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Our Ref: SDDC/Strategic Consultations
Your Ref: EN010122-000013
Date: 20 September 2021

Dear Sir,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Oaklands Farm Solar Ltd (the Applicant) for an Order Granting Development Consent for the Oaklands Farm Solar Project (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Submission on Behalf of Derbyshire County Council

Thank you for consulting Derbyshire County Council in respect of the above Environmental Impact Assessment (EIA) Scoping Report. Derbyshire County Council's Member and Officer comments on the EIA Scoping Report are given below.

Chapter Two: The Environmental Impact Assessment

Question 2.1 Are there any further consultees that should be engaged with?

Engagement with Derbyshire County Council's Members

Please note that as part of the coordination of Derbyshire County Council's response on the Scoping Report, consultation has been undertaken with Councillor Stuart Swann, Local County Council Member for Linton Electoral Division. Councillor Swann has made the following comments on the EIA Scoping Report.

At this stage, I have been asked to comment only in respect of the Environmental Statement associated with Oaklands Farm Solar Limited's intention to submit an

application for a Development Consent Order to construct and operate Oaklands Farm Solar Park, a proposed solar photovoltaic electricity generating facility on land to the south-east of Walton-on-Trent and south of the former Drakelow Power Station.

I would expect all due processes to be followed strictly with a robust report produced thoroughly assessing all issues and impacts locally including, but not limited to, Landscape and Visual; Ecology and Biodiversity; Historic Environment; Transport and Access; Socio-Economics; Climate Change; Major Accidents and Disasters; Human Health; Flooding; Waste; and Air Quality.

Further engagement on the DCO application, particularly any further public consultation undertaken by the applicant, will be coordinated by Derbyshire County Council's Officers with Councillor Swann, as above. However, as the DCO application progresses for the scheme, direct engagement by the applicant or their consultants with Councillor Swan may be beneficial through, for example, a presentation or meeting (s) to address any questions or issues directly.

Derbyshire Wildlife Trust

The Derbyshire Wildlife Trust (DWT) provides expert ecological advice to local authorities in Derbyshire under a Service Level Agreement. Engagement by the applicant or their consultants with the DWT is recommended so that they have the opportunity to assess the Environment Statement (ES) Ecology Chapter and the approach to the assessment and mitigation of ecological impacts generated by the solar farm proposals.

National Forest Company

No reference is made in Section 2.7 of the Scoping Report of any intention to consult with the National Forest Company. As the solar farm proposals are located within the National Forest area, it is considered essential that the applicant or their consultants should engage with the National Forest Company about the proposed scheme.

Parish Councils

Engagement is recommended with Parish Councils potentially impacted by the solar farm proposals, particularly Walton-on-Trent Parish Council and Rosliston Parish Council. South Derbyshire District Council (SDDC) will no doubt be able to provide the applicant with appropriate contact details.

Question 2.2 Are there other solar farm proposals or other developments that should be considered in the cumulative assessment?

SDDC will no doubt provide details to the applicant of other committed developments or developments in the pipeline in the vicinity of the site that should be considered as part of the assessment in the ES of cumulative impacts.

From Derbyshire County Council's point of view, officers have had extensive involvement with planning applications for two major developments in the local area which are considered to be important in the assessment of cumulative impacts:

Application Ref: DMPA/2021/1014

Full planning application for the proposed development of a ground-mounted solar farm including associated infrastructure, comprising inverters, transformers, a substation and grid connection, which will cover an area of 70.18ha on land north of Lullington, Swadlincote.

Application Refs: 9/2015/1030 and DMPA/2020/1460

Hybrid planning application with all matters reserved for up to 2,239 dwellings including a retirement village, an employment park, two local centres comprising retail services, leisure employment and community uses, public open spaces, a new primary school, associated landscape and infrastructure, including car parking, road and drainage measures, and the refurbishment of the listed stables and cottages, Drakelow Park, Walton Road, Drakelow.

Consultation should also be undertaken with East Staffordshire District Council and Lichfield District Council to ascertain if there are any other major developments of relevance proposed in their local authority areas.

Other Issues

It is noted that paragraph 2.42 of the Scoping Report, that the planning policy context for assessing the proposed solar farm development will be set out in the Planning Statement accompanying the DCO application and in the interests of a proportionate ES, it is not proposed to include a separate planning policy context chapter within the ES, though an overview of the relevant policy will be included in the Introduction Chapter of the ES. A list of planning policy documents that are of particular relevance to the assessment is provided in paragraph 2.42.

