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Ref: EN010122

Mr David Harvey
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19 June 2025

Dear Mr Harvey,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE OAKLANDS FARM SOLAR PARK

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 19 March 2025. The ExA consisted of one examining inspector, Stuart Cowperthwaite. The ExA conducted an examination (“the Examination”) into the application submitted on 8 February 2024 (“the Application”) by Oaklands Farm Solar Ltd (“the Applicant”) for a Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“the 2008 Act”) for the Oaklands Farm Solar Park Project (“the Proposed Development”). The Application was accepted for Examination on 5 March 2024. The Examination began on 10 July 2024 and closed on 19 December 2024. The Secretary of State received the Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”) on 19 March 2025.
- 1.2. On 10 April 2025 the Secretary of State issued a consultation letter seeking information on several matters (“the first consultation letter”) from the Applicant¹. Following the publication of new data from the updated National Flood Risk Assessment (“NaFRA”) by the Environment Agency (“EA”) the Applicant was requested to provide an explanation of the implication of this data to the Environment Statement (“ES”). In addition, the Applicant was requested to provide an updated Outline Landscape and Ecological Management Plan (OLEMP) that included Appendix A that was missing from the document submitted at Deadline 4 of the Examination and to confirm if this was identical to the previous iteration of the document provided during the Examination.
- 1.3. In a written representation (“WR”), the Applicant referred to agreements it had with landowners that included controls that would ensure decommissioning of the solar park

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010122/EN010122-000887-Consultation%20Letter%20-%20Oaklands%20Solar%20Farm%2010.04.25.pdf>

would be implemented. The Secretary of State asked for evidence of this, and the Applicant responded on 25 April 2025².

- 1.4. On 01 May 2025³ a further consultation letter requested the Applicant to provide clarification on the term “balance of solar plant” in sub-paragraph 2 (b) of Part 1 of Schedule 1 to the Draft Development Consent Order (“dDCO”), [REP8-003]. A response was received from the Applicant on 8 May 2025⁴.
- 1.5. The Order, as applied for, would grant development consent for the construction, operation and decommissioning of an energy generating facility comprising ground mounted solar photovoltaic arrays and an on-site substation, together with an associated Battery Energy Storage System (“BESS”) facility and supporting infrastructure including a below ground electrical connection to the National Grid substation at the former Drakelow Power Station.
- 1.6. The Proposed Development comprises the following [ER 1.3.8]:

Principal development

- Work No. 1 - a ground mounted solar photovoltaic (“PV”) generating station.

Associated Development

- Work No. 2 - a BESS compound;
- Work No. 3 - works in connection with a new on-site substation;
- Work No. 4 - 132kV electrical cables connecting Work No. 3 to Work No. 5;
- Work No. 4A - crossing Rosliston Road with electrical cabling;
- Work No. 4B - temporary stopping up of water courses to trench and lay cables, installation of culverts, drainage and other features to cross watercourses;
- Work No. 4C - crossing Walton Road with electrical cabling;
- Work No. 4D - crossing Coton Road with electrical cabling;
- Work No. 5 - connection and installation works to the existing substation;
- Work No. 5A - access for Work No. 5;
- Work No. 5B - access to National Grid operational land for Work No.5;
- Work No. 6 - construction and decommissioning of access tracks and compounds;
- Work No. 7 - general works;
- Work No. 8 - works to facilitate access for all works excluding Work No. 5;
- Work No. 9 - works for areas of habitat management;
- Work No. 10 - works to implement a new permissive path; and

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010122/EN010122-000891-EN010122%20D4%206.1%20ES%20Appx%205.6%20OLEMP%20Clean.pdf>,
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010122/EN010122-000888-EN010122%20SoS%20Rfl%20Applicant%20Response%20Letter%20Redacted.pdf>,
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010122/EN010122-000890-EN010122%20SoS%20Rfl%204.5%20Schedule%20of%20Progress%20-%20Affected%20Persons.pdf>

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010122/EN010122-000893-Consultation%20Letter%20-%20Oaklands%20Solar%20Farm%20-01.05.2025.pdf>

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010122/EN010122-000894-EN010122%20SoS%20Rfl%2019.1%20Applicant%20Response%20Letter.pdf>

- other works as may be necessary or expedient for the purpose of or in connection with the relevant part of the authorised development, as described in Schedule 1 of the Order.
- 1.7. The Proposed Development would have a generating capacity of over 50 megawatts (“MW”), an export capacity of 162.3MW (alternating current) and an import capacity of 37.5MW (alternating current) to the National Grid. The Proposed Development would be situated on 191 hectares (ha) of land within the administrative boundaries of South Derbyshire District Council (“SDDC”) and Derbyshire County Council (“DCC”) and would be in proximity to Staffordshire County Council (“SCC”), East Staffordshire Borough Council (“ESBC”), and Lichfield District Council (“LDC”).
- 1.8. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers, as set out in the draft Order submitted with the Application.
- 1.9. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Planning website⁵ is a copy of the ExA’s Report. The ExA’s findings and conclusions are set out in Chapters 3-7 of the ExA’s Report, and the ExA’s summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report “[ER *.*.]”.

2. Summary of the ExA’s Report and Recommendation

- 2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA’s Report under the following broad headings:
- Need, alternatives, electricity generation, and decommissioning
 - Agriculture and soils
 - Biodiversity
 - Historic environment
 - Landscape and visual
 - Noise and vibration
 - Traffic and transport
 - Water quality, resources, drainage, and flooding.
 - Other planning topics
 - Habitats Regulations Assessment
 - Land rights and related matters
- 2.2. The ExA recommended that the Secretary of State should grant development consent and make the Order in the form attached to Annex C of its report [ER 8.3.2].
- 2.3. This letter is intended to be read alongside the ExA’s Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA’s Report, and the reasons for the Secretary of State’s decision are those given by the ExA in support of the Secretary of State’s conclusions and recommendations.

