

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	20 APRIL 2023	CATEGORY:
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	
MEMBERS' CONTACT POINT:	STEFFAN SAUNDERS Steffan.saunders@southderbyshire.gov.uk	DOC:
SUBJECT:	NSIP CONSULTATION FOR OAKLANDS SOLAR FARM	REF:
WARD(S) AFFECTED:	LINTON AND SEALES	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee consider and resolve the District Council's approach to securing relevant expert input into topic areas relating to the Oaklands Solar Farm project. Up to this point the District Council has relied upon specialist officers within Derbyshire County Council (DCC) to inform the relevant topics arising from the project where they have expertise which the District Council does not, with the intention that if there are any gaps in specialist advisers with no appropriate in-house expert officers either within the District Council or DCC, then to seek to jointly secure the services of a third-party specialist to advise both authorities on those matters. That the Committee consider and resolve the merits of the alternative approach to securing expert input into topic areas, which would mean the District Council procuring their own third-party expertise from other sources.
- 1.2 That the Committee consider and resolve the District Council's approach to securing a Planning Performance Agreement (PPA) associated with the project and whether that would be a joint PPA in conjunction with DCC, or a separate PPA just relating to the District Council.
- 1.3 That the Committee consider and resolve the District Council's comments on a targeted re-consultation on recent changes made to the proposals including the additional highways impacts as a result of potential delays to the opening of the Walton bridge.

2.0 Purpose of Report

- 2.1 This report has been prepared for the Committee to consider the merits of the District Council's approach to securing expert input into the topic areas of the project. The NSIP in question is called Oaklands Solar Farm which is a proposal to develop a solar farm in the general location of south of Drakelow, east of Walton on Trent, west of Rosliston and north of Coton in the Elms. SDDC have previously

worked alongside DCC and made use of their inhouse specialist advisors, where SDDC do not have such, to assist in its consideration of proposals. The alternative to this would be to secure alternative third-party specialist advisers on topic areas for this project independent of the County Council.

- 2.2 The report asks the Committee to consider the options of entering into a PPA with the Applicant to ensure that the District Council can appropriately participate in the NSIP process, and for it to ensure the District Council's views are fully informed with appropriate evidence. The report also asks Committee to consider in principle whether any PPA should be exclusive with SDDC, or whether it should include partners (in this instance DCC).
- 2.3 That the Committee consider the changes made to the proposal set out in paragraph 3.3 below and consider the need for further comments on those changes are necessary.

3.0 Background

- 3.1 NSIPs were introduced by the Government through the Planning Act 2008 in the fields of energy, transport, water, wastewater, and waste. Due to the scale of these applications, they do not follow the usual planning application process, but go through a Development Consent Order (DCO) process whereby the application is made directly to the Planning Inspectorate who carry out consultation on the application, hold an examination into the merits of the case, before making a recommendation to the relevant Secretary of State on whether the development should go ahead or not. The District Council is one of the consultees in the process rather than the decision-making authority.
- 3.2 This NSIP is still currently still at the 'pre-application' stage, and previously the District Council made a joint statement alongside DCC to the Applicant on 6th June 2022 to the consultation on the proposal and the Preliminary Environmental Information Report (PEIR) (see appendix 1).
- 3.3 A further period of pre-application consultation is currently in process following changes made to the original proposals by the Applicant. Those changes consist of:
 - 1. The Project substation has been moved to the middle of the site adjacent to the energy storage facility/batteries.
 - 2. All panels removed from the Park Farm site in the north of the site.
 - 3. The 132kV cable preferred route from the site substation to Drakelow has been assessed and confirmed. The cable will be undergrounded for its entire length (approximately 2km).
 - 4. Access onto site during construction has been revised to include a new temporary access from Walton Road through land to the north of the site, and straight across Rosliston Road into the Oaklands Site. This is due to the change of weight limit on Chetwynd Bridge making southern construction access from Catton unsuitable for HGVs (lighter vehicles will use this route)

5. The previously proposed construction access off Burton Road into Park Farm has been removed. Use of Burton Road will therefore be restricted, meaning no HGVs will use this route.

6. As a result of the traffic and access changes, additional information related to potential construction traffic routes to site has been confirmed.

7. A permissive footpath to create a new link to the Cross Britain Way from the public right of way at Catton Lane/Lads Grave in the south-east of the solar farm has been included.

8. The changes will result in the overall project footprint and planning boundary being reduced significantly and the panels and supporting infrastructure will now occupy approximately 165 hectares.

9. Additional planting has been confirmed across the site to increase ecological benefits and reduce landscape and visual impacts.

10. The payment of an annual community benefit of £55,000 for the 40-year life of the project which will amount to over £2m over the project's lifespan.

