	It might be of value for there to be some details provided (potentially in a document cross-referenced in the Order) with respect to the fencing for example the visual impact or permeability for wildlife and drainage proposals. The Applicant may wish to reflect on the approach and consider what would be the most appropriate approach to take.
22.	Part 2 – General	Apart from the references provided in Article 5 it is unclear whether any references are required to the Construction Environmental Management Plan, Landscape & Ecology Management Plan, Landscape masterplan or any other documents to provide further details. The Applicant may wish to give consideration to whether further references to other documents would be helpful to understanding the limits of the powers and requirements included within the order.
23.	Schedule 1	The draft Development Consent Order does not contain the maximum design parameters set out in Table 4.2 of Environmental Statement Chapter 4 and the Works Plans. It is unclear how the draft Development Consent Order secures the maximum design parameters. The Applicant may wish to review and amend their draft Development Consent Order to provide the maximum design parameters and signpost how these have been secured.
24.	Schedule 1, Article 2 / Work	Further clarity may be desirable on generating and storage capacities of this scheme in these provisions within the order. The Applicant may wish to review and consider whether they wish to amend their approach in advance of consideration of the application at examination.



DRAFT DEVELOPMENT CONSENT ORDER		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
	Numbers 1 and 2	
25.	Schedule 1, Work Numbers 4A, 4B, 4C and 6	It is not entirely clear the intended methodology to be used for providing these works in terms of the use of trenching or Horizontal Directional Drilling. The Application may wish to consider whether it is intended to retain this flexibility in one or more of these works or if it would not be preferable to amend the scope of the provision to justify and clearly set out the intended approach.

DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/ Section	Comment/Question
26.	General	The Applicant may wish to review and ensure consistency in terms of formatting. There appears to be inconsistency in the use of line spacing between paragraphs within the Draft Explanatory Memorandum.
27.	Glossary – Local Planning Authority	The Local Planning Authority is defined as being “South Denbighshire District Council”. The Applicant may wish to review the Glossary and other text in supporting documentation for this case to ensure that the information that is included is accurate and consistent especially with the draft Development Consent Order.
28.	6.109 – 6.111	The Applicant may wish to review and amend these paragraphs in the Draft Explanatory Memorandum to reflect the demise of the Crown on Thursday 8 September 2022. Paragraphs 6.109 to 6.111 which relate to Article 42 of the draft Development Consent Order references the Crown as Her Majesty in right of the Crown rather than His Majesty in right of the Crown.



DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/ Section	Comment/Question
29.	5.5	It is noted that paragraph 5.5 states that it is 'envisaged' that the solar farm will operate for 40 years, and that Requirement 17 of the draft Development Consent Order gives a 40-year operational lifespan for the generating station. The Applicant may wish to reflect on the degree to which this timescale gives rise to temporary impacts and whether there is the possibility for differing interpretations on the intended timespan of the operation of the generating stations.
30.	Contents	There is currently an absence of a table of contents for the Explanatory Memorandum. The Applicant should populate this part of the document with the contents of the document and relevant page numbers.
31.	Glossary	The glossary requires further work and checking to ensure correct wording, explanation and definitions are included. For example, the definition given for application it is noticed that for clarity with should refer to the construction of a generating station as this proposal does not constitute an extension of an existing generating station, and it should be formulated to be correct in terms of grammar i.e., more than 50MW rather than 50MW electrical capacity or more. No definition of principal development is provided and it might be preferable to define it, by reference to Works numbers listed in Schedule 1 in the Draft Development Consent Order and to confirm the status of the development in terms of being a Nationally Significant Infrastructure Project. It would also be helpful to be clear in the definition of Authorised Development whether by NSIP it is meant the principal development. It is also suggested in the definition for Associated Development that everything is included in the wording of Planning Act 2008 section 115 (2), but this is not the case. The Applicant may wish to redraft this to make clear, whether this is based on their own view and interpretation of section 115 (2) or other available guidance/advice notes. The Applicant may wish to review these points in the glossary and determine the approach they wish to take.
32.	Glossary	As the Applicant should be aware a Development Consent Order is not required for associated development, although Planning Act 2008 does permit the inclusion of such development within a draft Development Consent Order. The Applicant may wish to review their definitions and explanation to ensure that the situation is accurately reflected in the Explanatory Memorandum and other application documents.



DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/ Section	Comment/Question
33.	Glossary – Book of Reference	It should be remembered that a Book of Reference does more than provide ownership and interests and it may be worthwhile referring to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), with reference to Regulation 7. The use of the terminology of land ownership interests could be misleading as some interests are less than “ownership” of land. It is important that there is a greater degree of accuracy in the drafting of the Explanatory Memorandum. The Application may wish to reflect on this and ensure that this and other documents are drafted with care and accuracy.
34.	Glossary – DCO, Explanatory Memorandum	The Applicant has been imprecise in the definition of Development Consent Order in not referencing the specific section and when referring to a Development Consent Order it is being generic rather than referencing the actual draft Development Consent Order submitted as part of the Application. If this Order is referred to elsewhere in documentation as “the Order” which is defined as being the Order submitted with the Application for consistency this would ideally be the approach taken throughout, rather than referring to “the draft Order”. It should also be noted that a made Development Consent Order does not seek anything, rather it is the Application for that Order that seek the powers contained in the Order. The Applicant may wish to reflect on this and review the approach taken to these definitions in the Explanatory Memorandum.
35.	Glossary – Land Plan including Order Limits, LEMP, NSIP, Order, Order Land and Order Limits	The Applicant may wish to review their intended approach with respect to the definition title used in the draft Development Consent Order and the Explanatory Memorandum.



DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/ Section	Comment/Question
36.	Glossary - LEMP	The Applicant should consider being explicit where the document is referring to a specific provision number within the draft Development Consent Order. If it appears in a schedule to the draft Development Consent Order, then the Schedule number should be specified.
37.	Glossary - NSIP	The Applicant may wish to refer to section 14 of the Planning Act 2008 and if required make amendments to this definition of NSIP.
38.	Glossary - Order	The Applicant may wish to consider the rewording this definition to provide additional information and clarity.
39.	Glossary – Statement of Reasons and Works Plans	More explanation of the Statement of Reasons should be considered by the Applicant. The Statement of Reasons will also need to provide justification for compulsory acquisition powers as required by The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, Regulation 5(2)(h). Schedule “of” the Order should be changes to Schedule “to” an Order in any places within the document where “of” is used in this manner. The Applicant may wish to reflect on this point and amend as required.
40.	Glossary - Terminology	A reminder to the Applicant to ensure that there are no inconsistencies between the definitions of terminologies between the glossary and the Article 2 of the draft Development Consent Order submitted for Acceptance.
41.	3.2 - Purpose of the Order	“Scheme” is not defined in the glossary of this document, nor the draft Development Consent Order. This needs to be defined, or a different word used.
42.	3.3 - Nationally Significant Infrastructure Project	The Applicant may want to amend this section to clarify that the proposal consists of the construction of a generating station.



DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/Section	Comment/Question
43.	4.0	Further clarity is required on the document about whether the proposal is an “Authorised Development” or “NSIP”. The Applicant may wish to reflect on this and amend as appropriate.
44.	4.1	A check of cross-referencing has not been undertaken but the Applicant should ensure that all such matters are accurately reflected in the documentation submitted as part of an Application for Development Consent.
45.	4.3	Paragraph 4.3 suggests that there is overlap between Associated Development and works which form part of the NSIP. Any individual work is either an NSIP (or part thereof) or an associated development and cannot be both. The Applicant may wish to review this and amend as appropriate.
46.	5.4	To provide better clarity, the Applicant may wish to change “it” to “the Applicant” or “the Undertaker” if this is who they are referring to as “it” in this section.
47.	5.5	If the battery storage system is included in the works listed in the draft Development Consent Order, then it may be sensible to refer to the relevant work number. If phasing is referred to in the draft Development Consent Order, it may also be sensible for the Applicant to refer to the relevant provisions of the draft order. The Applicant may wish to reflect on this and amend as required.
48.	5.7	It may be desirable for references to requirements to reference the requirement or requirements by the number of the requirement. The Applicant may wish to review this and amend as deemed necessary.
49.	6.1	It has been noticed that there has been capitalisation used in paragraph 6.1 for “Provisions” where the phrase “model provisions” is used. This may not be correct and the Applicant may therefore wish to review this document and ensure that correct usage of capitalisation is reflected in this paragraph and across the documentation submitted as part of an application for Development Consent.
50.	6.5	Statements made in this paragraph are very definite about what the Applicant should have permitted which may be better at this stage to be more equivocal and linked to the fact that an argument is being made for the



DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/ Section	Comment/Question
		Applicant to be permitted to do something. The Applicant may wish to reflect on this and consider amending the wording of such statements.
51.	6.7, 6.19, 6.30, 6.50 and 6.87 – Wording and terminology consistency	<p>The Applicant may want to complete some additional proof reading of the document. Several items were identified where amended phraseology may be more appropriate.</p> <p>6.7 - “references to lettered of numbered points” - Should the “of” be “or”?</p> <p>6.16 - “Article 5 is precedent” - Should “is” be “has”?</p> <p>6.19 - Instead of "development consent order" should they refer to "DCO" here and elsewhere in this document, given the definition of "DCO" they have given earlier in this document?</p> <p>6.30 - “Has” or “have”?</p> <p>6.50 - By "undertaken" does the Applicant mean “implemented”?</p> <p>6.87 - Should "under" be "undertaker"?</p> <p>The Applicant may wish to undertake further review of these documents and amend as required to ensure clarity and ensure accuracy.</p>
52.	6.18	The Applicant may wish to consider whether a disapplication approach to provisions of the Neighbourhood Planning Act 2017 has been shown in other Development Consent Orders to be the preference of the Secretary of State.
53.	6.21	It is noted that the Applicant may be using original model provisions in this paragraph. The Applicant may therefore wish to check that there are no references in it any statutory provisions that have since been abolished. If they have made any amendments to the original model provision in this to account for changes in legislation, then this would ideally be outlined for clarity. The Applicant may wish, as part of its due diligence, to check the situation with respect to legislative changes.



DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/ Section	Comment/Question
54.	6.49	It is important to be clear and consistent in drafting within this document. It is noticed that there is reference to a "model article". It may be desirable to reference to the specific article or provision and where it originates from. The Applicant may wish to reflect on this and should ensure consistency of drafting throughout this document.
55.	6.78	It would be helpful to have clarity on whether it is Article 24 or Article 27 being referenced. Should it be Article 24, the Applicant may wish to give consideration as to whether paragraph 6.78 is the best place to refer to it. In additional references have been made to temporary position. The Applicant may wish to reflect on whether they should be doing the same in this paragraph for consistency and clarity and accuracy.
56.	6.79	It is not clear what was contained in paragraph 8 and why has it been removed. The Applicant may wish to check and make any consequential changes required.
57.	General - Temporary Possession and Compulsory Acquisition	It may be advisable for the Applicant to explain clearly in a single place the extent and exact provisions that provide for only Temporary Possession and those that provide for Temporary Possession and Compulsory Acquisition of Land Ownership or Rights. Explanation of whether any articles providing for temporary possession could give rise to a right for compensation and what obligations, if any, there are to reinstate the land or remove anything from the land and the end of temporary possession, may also be desirable. The Applicant may wish to reflect on this and make any required amendments to provide useful explanation of these matters.
58.	6.97	Paragraph 6.97 refers to service3 on an unknown landowner. It is unclear what is meant and therefore it is questioned as to whether this is a spelling error. The Applicant may wish to review this and the wider document to ensure that these errors are identified and corrected as appropriate.
59.	Article 37	The Applicant may wish to consider whether Article 37 should apply to encroachment upon or overhanging (as opposed to simply being nearby) the order limits.



DRAFT EXPLANATORY MEMORANDUM		
Ref No.	Paragraph/ Section	Comment/Question
60.	7.102 and 7.105	<p>It appears from the text that the Applicant have developed their own provision, but it is not clear if it is different to one in previously included in an application for Development Consent or is the same.</p> <p>The Applicant may wish to consider if this is the type of appeal procedure that has been preferred by the relevant Secretary of State in recent Development Consent Orders made by that Secretary of State.</p>
61.	7.105	<p>It appears that "of" should be "to" in this paragraph and it is consider that this would apply to other Schedules as well.</p> <p>It also noted that in the Explanatory Memorandum does not appear to provide explanation or detail of Schedules to the Draft Development Consent Order.</p> <p>The Applicant may wish to reflect on this and make any required amendments to assist readers of the Explanatory Memorandum and parties to a future Examination should the Application be Accepted for Examination.</p>
62.	Article 42	<p>The Applicant may wish to consider if the explanation is a fully accurate explanation of such an article. For example, is it correct that the article refers simply to "interfere with", or does it also refer to other things?</p> <p>The Applicant may also which to consider: (a) whether it is the most recent form of such an article being preferred by the relevant Secretary of State; and (b) the drafting of it in terms of "Her Majesty" as opposed to "His Majesty".</p>



ENVIRONMENTAL STATEMENT (Chapter 4)		
Ref No.	Paragraph/ Section	Comment/Question
63.	Table 4.2	Limited information has been provided regarding detailed construction and operational lighting design. The Applicant may wish to provide or signpost where this information is contained within the Environmental Statement / Construction Environmental Management Plan and clarify the type of lighting which has been considered as a worst case for the purposes of the assessment.
64.	Table 4.2	The Works listed within Chapter 4 are not always consistent with the Works listed in the draft Development Consent Order. The Applicant may want to review this and ensure consistency between documents.