In this context, it is noted that although appropriate reference is made to the South Derbyshire Local Plan Part 1, no reference is made to the South Derbyshire Local Plan Part 2. It is considered important that reference to the Local Plan Part 2 is included in the ES and Planning Statement, particularly as the Part 2 Local Plan identifies a hierarchy of settlements in South Derbyshire District and defines settlement boundaries, including for Walton on Trent and Rosliston; and includes policies for Developments in Rural Areas (Policy BNE5); Trees, Woodland and Hedgerows (Policy BNE7) and Heritage (Policy BNE10).

Chapter 10: Other Issues of the Scoping Report, reference is made to impacts relating Ground Conditions and Waste.

In the context of Ground Conditions, paragraph 10.18 indicates that the underlying geological strata of the site includes discontinuous superficial deposits including Glacio-Fluvial Deposits, Glacial Till, Alluvium, Peat and River Terrace Deposits. These are underlain principally by the Edwalton Member (sandstone and mudstone) with the Mercia Mudstone Group in the far north.

Paragraph 10.20 indicates that an initial screening of the Site shows that whilst it falls within a Coal Authority reporting area and may have historically been mined, the Coal Measures strata are estimated to be in excess of 400m deep with a significant cover

of Triassic rock. Paragraph 10.21 then notes that a desk-based Coal Mining Risk Assessment will also be undertaken to understand the potential for future instability due to historic underground workings.

In this context, consideration should also be given in the ES and Planning Statement to the Derby and Derbyshire Minerals Local Plan (Adopted April 2000), which contains policies (MP17) relating to the Derbyshire minerals resource and need to avoid sterilisation of important mineral reserves. Under the provisions of the Town and Country Planning Act 1990, the Mineral Planning Authority is empowered to establish Minerals Consultation Areas within which the District Council Planning Authorities are required to consult the County on applications for development which could have the effect of sterilising mineral deposits. In this context, it should be noted that the northern part of the Park Farm area of the solar farm site falls within a Minerals Consultation Area for Sand and Gravel as defined on Map 3 of the Minerals Local Plan. The applicant is advised, therefore, to contact the County Council's Planning Services Development Plans Team for further details.

It should also be noted that a Review of the Joint Minerals Local Plan is currently being undertaken by both Derbyshire County Council and Derby City Council, although preparation of the Plan is at a relatively early stage with an Issues and Options consultation being undertaken in 2018. A Draft Local Plan is not anticipated for publication until late 2021.

In the context of Waste, paragraph 10.38 notes that the quantities of waste likely to be generated by the solar farm proposal are unknown at this stage. Paragraph 10.39 lists a number of types of waste that may be generated by the proposed development. Paragraph 10.40 indicates that a Site Waste Management Plan (SWMP) will detail how waste will be dealt with using the waste hierarchy: reduce, reuse, recycle, recover and dispose.

In this context, it is considered that reference should be made to the Derby and Derbyshire Waste Local Plan (adopted in March 2005) in the ES and Planning Statement to consider any policies in the Plan that may be of relevance to the approach to the impacts of waste assessed in the ES and Planning Statement.

Again, it should be noted that Derbyshire County Council and Derby City Council are currently undertaking a Review of the Joint Waste Local Plan, although the Plan is still in very early stages of preparation with an Issues and Options Consultation anticipated in early 2022.

Chapter 4: Landscape and Visual

Derbyshire County Council's Officers have already had several meetings with the applicant's consultants for the proposed solar farm development to consider the likely scope of the Environment Statement that will be submitted with the DCO application.

In that regard, a Landscape and Visual Impact Assessment (LVIA) will be prepared as part of the ES and Derbyshire County Council's Officers have already provided feedback on this submission with regard to both the methodology and selected viewpoints to inform the LVIA. In that regard, the LVIA proposes to include a number

of additional viewpoint locations identified by both Derbyshire County Council's Officers and SDDC's Officers, although it is noted that the Scoping Report lists 13no. viewpoints at Table 4.1, when Officers consider that there are now 16no. or potentially 17no. if the viewpoint near Lullington is included.

It is considered that the assessment will be undertaken in accordance with the relevant guidance and will take account of the relevant documents produced by Derbyshire County Council, which primarily relates to the 'Landscape Character of Derbyshire' and 'Areas of Multiple Environmental Study' (AMES). It is noted that the LVIA proposes to use guidance produced by other local authorities throughout England, including 'Accommodating Wind and Solar PV Developments in Devon's Landscape', so it will be important for the ES to explain to what extent these documents are relevant to the Derbyshire landscape.