⁵ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010122>

3. Summary of the Secretary of State's Decision

- 3.1. The Secretary of State has considered the ExA's Report and all other material considerations, including written representations ("WR"), relevant representations ("RRs"), responses to questions and oral submissions made during the Examination and representations received after the close of the Examination, all of which are dealt with as appropriate below. 330 RRs were made by businesses, charities, government agencies, local councils, parish councils, and individuals.
- 3.2. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the Proposed Development's public benefits outweigh the harm identified, and that development consent should therefore be granted.
- 3.3. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").
- 3.4. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

- 4.1. Section 104(2) of the 2008 Act requires that in deciding the application the Secretary of State must have regard to:
 - any national policy statement ("NPS") which has effect in relation to development of the description to which the application relates (a "relevant national policy statement"),
 - the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009,
 - any local impact report ("LIR") (within the meaning given by section 60(3), submitted to the Secretary of State before the deadline specified in a notice under section 60(2),
 - any matters prescribed in relation to development of the description to which the application relates, and
 - any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.
- 4.2. On 22 November 2023 the revised NPSs were published, and designated by Parliament on 17 January 2024 ("the 2024 NPSs"). The ExA considered the Proposed Application against s104 of the 2008 Act which required consideration of the Application against the 2024 NPSs. The Secretary of State has also had regard to the 2024 NPSs in deciding this Application. NPS EN-1 sets out the general policies for the submission and assessment of applications relating to energy infrastructure. Paragraph 4.1.3 of NPS EN-1 stipulates the Secretary of State will start with a presumption in favour of granting consent to applications for energy Nationally Significant Infrastructure Projects ("NSIPs").
- 4.3. The ExA has had regard to the National Planning Policy Framework ("NPPF") that was published on 12 December 2024 and the accompanying Planning Practice Guidance ("PPG") as important and relevant matters whereby it considered it relevant to the Proposed

Development [ER 2.2.16 et seq.]. An updated NPPF was released on 7 February 2025 after the close of the Examination (to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 of the NPPF to make its intent clear). The Clean Power 2030 Action Plan (“CP2030”) was published on 13 December 2024 which sets out the Government’s pathway to a clean power system. The Secretary of State had regard to these publications and finds that there is nothing contained within them which would lead him to reach a different decision on the Application.

- 4.4. The Secretary of State also recognises the 15 May 2024 written ministerial statement (“WMS”) on the use of BMV land as a relevant consideration in deciding this Application.
- 4.5. As well as the NPSs, NPPF, PPG, and 2024 WMSs, the Secretary of State has had regard to the Joint LIR of SDDC and DCC and the LIR submitted by Leicestershire County Council (“LCC”), Local Development Plans (“LDPs”) environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters considered to be important and relevant to the Secretary of State’s decision as required by section 104 of the 2008 Act.
- 4.6. The Secretary of State agrees with the ExA’s conclusions except where stated otherwise and the weight it has ascribed in the overall planning balance in respect of the following issues:
 - Need (very great positive weight) [ER 3.2.88].
 - Agriculture and soils (little negative weight) [ER 3.3.153].
 - Biodiversity (little positive weight) [ER 3.4.146].
 - Landscape and visual impacts (great negative weight) [ER 5.3.68].
 - Noise and vibration (little negative weight) [ER 3.7.58].
 - Historic environment (moderate negative weight) [ER 3.5.61].
 - Traffic and transportation (little negative weight) [ER 3.8.77].
 - Water quality, resources, drainage, and flooding (neutral weight) [ER 3.9.91].
 - Air Quality (neutral weight) [ER 3.10.24].
 - Aviation and defence (neutral weight) [ER 3.10.34].
 - Climate change adaptation and resilience (little negative weight) [ER 3.10.50].
 - Nuisance (neutral weight) [ER 3.10.95].
 - Human health, fire risk, safety, and security (little negative weight) [ER 5.3.119].
 - Socio-economics and NMU (little positive weight) [ER 3.10.160].
 - Waste (neutral weight) [ER 3.10.175].
 - Good design (neutral weight) [ER 3.10.209].
- 4.7. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA report. This includes matters where the Secretary of State considers it is necessary to provide further detail on the rationale for the Secretary of State’s conclusions.

Need, alternatives, and decommissioning

Need case, including effects on climate change

- 4.8. The Applicant stated that the Proposed Development would make a significant contribution towards the UK's national energy policy aims of decarbonisation and reducing carbon emissions, energy security, and affordability. It suggested the Proposed Development would do this by providing: a large scale, low carbon, renewable energy generating asset that would contribute to the legally binding target of net zero by 2050; a secure supply of energy with direct connection to the National Grid network; a BESS, and provide affordable, large scale, generation, and value for money for end-use consumers [ER 3.2.12].
- 4.9. The Applicant's assessment of the need case in relation to the cumulative effects on climate change concluded that Greenhouse Gas ("GHG") emissions would be negligible to minor adverse from construction, moderate to major beneficial during operation, and negligible to minor adverse effect during decommissioning [ER 3.2.22 et seq.]. DCC and SDDC agreed with this in their Statement of Common Ground ("SoCG") with the Applicant, with an overall moderate to major significant beneficial effect on GHG and climate change [ER 3.2.41].
- 4.10. Several interested parties ("IPs") expressed opposition to the need in combination with the location of the Proposed Development [ER 3.2.35]. A smaller number of IPs supported the need for the Proposed Development [ER 3.2.36].
- 4.11. The Applicant responded that NPS EN-1 states that nationally significant low carbon infrastructure including solar generation are "critical national priority" infrastructure ("CNP") which is key for the Government achieving its energy objectives and net zero. The Proposed Development would make an important but proportionate contribution to solar generation in the UK and reduce dependency on imported energy supplies [ER 3.2.37 et seq.]. The Proposed Development would provide energy storage to manage electricity flows to and from the grid, reduce network reinforcement costs, and contribute to the resilience and flexibility of the wider electricity network in line with the increased need for grid-scale battery storage set out by the Government [ER 3.2.38].
- 4.12. DCC and SDDC submitted a LIR including agreement that the carbon savings from energy generation would offset the construction and decommissioning emissions of the Proposed Development. The LIR included agreement that the energy generated from the Proposed Development would not directly be used by local residents and businesses; it would be directed into the national grid and the operation stage of the Proposed Development would contribute to a national reduction of emissions. Furthermore, the LIR set out that due to the nature and size of the Proposed Development a specific Carbon Management Plan should ideally be developed as part of the Construction Environmental Management Plan ("CEMP") [ER 3.2.39]. The Applicant did not consider this necessary as the Outline CEMP, Outline Operational Environment Management Plan ("OEMP"), and Outline Decommissioning Environmental Management Plan ("DEMP") included measures to minimise adverse effects on climate change effects, embodied carbon and emissions [ER 3.2.40].
- 4.13. The ExA concluded that the NPSs do not require a Carbon Management Plan and since Requirement 9 of the dDCO stipulates a CEMP must be submitted and approved by the Local Planning Authority ("LPA"). DCC and SDDC would have the opportunity to raise concerns when a CEMP is submitted [ER 3.2.73].