Report to inform Habitats Regulations Assessment		
Ref No.	Paragraph/ Section	Comment/Question
65.	General	There are various typographic errors throughout the document. The Applicant may wish to review all documents to ensure errors are minimised prior to submitting the application.

Work Plans		
Ref No.	Plan ref	Comment/Question
66.	General	The client referenced on each drawing is ITP Energised rather than Oaklands Solar Farm Limited and is therefore different from the Applicant notified to the Secretary of State at the time of the section 42 Statutory Consultation in April 2022. The Applicant should review this and determine whether this is an issue or provide clarification of the connection between the Applicant and other bodies referred to in documents submitted as part of this application.



Work Plans		
Ref No.	Plan ref	Comment/Question
67.	General	Ideally there would be clear cut lines on each sheet of plans provided to the Inspectorate for the ease of understanding the extent to be covered on each sheet and the extent of overlaps of plans. Whilst all plans may be based on the same model space with separate paper spaces being used for each separate sheet it is important to understand where there is an interface between sheets and to assist the Applicant and others in understanding the plans. The Applicant may wish to reflect on the approach taken to the interface between sheets for the benefit of the Applicant and other parties and amend the approach as considered most appropriate.
68.	Sheet 1 and Sheet 2	Linked to the previous point there is not a large overlap of Sheet 1 and Sheet 2 of the Work Plans, and it is unclear whether part of area forming part of the proposed project is not covered between these two plans. The Applicant may wish to check this and take a view on whether they wish to modify the area covered by each sheet.

Book of Reference		
Ref No.	Paragraph/Section	Comment/Question
69.	General	The Book of Reference as presented is light in terms of information presented in terms of context in comparison with other Books of Reference submitted as part of recent applications for Development Consent. Whilst this may not result in the Book of Reference not conforming to the regulations in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), specifically Regulation 5 (2) (d) and Regulation 7, further contextual information may be beneficial to parties to an Examination. The Applicant may wish to review the approach taken to background information in the Book of Reference.



Book of Reference		
Ref No.	Paragraph/Section	Comment/Question
70.	General	The draft version of the Book of Reference appears to have a plot reference number system in use which is inconsistent with the system in use on the Land Plans and could be hard for parties to understand with consequent difficulty in cross checking and having clarity on the plot being referred to. The Applicant may wish to review their referencing in the Book of Reference to specify and cross reference the plots making up the order land. It is important that Category 1, 2 and 3 parties and other parties to the Examination can identify order land, the identified owner of rights related to that land and the rights sought to be acquired.
71.	General	The Book of Reference does appear to comprise of five parts but the Applicant may wish to review the amount of background information provided in order to provide clarity to other parties, who may have less experience of Compulsory Acquisition, are able to have clarity on what each part of the Book of Reference relates to and be able to distinguish what the purpose of each section is in relation to other parts of this document.

Land Plans		
Ref No.	Plan ref	Comment/Question
72.	General	The reference numbers on the Land Plans differ from those given in the Book of Reference. Unlike the other plot reference number system, the Land Plan references appear to refer to the sheet number on which a plot may be found. The Applicant should ensure that there is consistency between reference numbers on the Land Plans and in the Book of Reference and that it is as easy as possible for those viewing the plans to be able to find where in the Land Plans to look in order to identify individual plots.



Land Plans		
Ref No.	Plan ref	Comment/Question
73.	General	On the Land Plan provided for review there is no key plan included. The Applicant should ensure conformity with The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2008 (as amended), with regard given to the requirements set out in Regulation 5 (4).
74.	General	There appears to be no labelling to identify which sheet is being viewed despite the cut lines included on each sheet referring to other sheets. This may make it harder for parties to be clear which page is which sheet. The Applicant may wish to review and amend its approach in order to ensure clarity.

General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”