Derbyshire County Council's Officers are aware of, and support, comments that SDDC's Officers propose to make on the Scoping Report relating to landscape and visual impacts, in that the assessment as part of the decommissioning of the proposed development should also consider any permanent landscape change and long term landscape effects. The current character of the Village Estate Farmlands is distinctive comprising arable farmland with well-managed, low cut hedgerows and occasional trees so if visual mitigation proposes to thicken hedgerows or leave them to grow taller, then these effects need to be considered within the context of the established landscape characteristics of the area.

Chapter 5: Ecology

Derbyshire County Council's key concern on the scope of the Ecology Chapter is the approach to assessing the impacts of the proposed development on the River Mease Special Area of Conservation (SAC).

Having reviewed the submitted Scoping Report it is noted that it states:

'The River Mease SAC and SSSI was recorded 4.4km to the south of the Site. No further statutory designated sites were recorded within a 5km buffer of the Site. The potential for the proposals to result in Likely Significant Effects on the River Mease SAC will be fully considered as part of the EclA process. The EclA will include sufficient information for the competent authority to discharge their duty in concluding whether the development will result in adverse effects on the integrity of River Mease SAC. The ES will specify embedded mitigation and avoidance measures during construction and operation which will ensure that contaminated run-off will not enter watercourses, and therefore adverse effects on the River Mease SAC will be avoided.

The Applicant will also undertake a shadow Habitat Regulations Assessment (HRA) as a separate requirement to EIA.

Relevant HRA documentation will be provided with the DCO application, to provide sufficient information to the competent authority in relation to their duty to conclude whether the Proposed Development will result in adverse effects on the integrity of internationally designated sites. A draft Shadow HRA Report will be issued to Natural England for consultation in advance'.

In the context of the above, Derbyshire County Council is aware of the comments that SDDC is likely to submit on the Scoping Report and concerns it is likely to raise regarding the approach to assessment of the impacts of the development on the River Mease SAC in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017 no 571) and particularly Regulation 27 requires that:

Where in relation to EIA development there is, in addition to the requirement for an EIA to be carried out in accordance with these Regulations, also a requirement to carry out a Habitats Regulation Assessment, the relevant planning authority or the Secretary of State, as the case may be, must, where appropriate, ensure that the Habitats Regulation Assessment and the EIA are co-ordinated.

Derbyshire County Council fully supports and endorses the concerns that SDDC will be raising in this context, which in summary indicate that it is the view of their officers that the EIA can only properly take account of the vulnerabilities or the Conservation Objectives of the SAC if some early assessment under the Habitat Regulations takes place to inform the scope of the EIA. In order to properly co-ordinate the EIA and HRA requirements, a level 1 HRA (Screening assessment) should be undertaken as soon as practicable during the pre-application stage. An early understanding of the potential ways in which development could affect the SAC can then inform the evidence or assessment that needs collecting or preparing as part of the EIA. As it stands no substantive screening work has been undertaken. In the absence of properly considering the potential of the SAC to be affected by the scheme, there is a risk that the issues that ought to be within the scope of the EIA could be inadequately considered.

In terms of paragraph 5.3 of the Scoping Report and the information sources that will inform the approach to the assessment of ecological impacts, the applicant may wish to be aware that Derbyshire County Council has recently completed the procurement of a Natural Capital Strategy (NCS) for Derbyshire. Consultants will be beginning work on this strategy imminently, and it is envisaged the strategy will be published in approximately 12 months' time. The NCS will include not only a detailed study of the provision value of and need for natural capital in all its forms, but also a thorough assessment of biodiversity across the County, including mapping of the habitat resource, robust modelling of habitat connectivity and mapping of biodiversity opportunity and priority areas.

Chapter 6: The Historic Environment

Derbyshire County Council's Officers have reviewed Chapter 6 (Historic Environment) of the Scoping Report and based on Officer observations of the site, it is considered that it should sufficiently cover all aspects of the built historic environment that are likely to be impacted on by the proposed development. Accordingly, Officers have no further comments to add to the consultation at this stage.