- 4.14. The ExA noted that the Applicant, DCC and SDDC agreed on the urgent need for this type of development [ER 3.2.41].
- 4.15. The ExA concluded that the Applicant's GHG assessment accorded with paragraph 5.3.4 of NPS EN-1, reasonable steps had been taken to reduce GHG emissions as required by paragraph 5.3.9 and GHG emissions were identified in line with paragraphs 5.3.3 and 5.3.10 [ER 3.2.72].

Alternatives

- 4.16. A number of IPs suggested alternative locations for solar panels such as building roofs, previously developed or brownfield land, sites away from villages and towns, or spread over smaller sites on a much wider area. An IP argued that there are better ways to harvest the sun's energy [ER 3.2.43]. One IP raised concerns over the adequacy of site selection, the survey area's limited search radius, the insufficiency of the justification to use BMV land because there were more suitable sites nearby, and the view that the site was actually selected due to the developers finding landowners near Drakelow Substation willing to support the project [ER 3.2.45]. The Applicant stated the Environmental Statement ("ES") sets out the site selection and design approach, including assessment of available brownfield sites [ER 3.2.46]. The ExA concluded that the Applicant's approach was satisfactory and in line with paragraph 4.3.9 of NPS EN-1 [ER 3.2.78].
- 4.17. The ExA concluded that the Applicant had considered reasonable alternatives in the vicinity of available grid export capacity at Drakelow Substation, and that the sifting process provided sufficient indication of the reasons for the choice. The ExA concluded that the Applicant complied with paragraphs 4.3.15 of NPS EN-1, 2.10.23 of NPS EN-3, and Regulation 14(2)(d) of the EIA Regulations [ER 3.2.79]. The Secretary of State agrees with this conclusion.

Decommissioning timing

- 4.18. DCC, SDDC and the EA, suggested that the Proposed Development's decommissioning should be completed within a specified timescale [ER 3.2.52]. DCC considered the commencement and completion of decommissioning should be linked to the cessation of energy generation if earlier than 40 years following the date of final commissioning of the first phase of Work No. 1. SDDC considered timescales should be identified in case a unit fails or is left dormant or derelict some time before the 40-year operation period of the project expired. The EA suggested that decommissioning should be completed within two years of energy generation ceasing or two years after the 40-year expiry date, whichever is sooner [ER 3.2.53].
- 4.19. The Applicant amended Requirement 22 to require completion of decommissioning within two years unless otherwise agreed with the LPA [ER 3.2.55]. The ExA changed this requirement to take into account delays to decommissioning due to maintenance delays [ER 3.2.56].
- 4.20. Updates to Requirement 22 included provisions that secured the timescales for the submission of relevant management plans, decommissioning of any part of the authorised development that stopped generating electricity for specified periods before the 40th anniversary of final commissioning, and decommissioning of any part to be completed within 2 years of approval of the decommissioning plan (or otherwise agreed with the LPA). The

ExA considered these updates appropriate to avoid unnecessary delay in a return to agricultural uses, and to limit adverse effects in areas that would not benefit from electricity generation or storage [ER 3.2.82]. The Secretary of State agrees with the ExA.

Decommissioning funding

- 4.21. Some IPs raised concerns regarding costs, commitment to decommissioning, risks of a failure to fund decommissioning, and requested a fund or bond to be set up [ER 3.2.58]. DCC and SDDC agreed to the inclusion of decommissioning fund requirement as this provided certainty that adequate arrangements would be in place to reinstate the land [ER 3.2.60]. SDDC approved of the inclusion of decommissioning fund during the operation stage [ER 3.2.63].
- 4.22. The Applicant stated a fund was not necessary since Requirement 22 of the dDCO secured decommissioning of the site, was legally enforceable, and was consistent with recent precedent. The Applicant considered its funding statement as part of the application demonstrated it had sufficient funds to construct, operate and decommission the Proposed Development [ER 3.2.61].
- 4.23. At Issue Specific Hearing 1 (ISH1) the Applicant stated that securing decommissioning funding had not arisen for renewable DCOs [ER 3.2.62]. The Applicant stated the controls between it and the landowner included obligations to return the land to the beneficial use of the landowner that would be strongly enforced [ER 3.2.84]. The ExA was not privy to these agreements and had not seen any evidence of how these agreements would secure decommissioning and any related penalties if it is not decommissioned [ER 3.2.85].
- 4.24. The ExA noted the lack of precedent but stated each project must be considered on its own merits [ER 3.2.85]. The ExA considered the Proposed Development could only be considered temporary if decommissioning was secured robustly. The ExA noted there was uncertainty over the commercial and financial considerations of the undertaker (who may not be the applicant) during the decommissioning stage which would have an impact on securing decommissioning appropriately and would be at the stage when the undertaker is not expected to have further income from providing electricity to the grid. The ExA noted the Applicant did not provide evidence that a decommissioning fund or other financial guarantee would cause it significant difficulty [ER 3.2.86].
- 4.25. The ExA considered a decommissioning fund requirement (Requirement 27) in the recommended DCO ("rDCO") was necessary to ensure financial resources would be available for decommissioning and to ensure the Proposed Development is temporary despite Requirement 22 covering decommissioning, which the ExA acknowledged would be legally enforceable [ER 3.2.87]. The ExA concluded the requirement was precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other circumstances, and addressed the concerns raised by many IPs, including DCC and SDDC [ER 5.3.22].

Relevant Policy Considerations

- 4.26. Paragraph 3.2.3 of NPS EN-1 states it is not the planning system's role to limit any form of infrastructure or deliver specific amounts of infrastructure covered by NPS EN-1. Paragraphs 3.2.6 - 3.2.8 of NPS EN-1 sets out that the Secretary of State should assess applications for development consent for the types of infrastructure covered by NPS EN-1 on the basis that

the Government has demonstrated there is a need for those types of infrastructure which is urgent, as described for each of them in Part 3 of NPS EN-1. In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008, and the Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in NPS EN-1.