The closing date for any comments to be received is 21st April 2023.

- 3.4 Whist the comments in the PEIR which were submitted by SDDC and DCC (see appendix 1) are still considered valid, it is considered appropriate to raise the issue of potential additional traffic and transport issues that may arise due to the potential delays in the construction of Walton bridge.
- 3.5 At this point in time, no date has been set for the submission of the application, but once the application has been formally submitted to the Planning Inspectorate by the Applicant, and the Planning Inspectorate have accepted the application, the District Council will then have further opportunities to provide comments on the application including producing a Local Impact Report (LIR).

4.0 Detail

- 4.1 Consideration of large scale and complex development proposal such as this will require many topic areas to be explored and considered. The District Council is not the only consultee, there are other statutory consultees, and DCC is one of those. There will also be involvement by other public and private bodies, as well as the general public.
- 4.2 For some of the topic areas that would be considered, and for which the District Council will have the opportunity to comment on, the District Council would normally rely solely on DCC to provide that specialist input. In the case of the Oaklands Solar Farm NSIP those topic areas would be Transport and Access, Landscape and Visual Impact, Water Resources, Flood Risk and Ground Conditions, Public Rights of Way, Minerals Consultation Areas.
- 4.3 There are other topic areas for which both the District Council and DCC have expertise available within each of their organisations and for which both would have an input into those topic areas, such as Heritage, Environmental Health and Noise,

Climate Change and Carbon Reduction, Biodiversity, Ecology and Trees, and Community Benefits.

- 4.4 Out of all of the topic areas that will arise during consideration of the application, the topic area of Glint and Glare and agricultural land quality are likely to be the only two areas for which neither the District Council nor DCC have in-house specialist officer available to make comments. On a solar farm of this scale, it is considered prudent for a third-party specialist to provide input into these topic areas to guide the District Council, potentially in conjunction with DCC.
- 4.5 A table summarising the situation where in-house expertise is available or not is attached at appendix 2.
- 4.6 A PPA is a means by which local planning authorities affected by Nationally Significant Infrastructure Projects can participate and engage in a positive way with developers and reach a fully informed view on the local impacts of proposals. A PPA does not fetter the District Council in the view they take on the merits of the proposal, but it does allow them, however, to be better resourced to ensure the views and concerns of local communities are given a voice within the planning process, which is essential given that the ultimate decision on the proposals will be made at a national level.

5.0 Financial Implications

- 5.1 The potential to incur costs associated with engaging with third party specialists to provide expert advice to the District Council where ordinarily the District Council would have relied upon the specialist advisers at Derbyshire County Council where such specialist advisers are available.

6.0 Corporate Implications

Employment Implications

- 6.1 None directly arising from this report

Legal Implications

- 6.2 None directly arising from this report.

Corporate Plan Implications

- 6.3 None directly arising from this report.

Risk Impact

- 6.4 None directly arising from this report.

7.0 Community Impact

Consultation

- 7.1 The Applicant is undertaking the requisite public consultation associated with the process.

Equality and Diversity Impact

- 7.2 None directly arising from this report.

Social Value Impact

- 7.3 None directly arising from this report.

Environmental Sustainability

- 7.4 None directly arising from this report.

8.0 Conclusions

- 8.1 It may be considered appropriate for specialist officers within DCC to provide professional input into the process to inform the relevant topics arising from the project where the District Council does not have in-house specialist officer and for specialist officers within both the District Council and DCC to provide professional input into the process to inform the relevant topics arising from the project where both the District Council and DCC have in-house specialist officers. Where there are no specialist officers both the District Council and DCC to provide professional input into the process to inform the relevant topics arising from the project then to seek to jointly secure the services of a third-party specialist to advise both authorities on those relevant matters.
- 8.2 These objectives can be realised via a PPA and the merits of using this jointly with DCC amounts to potential cost savings and utilising expertise already available to both Councils. The advantage of a PPA for the District Council in isolation is remaining fully in control of this part of the process with the risk of insufficient money to secure the necessary expertise at the Local Impact Report stage.
- 8.3 It is considered that the revisions to the proposed development, whilst different to those originally submitted, would not, in general terms, fundamentally alter the merits of the proposal. The comments sent on the 2nd June 2022 (see appendix 1) in relation to the PEIR are still considered to be valid when taking into account the changes made to the proposed development, however, potential additional traffic and transport issues that may arise due to the potential delays in the construction of Walton bridge need to be considered.

8.0 Background Papers

None

Appendices

Appendix 1 – Joint Preliminary Environmental Information Report Response 6th June 2022.

Appendix 2 - Summary of in-house specialist officers available with the District Council and DCC.