Chapter 7: Transport and Access

From a highways impact perspective, from experience elsewhere in the County relating to large solar farm developments, such schemes once built, generate little in

the way of any traffic beyond the occasional maintenance vehicle and cleaning etc. Therefore, on this basis, Derbyshire County Council's Officers do not see a need for a 'conventional' transportation assessment. i.e. quantification of 'numbers' impacts etc. to be submitted as part of the ES. However, there will be a considerable amount of traffic generated during the construction phase(s) of the scheme and therefore this will need to be fully addressed as part of the Construction Management Plan (CMP). The evidence base will, however, need to demonstrate that safe and satisfactory access(s) can be provided to both of the proposed sites with adequate visibility provided.

A key consideration of the CMP is the possibility of large indivisible loads and their routing. Officers understand that the area is subject to environmental weight limits. The single way bailey bridge across the River Trent at Walton presents further constraint to the movement of (large) vehicles.

In view of the significance of the scheme and routing considerations for construction traffic, it is requested that the applicant or their consultants engage with the County Council's Traffic Management Officers, as it is important that officers provide input into the development of the CMP.

Appendix E of the Scoping Report includes a Glint and Glare Study from which it is noted that some of the sites seemingly have been scoped out on account of their distance away from the highway. This is not accepted as light can travel more or less infinite distances. The Environmental Statement should include an assessment of potential glint and glare and its implications for road safety.

Appendix B of the Scoping Report includes a list of scoping questions which asks, are there any specific conditions or requirements being sought for Drakelow Park regarding operational hours, vehicle routing or similar which we can align to?

In this respect, Derbyshire County Council is aware that there are conditions on the outline permission DMPA/2020/1460 for the Drakelow Park development that restrict construction work which abuts occupied dwellings to 07.30-19 00 Mon-Fri & 07 30-13 30 Sat. No deliveries should take place outside 07.00-19.00. It is likely, therefore, that construction traffic to both the Drakelow Park and the Oaklands solar farm proposals will overlap.

The applicant may also wish to be aware that a Section 106 Agreement has recently been completed for the planning application for the Drakelow Park development which includes requirements for developer contributions to be provided by the applicant towards improvements of the local highway network that includes £130K towards improvements to the junction of Caldwell Road and Rosliston Road South cross roads and other highways improvements within the vicinity of the site. The funds need to be paid prior to occupation of 407 dwellings. There is also a TRO contribution of £10K for the purposes of promoting a TRO to reduce speeds on Drakelow Road, Walton. Walton Bypass (including the new bridge) now needs to be delivered by the developer prior to the occupation of 207 dwellings (this takes into account the 194 dwellings already constructed on phase 1).

Although Section 10 of the Scoping Report does mention 'accidents', this consideration is in the context of disasters i.e. not traffic. This omission of traffic accidents will need to be addressed in the ES. Traffic Accident data (for Derbyshire) can be provided by Derbyshire Constabulary. Contact Carol Meek Carol.meek@derbyshire.pnn.police.uk 0300 122 5043.

Paragraph 7.11 indicates that separate construction vehicle routes have been proposed for each site using online mapping and street view imagery. These have been proposed to seek to avoid as many potential receptors as possible, whilst recognising physical access constraints, such as height and weight restrictions. Whilst it is appreciated that the use of such 'virtual means' to assess construction vehicle routes is likely to have been employed due to the impact of the Covid-19 pandemic, it is considered that such virtual means of assessment would also benefit from physical on site surveys of the route to fully appreciate if there are any particular locations on the route or anomalies that may prove to be difficult for the manoeuvring of vehicles, which may not be apparent from the virtual surveys.

In this context, it is noted that paragraph 7.15 indicates that due to the impact of the Covid-19 pandemic, it has not been possible to collect reliable and accurate traffic survey to date. This is expected to take place from September 2021, subject to consultation with the relevant highway authorities. 7.16 indicates that site visits are also expected to take place at the same time as traffic surveys to identify any survey anomalies and confirm the proposed vehicle routing. This approach is welcomed and strongly endorsed by the County Council in the context of the comments made above.

In paragraph 7.14 it is noted that due to the height restriction on the A513, it is proposed that any abnormal loads travelling to the Oaklands site do so from Junction 11 of the M42 via the A444. This will require passing through the village of Coton in the Elms. Paragraph 7.14 then indicates that these limited events would be subject to detailed coordination with the Highways Authority and Police, which is welcomed and strongly endorsed by Derbyshire County Council as too is the indication that the delivery of abnormal loads will be managed through a Construction Traffic Management Plan (CTMP) to be submitted with the application. The preparation of the CTMP should give the Highway Authority a degree of control to ensure that the routing of abnormal loads takes place as indicated and is enforceable if the agreed routing is not adhered to by contractors delivering to the site.