- 4.27. Paragraph 3.3.4 of NPS EN-1 sets out that electricity storage is needed in the delivery of the energy objectives. Paragraph 3.3.25 of NPS EN-1 reiterates 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. Paragraph 3.3.26 of NPS EN-1 sets out that storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher.
- 4.28. Paragraph 3.3.19 of NPS EN-1 states the need for a diverse mix of electricity infrastructure to come forward to secure, reliable, affordable, and net zero consistent system. Paragraphs 3.2.1 - 3.2.2 state that a range of different types of energy infrastructure is required to deliver the Government's objectives of a secure, reliable, affordable, and consistent energy supply with net zero emissions in 2050. Paragraph 3.3.58 of NPS EN-1 describes the urgent need for new electricity infrastructure, particularly low carbon generating technologies including solar PV [paragraph 3.3.60 of NPS EN-1]. Paragraph 3.3.59 of NPS EN-1 specifies that these technologies are needed to meet the Government's energy objectives by providing security of supply, providing an affordable, reliable system and ensuring the system is net zero consistent.
- 4.29. Paragraph 4.10.8 of NPS EN-1 stipulates that applicants must consider the direct and indirect impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of a project, and the Secretary of State should be satisfied that the potential impacts of climate change have been taken into account. This includes the latest UK Climate Projections and associated research and expert guidance available at the time the ES was prepared, identification of appropriate mitigation or adaptation measures, and covering the estimated lifetime of the project including the decommissioning stage.
- 4.30. Paragraph 5.3.8 of NPS EN-1 states the Secretary of State must be satisfied the applicant has assessed the GHG emissions of all stages of the development as far as possible. Paragraph 5.3.9 of NPS EN-1 states the Secretary of State should be content that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development.
- 4.31. Paragraph 2.10.69 of NPS EN-3 stipulates that applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station, but there are instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure.
- 4.32. Paragraph 2.10.146 of NPS EN-3 states the Secretary of State should ensure the applicant has put forward outline plans for decommissioning and restoring the land to a suitable use. Paragraph 2.10.147 of NPS EN-3 states that consent for solar farms is time-limited and a requirement should set the time-limit from the start of electricity generation. Paragraph 2.10.148 stipulates such a requirement should secure the decommissioning of the

generating station to ensure that inoperative plant is removed after its permitted operational life.

- 4.33. Paragraph 2.10.151 of NPS EN-3 stipulates the Secretary of State should consider the time period the applicant seeks to operate the generating station, as well as the extent to which the site will return to its original state, when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes.
- 4.34. Paragraph 4.1.16 of NPS EN-1 stipulates that the Secretary of State should only impose requirements that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.
- 4.35. Paragraph 4.1.22 of NPS EN-1 states that where the Secretary of State considers the financial viability and technical feasibility of the proposal have been properly assessed by the applicant, it is unlikely to be relevant to the Secretary of State's decision making unless exceptions arise in the NPSs, and the reasons why financial viability or technical feasibility is likely to be relevant are explained.

The Secretary of State's conclusions

- 4.36. The Secretary of State notes the ExA's, Applicant's, DCC's and SDDC's agreement on the urgent need for this type of development. The Secretary of State agrees and considers the principle of the Proposed Development in terms of urgent need and substantial weight is established and accords with paragraphs 3.2.6 and 3.2.7 of NPS EN-1. The Secretary of State considers the Proposed Development would make an important contribution to Government's objectives for energy supply and net zero emissions as set out in paragraph 3.2.1-3.2.2 of NPS EN-1. The Secretary of State notes that the Proposed Development is nationally significant low carbon infrastructure, but does not consider it necessary to consider further the policy in EN-1 for CNP in this case.
- 4.37. The Secretary of State considers the Applicant has adequately demonstrated it has assessed the GHG emissions of the Proposed Development in all stages of the development. The Secretary of State agrees with the ExA, that the Applicant has taken all reasonable steps to reduce GHG emissions required by paragraph 5.3.9 and notes that some residual GHG emissions will remain, in line with paragraphs 5.3.3 and 5.3.10 of NPS EN-1.
- 4.38. With regards to Requirement 27 of the rDCO, the Secretary of State notes that the ExA was not privy to agreements between the Applicant and landowners and had not seen any evidence of how these agreements would secure decommissioning and any related penalties if it is not decommissioned.
- 4.39. In consideration of this, the Secretary of State's first consultation letter requested, amongst other matters, that the Applicant provided evidence of the controls in the agreements with landowners that demonstrated that the application site land would be returned to the beneficial use of the landowners. The Applicant responded on 25 April 2025, providing an extract from its commercial agreements with relevant landowners. The Applicant provided redacted and unredacted versions of its response and requested that the details of the commercial agreements in the unredacted version are kept confidential and not published in the Examination library or elsewhere.

- 4.40. The Secretary of State has noted the response, and considers that the nature of the information provided in the response gave limited, if any, information to inform his decision. In the circumstances, the Secretary of State does not consider it appropriate to make a decision based on information that cannot be made publicly available and consulted upon. The Secretary of State has consequently not taken this information into account in determining this application.
- 4.41. Nonetheless, the Secretary of State considers that sufficient information has been provided elsewhere to demonstrate how decommissioning would be secured and how the application site land would be returned to the beneficial use of the landowners. In particular, Requirement 22 covers decommissioning and restoration of the application land and requires the decommissioning stage to be completed within two years unless otherwise agreed with the LPA. The Requirement also stipulates that decommissioning must be implemented in accordance with the DEMP approved by the LPA and that it is substantially in accordance with the Outline DEMP. This would provide DCC and SDDC the opportunity to participate at the decommissioning stage to ensure that their decommissioning concerns are addressed. Furthermore, if the Applicant is not the undertaker at the time of the decommissioning stage, the new undertaker would be obligated to implement Requirement 22 as stipulated in the DCO.
- 4.42. The Secretary of State also considers that Requirement 22 accords with paragraphs 2.10.146 to 2.10.148 of NPS EN-3 in project lifetime and decommissioning.
- 4.43. In terms of financing the decommissioning stage, the Secretary of State notes the Applicant's funding statement, which it stated was a demonstration that it had sufficient funds to construct, operate and decommission the Proposed Development, and also notes paragraph 2.10.68 of NPS EN-3 which states that solar panels can be decommissioned relatively easily and cheaply.
- 4.44. Furthermore, the Secretary of State notes there is no policy requirement for a decommissioning fund to be imposed as paragraphs 2.10.146 to 2.10.151 of NPS EN-3 set out the considerations for the Secretary of State in relation to project lifetime and decommissioning of solar developments.
- 4.45. In light of all of these considerations the Secretary of State does not consider that imposing a decommissioning fund requirement is necessary. This is consistent with paragraph 4.1.16 of NPS EN-1 which stipulates that the Secretary of State should only impose requirements that are, amongst other things, necessary, and the requirement in paragraph 4.1.16 of NPS EN-1 that only relevant requirements should be imposed.

