

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>18 APRIL 2024</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	
<b>MEMBERS' CONTACT POINT:</b>	<b>STEFFAN SAUNDERS, HEAD OF PLANNING AND STRATEGIC HOUSING</b>	<b>DOC:</b>
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<b>SUBJECT:</b>	<b>DELEGATED AUTHORITY FOR NSIP REF: CONSULTATION FOR OAKLANDS SOLAR FARM</b>	
<b>WARD(S) AFFECTED:</b>	<b>LINTON AND SEALES</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That the Committee notes the up-to-date position in regard to securing third-party specialists to advise both the District Council and Derbyshire County Council (DCC) on topic areas contained within the applicant's Environmental Statement, (ES) as well as funding mechanisms including a Planning Performance Agreement (PPA).
- 1.2 That the Committee gives delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair of Environmental and Development Services Committee to provide responses to the Planning Inspectorate on behalf of the District Council's throughout the process.

## **2.0 Purpose of Report**

- 2.1 This report has been prepared for the Committee in order to provide an update on the latest position in regard to the procuring of expertise from third parties in relation to topic areas within the ES which neither the District Council, nor DCC, with whom the District Council will work jointly, have in-house experts to call upon.
- 2.2 The report also asks the Committee to give delegated authority to enable the District Council to effectively participate in the Nationally Important Infrastructure Project (NSIP) process.

## **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 (PINS). The District Council is one of the consultees in the process rather than the decision-making authority.

- 3.2 The Oaklands Farm Solar NSIP is a proposal to develop a solar farm in the general location of land south of Drakelow, east of Walton on Trent, west of Rosliston, and north of Coton in the Elms. The proposals comprise a solar farm plus energy storage facility covering approximately 400 acres at Oaklands Farm, with an expected generating capacity of 138 MW of solar power, and up to 37.5 MW of energy storage capacity.
- 3.3 The Oaklands Farm Solar NSIP is now at the ‘pre-examination’ stage, having been accepted by the PINS for examination. As required by the NSIP procedures, the applicant has publicised the fact that the application has been accepted by PINS for examination and the application is currently in the publicity period where the applicant advises when and how parties can register to get involved. The time period for registering is set by the applicant and must be no less than 28 days. In this case the deadline for parties to register is 3<sup>rd</sup> May 2024. It should be noted that the District Council as a host authority are automatically designated as an Interested Party and do not need to register to participate.
- 3.4 At the meeting of this committee held on 20<sup>th</sup> April 2023, there was a resolution to work alongside DCC on the application. Both the District Council and DCC have in-house expertise but there are areas of expertise where neither do. As a result, it was resolved that the District Council would secure the services of third parties for the provision of specialist advice on topic areas for this project which neither the District Council nor DCC have relevant in-house expertise. In addition, the District Council would secure additional highway experts to advise the District Council on highway safety matters.
- 3.5 At present, decisions made in relation to input into the consultation process by the District Council into the NSIP process have to be made by Members at this committee. The NSIP process is such that there will be strict deadlines which the District Council will have to comply with in order to be able to have an input into the process. It is considered that consideration must, therefore, be given to giving delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair of this committee to provide input into the process on behalf of the District Council.

#### **4.0 Detail**

- 4.1 Officers at the District Council took the lead on securing specialist third party advisers on topic areas for this project which neither the District Council nor DCC have relevant in-house expertise. Those topic areas are, firstly, glint and glare, as well as, secondly, geology, soils, and agricultural land. In addition, the committee resolved to secure additional third-party specialist advice for the District Council on highway safety matters independent of DCC. This has also been secured.
- 4.2 DCC were successful in a bid for funding from central government which sought to assist local authorities with covering costs associated with the NSIP projects. This funding has covered the cost of general training sessions relating to the NSIP

process which was open to all local authorities within the county, as well as providing funds to cover additional costs which would result from participation in the process. In line with the previous committee resolution the services of the third-party experts to assist this Council to contribute effectively to the NSIP process have already been secured. It is currently anticipated that the funding for this will be via the central government money. However, there is no financial risk to the Council as the applicant has indicated that they would be content to enter into a PPA should the point arise whereby the costs associated with engaging with the specialist third party advisers exceeds the level of government funding.

- 4.3 A table summarising the final allocation of specialist topic area advisers in regard to specialist topic areas available to the District Council and DCC is attached at appendix 1.
- 4.4 In addition to the specialist third party advisers for the topic areas referred to above, it should be noted that the District Council has secured additional third-party help to this Council provide extra capacity relating to the production of the Local Impact Report (LIR). This report would be produced jointly with DCC, with the sections relating to SDDC to be prepared by the same consultants who represented the Council at the Lullington Solar Farm Appeal Hearing.
- 4.5 The government has produced a range of guidance relative to the NSIP process. Advice Note Two: The role of local authorities in the development consent process, states that during the examination process there will be numerous deadlines for local authorities to submit representations and that these will require swift responses to ensure all matters can be fully explored before the close of examination.
- 4.6 The advice note states that some local authorities may want to seek their members' approval for certain key examination documents such as the LIR, but the main concern is that published deadlines are adhered to, and that late submission of an important document such as the LIR or Statement of Common Ground (SoCG) may prejudice other interested parties to consider and comment on its content, potentially disrupting the examination timetable and resulting in additional costs for other interested parties.
- 4.7 The advice note states that local authorities need to ensure adequate delegations are in place since there will be inadequate time to seek committee approval for representations that need to be made by them during the examination. It specifically states that in general terms a local authority must assume that it will not be possible for the examination timetable to be structured around committee cycles.
- 4.8 In light of the above, it is considered that it is necessary for delegated authority to be given to the Head of Planning and Strategic Housing to provide responses to the Planning Inspectorate on behalf of the District Council's throughout the process.

## **5.0 Financial Implications**

- 5.1 None directly arising from this report.

## **6.0 Corporate Implications**

## **6.1 Employment Implications**

None directly arising from this report

## **6.2 Legal Implications**

None directly arising from this report.

## **6.3 Council Plan Implications**

None directly arising from this report. Participation in the NSIP process will be consistent with priorities in terms of addressing the implications of climate change and ensuring biodiversity issues are properly considered in the process.

## **6.4 Risk Impact**

None directly arising from this report.

# **7.0 Community Impact**

## **7.1 Consultation**

The Applicant is undertaking the requisite public consultation associated with the process. However, there is the potential for comments of the District Council to be made at the appropriate time in the process should a scheme of delegation not be in place to ensure that comments are made in a timely manner.

## **7.2 Equality and Diversity Impact**

None directly arising from this report.

## **7.3 Social Value Impact**

None directly arising from this report.

## **7.4 Environmental Sustainability**

None directly arising from this report.

# **8.0 Conclusions**

8.1 That the Committee notes the up-to-date position in regard to securing third-party specialists on the various topic areas associated with the project.

8.2 That delegated authority is given to the Head of Planning and Strategic Housing in consultation with the Chair of this committee to respond to PINS throughout this NSIP process on behalf of the District Council.

# **9.0 Background Papers**

9.1 None

## **10 Appendix**

Appendix 1 - Summary of final allocation of specialist topic area advisers.