Chapter 9: Socio-Economics

Derbyshire County Council has few comments to make on the socio-economic chapter except to note and welcome that the impact of the scheme on tourism receptors will be considered in the ES, particularly as there are two important tourist facilities in close proximity to the site including the National Forest and Rosliston Forestry Centre.

It is also noted that under the heading of 'Potential Significant Effects of the Proposed Development' consideration is given to operational effects and reference is made to the provision of a 'Renewable energy and educational resource for the wider community. In this context, in its comments made on other planning applications for large solar farm developments, Derbyshire County Council has been keen to ensure

that such solar farm proposals include the provision of significant community benefits. This could, for instance, include a community fund for local community projects or the provision of education opportunities for the local community related to the renewable energy technology being provided on the site. A number of examples that Derbyshire County Council is aware of are set out below:

<https://www.carsingtonandhoptonparishcouncil.co.uk/meetings-documentation/wind-farm/>

<https://www.grantscape.org.uk/fund/solarcenturycf/>

Details of any community or educational benefits that may be provided as part of the propose scheme should be included in the Environment Statement.

Chapter 10: Other Issues

Question 10.1 Are consultees in agreement with the scoping out of the following topics, as explained in Chapter 10 - Glint and Glare; Major Accidents and Disasters; Human Health; Ground Conditions; Hydrology; Telecommunications, Television Reception and Utilities; Waste; and Air Quality.

Glint and Glare

In Derbyshire County Council's experience of assessing planning applications for solar farm developments elsewhere in the County, the impacts of glint and glare has been a key consideration that has been assessed as part of planning application submissions by applicants. Comments made above on the Transport Chapter, highlight the potential for glint and glare from the solar farm development to impact on road users. Accordingly, Derbyshire County Council considers that glint and glare is an important topic that should be included in the ES and not scoped out.

Major Accidents and Disasters

As highlighted above in the comments on the Transport and Access Chapter, Derbyshire County Council notes that in paragraph 10.9 of the Scoping Report, consideration is only given major accidents and disasters in the context of the design and maintenance of the solar farm development. Consideration is not given, however, to accidents relating to traffic. Details are provided in the comments above of where the applicant is able to obtain traffic accident data from the Derbyshire Constabulary relating to the local area. It is considered that the applicant should obtain and review the relevant traffic accident data and use this to inform any decision as to whether traffic accidents are scoped in or out of the ES.

Question 10.2 Are consultees in agreement with scoping in Climate Change?

Yes. Derbyshire County Council fully supports and agrees with the inclusion of Climate Change within the scope of the ES. It is considered particularly important that consideration is given to the impact of the development on predicted greenhouse gas emissions and the proposed development's contribution to carbon emissions savings through the generation of renewable energy. This assessment should include Scope 1, 2 and 3 emissions. This would particularly relate to the construction phase of the proposal.

In this context, Derbyshire County Council has been working closely with its local authority partners (8 district and borough councils) to address the impacts of climate change and to reduce greenhouse gas emissions which are consistent with the allocated carbon budgets for Derbyshire and to reduce carbon emissions to net zero by 2050. To this end, the Derbyshire local authorities published the Derbyshire Environment and Climate Change Framework (DECCF) in October 2019, which committed all the local authority partners to seek to achieve these targets. Renewable energy and significant increase in development of renewable energy projects across the County will play a very important part in enabling local authority partners to meet their climate change commitments and carbon budgets to achieve the overall aim of net-zero emissions by 2050. The DECCF can be viewed by the applicant at the link below, which may provide a more local context for consideration of the impacts on climate change by the proposed development.

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/climate-change/derbyshire-environment-and-climate-change-framework.pdf>

The applicant may also wish to note that Derbyshire County Council has recently commissioned consultants to prepare a Climate Change Strategy on behalf of the County Council. This is likely to be finalised and published in the next few months and again may provide a more local context for consideration of the impacts on climate change by the proposed development.

I trust the information and comments set out above are helpful. Should you wish to seek any clarification on any of the issues highlighted above please contact Steve Buffery on 01629 539808 or email steven.buffery@derbyshire.gov.uk

Yours sincerely

Chris Henning

Executive Director Place