Agriculture and soils

The Applicant's Assessment of Land Use and Quality

- 4.46. In the Applicant's assessment of land use and quality the study area for the potential effects on agricultural land quality and soils included Oaklands Farm, and the parts of Fairfield Farm and Park Farm within the application site [ER 3.3.7].
- 4.47. Land quality was determined using the Agricultural Land Classification ("ALC") which is described as the only approved system for grading agricultural quality in England and Wales in paragraph 2.10.33 of NPS EN-3. Best and Most Versatile agricultural land is defined as

land in grades 1, 2 and 3a of the Agricultural Land Classification in paragraph 2.10.29 of NPS EN-3.

- 4.48. The table below provides a breakdown of the Applicant's ALC results for the Order as set out in updated chapter 15 of the ES submitted in Deadline 6 of the Examination [REP6-033]. A SoCG was made between DCC, SDDC and the Applicant in which it was agreed that the findings provided an accurate assessment of the agricultural land across the site [ER 3.3.71].

Table 1: Applicant's ALC results for the Order limits [Table 15.5 of REP6-033]

ALC Grade	Area in hectares		
	Site	PV Arrays	Cable Route
2 very good	36	35	<1
3a good	87	79	8
3b moderate	62	46	16
Non-agricultural	1	0	1
Urban	5	0	5
Total	191	160	31

- 4.49. As shown from Table 1 above, the Proposed Development would be situated on 191ha of land. Of this land, the ExA described Oakland Farm (which comprises most of the Proposed Development) as a mixed arable and livestock farm extending to 185 ha which is mostly in agricultural use, with a few small woodland/copse areas, and an area of farm buildings [ER 3.3.9]. The solar farm, central electricity substation, BESS, access, landscaping, and other works would be situated on 135 ha of agricultural land that is currently in use for arable production and grazing [ER 1.3.6].
- 4.50. Although the proposed BESS and on-site substation would be largely situated on BMV land; namely grade 3a agricultural land and the very southern part on grade 3b land [ER 3.3.12], the Applicant stated that this land would be returned to the original ALC grade with no permanent loss or downgrading [ER 3.3.124]. The Applicant also stated it would not be possible to locate the BESS and on-site substation on grade 3b land due to the need to minimise visual and noise effects on neighbouring residential properties [ER 3.1.12].
- 4.51. The Applicant identified the following effects from construction activities on land quality [ER 3.3.15, ER 3.3.18]:
- The installation of the solar PV arrays, and related localised cabling would be temporary and would not affect land quality or soils adversely. The impact would be negligible magnitude on land of very high (grade 2), high (grade 3a) and medium (grade 3b) sensitivity, which would result in a negligible effect that would not be significant;
 - The fixed equipment would include tracks, transformers, substation and BESS, would cover 6.5 ha, and would amount to a low magnitude impact on resources of very high or high sensitivity, equating to moderate or minor adverse effects which would not be significant. There would be a low magnitude effect on soils of medium sensitivity, resulting in a minor adverse effect that would not be significant;
 - The cable between the on-site substation and the Drakelow Substation would be on land quality of medium sensitivity (grade 3b), would cover 31 ha, and the magnitude of impact

would be negligible. The effect on land quality and soils would be negligible and not significant;

- The effects on soils from construction traffic and works and trenching would generally be temporary, the soils are of medium sensitivity, with medium resilience to structural damage. The magnitude of effects would be low or negligible, resulting in minor or negligible effects, which would not be significant; and
- The significant changes to the day-to-day operation of the business would amount to a medium magnitude of change on a resource of medium sensitivity, which would be a minor adverse effect and not significant.

4.52. The Applicant stated no additional mitigation would be required during the operation stage and identified the following effects [ER 3.2.26 – ER 3.327]:

- An impact of negligible magnitude on land quality, on land of very high, high or medium sensitivity, partially reversible on decommissioning, which would be a negligible effect and not significant.
- A negligible adverse effect on soils from operational work from an impact of negligible magnitude, on soil resources of medium or low sensitivity that would not be significant.
- A benefit to the soils of high magnitude, from being rested from intensive arable use. Soil biodiversity is a resource of low sensitivity, and the overall effect would be minor beneficial and not significant.
- An impact of medium magnitude on the farm business, which is a resource of medium sensitivity, resulting in a minor adverse effect on the farm business, which would not be significant; and
- Minor or negligible adverse economic and food production effects at national and local level, which would not be significant.

4.53. The Applicant stated that the land where the ground mounted solar PV panels would be installed would be returned to its original use after the decommissioning stage [ER 3.3.37]. The panels would be removed by hand and the steel legs would be pulled out by machinery: the Applicant considers this would not damage the soils or alter the land quality [ER 3.3.29]. Deeply buried cables would be left in situ or removed; shallow buried cables would be removed by digging a narrow trench, placing topsoil and subsoil in separate piles, removing the cable and reinstating the soils. The Applicant considers this would not result in long-term loss or downgrading of the land [ER 3.3.30].

4.54. The Applicant concludes decommissioning would have negligible magnitude effects on resources of high and medium sensitivity, resulting in a negligible significance of effect, which would not be significant. The Applicant states the permanent loss of the area of the BESS and on-site substation would be a low magnitude effect on resources of high or medium sensitivity, which would be minor adverse effect and not significant [ER 3.3.34].

4.55. In relation to cumulative effects with other developments, the Applicant considered a solar farm at Haunton and residential schemes. The Applicant considered there would be no significant cumulative effects, and no additional mitigation would be required and it identified no combined effects of relevance to agriculture and soils [ER 3.3.35].

The ExA's Considerations and Issues Raised during Examination

Mineral Safeguarding

- 4.56. DCC advised that the site initially included a small area identified for inclusion as a Sand and Gravel Safeguarding Area in the Draft Derbyshire and Derby Minerals Local Plan [ER 3.3.46]. The Applicant stated that the site is largely excluded from a safeguarding area other than a short section of cable routing that is unlikely to impact resource availability [ER 3.3.57]. The ExA concluded that it had no concerns regarding mineral safeguarding and considered the site complied with NPS EN-1 [ER 3.3.152].

ALC

- 4.57. Natural England ("NE") raised concerns regarding ALC including: the details and provision of surveys on different land classifications, the absence of a detailed survey for most of the cable corridor, whether professionals undertaking the surveys had adequate experience (including the provision of the professional credentials of those undertaking the surveys), and that the ALC survey needed to inform the Soil Management Plan ("SMP") [ER 3.3.64].
- 4.58. SDDC considered the Applicant's ALC and surveys met the minimum criteria of the Ministry of Agriculture, Fisheries and Food's 1988 Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land – ALC011, but stated that the soil survey work was not supervised/observed [ER 3.3.65].
- 4.59. The Applicant stated that: the ALC of Oaklands Farm was carried out and supervised by qualified persons, one with 13 years of experience and another with 25 years; the ALC of Park Farm was carried out by a person with MSc, FI Soil Sci, CSci qualifications and 35 years' experience; all fieldwork and ALC analysis were carried out by experienced professionals, and it is not normal practice for survey work to be supervised or observed where the professionals undertaking the work are experienced and professionally qualified [ER 3.3.66]. The Applicant stated that the approach and methodology for the ALC and surveys was robust and appropriate; the results of further survey work would be provided for the cable route; they would provide further survey work on the cable route; the ALC plan was revised to address the matters raised by NE, and the ALC of Park Farm was extended to cover the whole of the cable route corridor [ER 3.3.66].
- 4.60. The Applicant submitted an Additional Land Classification Survey for Park Farm focussing on the cable route and the ES was updated [ER 3.3.68]. A SoCG between DCC, SDDC and the Applicant agreed that the additional ALC studies confirm that of the 191ha comprising the site and cable route, 36ha are grade 2 (very good), 87ha are grade 3a (good), 62ha are grade 3b (moderate), 1ha is non-agricultural, and 5ha are urban. The SoCG stated it was an accurate assessment of the agricultural land across the site and that the area of BMV agricultural land impacted by the proposals significantly increases from the original assessment [ER 3.3.71].
- 4.61. The ExA stated it had no reason to disagree with the ALC surveys and noted NE and SDDC were content. The ExA concluded the agricultural land was graded in accordance with paragraph 2.10.33 of NPS EN-3 [ER 3.3.132].

Use of agricultural land

- 4.62. A number of IPs considered the use of agricultural land inappropriate and/or that food security should be prioritised. An IP commented that the application site is prime agricultural

land, it would be poor use of greenfield land, and that national guidance is that using good quality agricultural land for large scale solar farms should be avoided. SDDC considered that the development should be directed to areas of lower soil quality [ER 3.3.72].

- 4.63. The Applicant responded that NPS EN-3 does not prohibit use of BMV land, and the location was limited due to a number of factors and technical considerations including there were no other preferable sites within 10km of Drakelow Substation which would be able to deliver the Proposed Development. The Applicant stated that there is no food security concern in the UK and there is no mandate to farmers requiring land to be used for food production, and the Proposed Development forms part of a wider diversification plan [ER 3.3.73].
- 4.64. The Applicant stated that the 115ha of BMV land within the Oaklands Farm Area represents 0.003% of the BMV land in England and therefore its temporary loss is insignificant in the national context [ER 3.3.73].
- 4.65. The ExA was satisfied with the Applicant's consideration of alternative sites and its site choice: although land type was not a predominating factor in determining the site's suitability, this was acceptable and in accordance with paragraph 2.10.29 of NPS EN-3. The ExA noted the site choice was consistent with solar arrays not being prohibited on BMV agricultural land (paragraph 2.10.30 of NPS EN-3) and the expectation that it is likely that developments would use some agricultural land (paragraph 2.10.31 of NPS EN-3). The ExA was satisfied the use of agricultural land is necessary, and appropriate consideration was given to land quality in the selection of the site in accordance with paragraph 2.10.29 of NPS EN-3 [ER 3.3.133]. The ExA considered the impacts of use of BMV agricultural land was in accordance with paragraph 5.11.34 of NPS EN-1 and paragraph 2.10.31 of NPS EN-3. The ExA found the choice of site was explained and siting on BMV agricultural land is justified in accordance with NPS EN-3 [ER 3.3.134].

Outline SMP

- 4.66. NE commented on the SMP, including: compliance with paragraph 5.1 of the Department for the Environment, Food and Rural Affairs (DEFRA) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) and the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working, the professional qualification and experience of the site foreman, as well as a number of other matters [ER 3.3.75]. SDDC concurred, adding that the site foreman should be a suitably qualified soil scientist and commented on the months in which soil handling should be avoided [ER 3.3.76].
- 4.67. The Applicant updated the outline SMP; NE stated this and the additional ALC surveys that inform the outline CEMP addressed their concerns. The ExA stated that SDDC did not respond to the invitation to set out any remaining concerns [ER 3.3.78].

Decommissioning end state

- 4.68. SDDC and IPs expressed concern in relation to decommissioning and whether the land would be returned to farmland [ER 3.3.97]. SDDC considered it necessary, reasonable, and appropriate for the definition of the end state after decommissioning to be secured by the DCO [ER 3.3.99]. SDDC recommended periodic reviews during operation stage to ensure the end state aligned with environmental and agricultural restoration objectives [ER 3.3.110]. DCC considered it necessary to understand the end state of the land following the decommissioning and this must be addressed in the DEMP whilst further details such as the means of remediation can be approved at the decommissioning stage and be based on the

actual ground conditions prevailing and techniques available at that time [ER 3.3.100]. The EA had no issues with the end state principles being identified in the DCO and requested the Applicant takes the ecological enhancements achieved during the development's lifetime into account [ER 3.3.101].

- 4.69. SDDC was concerned the outline DEMP did not adequately address potential conflicts between restoring land to agricultural use and maintaining biodiversity gains established during the operation stage. SDDC considered there was a lack of clarity regarding the specific methods, timescales, and costs for restoring agricultural land, raising concerns about the enforceability of commitments in the outline DEMP [ER 3.3.110].
- 4.70. The Applicant did not consider a requirement was necessary to secure the end state, referring to the requirement for a DEMP to be submitted for approval and the end state definitions in the outline DEMP. It referred to Requirement 22 of the DCO which requires a DEMP to be submitted for approval by the LPA, ensuring the LPA has the opportunity to determine the acceptability of the end state after the decommissioning stage. Decommissioning would also be carried out in accordance with the relevant legislation and policy in force at the time of the decommissioning stage. With regards to the potential loss of BMV land, the Applicant explained it took a precautionary approach in stating it could not be certain restoration of the BESS and on-site substation land (which are proposed to be sited within a relatively small field) would be to the same ALC grade [ER 3.3.103].
- 4.71. The ExA was satisfied the provisions in the outline DEMP would be better considered at the decommissioning stage when the site environment and relevant policy or legislation at that time are better understood. The ExA was satisfied consideration was given to decommissioning and restoration in relation to agriculture and soils, and with the related mitigation measures complies with paragraph 4.3.5 of NPS EN-1 and paragraphs 2.10.68-69 and 2.10.146 of NPS EN-3.
- 4.72. The ExA considered the dDCO provisions for the decommissioning plan and the Outline DEMP appropriately secured the application land to be reinstated to its original ALC grade and to be suitable for agricultural uses after decommissioning. The ExA was content that no further definition of the end state is necessary [ER 3.3.144].

Underground cables, piling and land drainage

- 4.73. DCC had concerns about leaving underground cables in situ and the impact of this on reinstatement of land drains [ER 3.3.79]. SDDC commented on the removal of the cables, impact on soil quality and drainage [ER 3.3.96].
- 4.74. IPs commented on aspects of drainage and cables: leaving cables in place would prevent the land from being returned to agricultural use as it would no longer be drained; the depth of the cables and their impact on drains, including the 0.7m depth for cables as a mole drain would operate at 0.6m deep, would run into the drains and the land would cease to be BMV if it cannot be drained; concern over the impact of the piling on the soil structure and land drainage; and due to manure not being added to the soil to increase organic matter content [ER 3.3.81, ER 3.3.88].
- 4.75. NE was satisfied that should the cables be left in situ after decommissioning they would not impact the future agricultural use of the land provided they were buried at a minimum 0.9m depth [ER 3.3.92]. The EA had no remaining concerns as the cables would be unlikely to be considered as waste if left in the ground, it would be consulted on the DEMP, and at the

decommissioning stage the Applicant would need to demonstrate that leaving cables in situ would not result in pollution to ground or surface water [ER 3.3.93]. DCC had no outstanding issues about damage to existing land drainage [ER 3.3.94].

- 4.76. The SoCG between DCC, SDDC and the Applicant included agreement that there was a low chance that trenching for underground electrical cabling would cut across existing land drains, the Applicant committed to maintain the existing land drain network across the site, and cables would be installed at a minimum depth of 0.9m, ensuring that agricultural activities, including ploughing, can continue during the operation stage. The Applicant also committed to removing buried cables and associated infrastructure at the decommissioning stage unless specific circumstances at that time suggest it would be better to leave them in situ [ER 3.3.95].
- 4.77. The ExA concluded that cable depths were secured appropriately following an update to the depth design parameters to reflect this change [ER 3.3.136]. The ExA acknowledged the potential for damage to existing land drains, including from piling and buried cable installation, and the potential to harm soil health. The outline CEMP and outline SMP secured measures to ensure drainage remains operational throughout the lifetime of the Proposed Development and following decommissioning. The outline OEMP secures measures to monitor, investigate, and address damage to drainage caused by piling or buried cables. The ExA concluded the potential for harm to soil health from damage to existing land drainage is mitigated and secured appropriately [ER 3.3.137].
- 4.78. The ExA concluded removing buried cables would likely result in adverse effects from disturbance, whereas leaving them in place could potentially limit future land uses and result in contamination from buried waste [ER 3.3.138]. The ExA concluded appropriate measures are secured to allow an assessment of the pros and cons of the removal of cables during decommissioning [ER 3.3.141].

Water runoff and farming businesses and food production

- 4.79. DCC and SDDC raised concerns about erosion of soil due to increased surface water run off rates from solar panel edges and SDDC considered the impact on soils (both short and long term) was not fully considered [ER 3.3.112]. The Applicant stated mitigation of surface water impacts on soil in both the construction and decommissioning stages is addressed in the outline CEMP [ER 3.3.113]. The ExA considered water runoff is mitigated and had no concerns [ER 3.3.147].
- 4.80. DCC and SDDC considered the Proposed Development would result in the permanent loss of BMV land that is a valuable source of sustainable locally produced food and that most of the site comprises of grade 2 and 3a quality soil [ER 3.3.114]: the application site is important for potato farming as it contains soil that is potato cyst nematode free with local farms providing potatoes for national food production businesses [ER 3.3.120].
- 4.81. An IP commented that staff at Oaklands Farm stated the Proposed Development would end farm operations that include dairy farming and sheep grazing. Another IP argued there would be no benefit to the tenant farmers and the loss of productive acreage could threaten the viability of some tenanted farms who may be under pressure not to object [ER 3.3.116].
- 4.82. The Applicant referred to NPS EN-1 which identifies the urgent need for CNP Infrastructure to achieving energy objectives [ER 3.3.114]. The Applicant stated the Oaklands landowner

indicated ongoing dairy farming would be possible on land not covered by solar panels, and sheep grazing may be able to take place within the Proposed Development. The Applicant stated it cannot compel the landowner/farmer to use the land in a particular way and it is not within the gift of the DCO regime or the Secretary of State's powers to do so [ER 3.3.118]. The Applicant stated the predictable rental payments solar parks provide offer diversification of income to support ongoing agricultural businesses: the intention is to graze sheep and promote the continued operation of the existing dairy business [ER 3.3.119].

- 4.83. Following the Applicant's clarifications on the potential impacts on Park Farm and Fairfield Farm, the ExA was satisfied adequate consideration was given to the continued agricultural use and the benefits of BMV agricultural land in accordance with NPS EN-3]. The ExA was satisfied the reduced availability of land for dairy farming, grazing and fodder on Oaklands Farm would be mitigated by rental income from the Proposed Development and the availability of the land around the solar panels for sheep grazing [ER 3.3.148]. The ExA concluded the short-term temporary loss of agricultural land in areas of construction, the long-term temporary loss of agricultural land in areas of fixed equipment during the operation stage, and related adverse impacts on farming businesses and food production brought little weight against the making of the Order [ER 3.3.153].

The Secretary of State's Conclusions

- 4.84. The Secretary of State is aware of concerns about the amount of agricultural land used for solar farms and the concern that this could have implications for food production. The Secretary of State agrees with the ExA's consideration of this topic, but has considered this issue in some detail due to these concerns.
- 4.85. Paragraph 5.11.12 of NPS EN-1 states applicants should seek to minimise impacts on the BMV land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5). Paragraph 5.11.13 of NPS EN-1 states applicants should identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed.
- 4.86. Paragraph 5.11.34 of NPS EN-1 stipulates that the Secretary of State should ensure applicants do not site schemes on BMV agricultural land without justification. Where ---- schemes are to be so sited the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 4.87. Paragraph 2.10.29 of NPS EN-3 sets out that whilst land type should not be a predominant factor in determining the suitability of the site, where the use of agricultural land is shown to be necessary, poorer quality land should be preferred to higher quality land, avoiding the use of "Best and Most Versatile" agricultural land where possible. Paragraph 2.10.31 of NPS EN-3 details that developments at this scale are likely to use some agricultural land and applicants should explain their choice of site. Paragraph 2.10.145 of NPS EN-3 stipulates that the Secretary of State should take into account the economic and other benefits of the BMV land and should ensure the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.
- 4.88. The Secretary of State notes the Applicant updated the ES, stating that the BMV land that the BESS and onsite substation would be situated on would be returned to its original ALC

grade with no permanent loss or downgrading [ER 3.3.124]. The Secretary of State notes the outline DEMP would secure the reinstatement of soils to the pre-construction ALC grade, without exception [ER 3.3.140], that NE considered the outline SMP and DEMP would enable reinstatement of land to its original use [ER 3.3.107] and that, on balance, the ExA concluded that it is appropriately secured that the land would be reinstated to its original ALC grade [ER 3.3.144].

- 4.89. The Secretary of State notes objections from IPs, DCC and SDDC in relation to the use of BMV land and views that the Proposed Development should use an (unspecified) alternative site. The Secretary of State agrees with the ExA that the ALC surveys are satisfactory and that the agricultural land has been adequately graded in compliance with paragraph 2.10.33 of NPS EN-3. The Secretary of State agrees with the ExA that the Applicant's consideration of alternative sites and choice of site is adequate, and acceptable and in accordance with paragraph 2.10.29 of NPS EN-3.
- 4.90. The Secretary of State notes comments raised by IPs in relation to the Proposed Development's impact on food production and the farm operations at the application site from the use of agricultural land. The Secretary of States notes that the use of BMV land for this project represents approximately 0.003% of the BMV land in England, 0.066% of the BMV land in Derbyshire and 0.5% of the BMV land in South Derbyshire district [REP6-033]. The Secretary of State considers that the use of BMV land by the Proposed Development would be minimal taking into account the proportion this represents locally and nationally, and notes furthermore the use of this BMV land would be temporary. The Secretary of State considers the use of BMV land is acceptable.
- 4.91. The Secretary of State notes that the Applicant considered cumulative effects with other developments including solar farm at Haunton and residential schemes. The Secretary of State notes that the Applicant provided a cumulative effects update to the ES [REP6-044] which stated that the cumulative assessment in the ES of January 2024 concluded the solar farm at Haunton involved the largest amount of BMV, but the cumulative effect was likely to be minor adverse. The Secretary of State notes this update identified other BESS and found that these collectively comprise of 42ha of BMV land and noted the cumulative impact of these schemes could potentially be from negligible or minor to major adverse if restoration is not possible. The Secretary of State notes the conclusion that the contribution of the Proposed Development to the cumulative effect is negligible.
- 4.92. The Secretary of State considers the Proposed Development would have a very minor impact on cumulative BMV land and considers that the Proposed Development's cumulative impact on BMV land is acceptable.
- 4.93. The Secretary of State notes that IPs raised comments on matters relating to food and the agricultural land being utilised by the Proposed Development. Based on the percentage of use of BMV land that would be utilised by the Proposed Development, and the continued potential use as agricultural land, the Secretary of State considers that the impact on food production from the Proposed Development is acceptable.
- 4.94. Paragraph 2.10.32 of NPS EN-3 states consideration may be given for continued agricultural use and/or be co-located with other functions such as onshore wind generation, storage, hydrogen electrolyzers to maximise land use efficiency. The Secretary of State notes the Proposed Development would enable the application site to continue to be utilised as

agricultural land as well as co-located storage, and would be in proximity to substation for grid connection, as outlined in paragraph 2.10.32 of NPS EN-3.

- 4.95. Paragraph 2.10.25 of NPS EN-3 states that to maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity.
- 4.96. The Secretary of State notes the Applicant demonstrated there were no other preferable sites within 10km of Drakelow Substation which would be able to deliver the Proposed Development. The Secretary of State notes that the Applicant stated the BESS and onsite substation would be sited on grade 3b land in order to balance the visual and noise effects on neighbouring residential properties. The Secretary of State considers this is appropriate in order to protect the amenity of residents in the neighbouring properties to the Proposed Development. In accordance with paragraph 5.11.34 of NPS EN-1 and paragraph 2.10.25 of NPS EN-3 the Secretary of State considers the Applicant has provided adequate justification for use of BMV land.
- 4.97. The Secretary of State notes issues related to decommissioning such as the depth of the underground cables, impact on drainage and water runoff and the SoCG agreed between DCC, SDDC and the Applicant in relation to the underground cables, depth and the removal of the cables. The Secretary of State notes NE was satisfied that cable depth would not impact future agricultural use. The Secretary of State concludes the measures in the outline CEMP, outline SMP and DEMP would adequately mitigate any potential significant adverse effects on soil, including at the point of decommissioning. The Secretary of State agrees with the ExA that water runoff is mitigated.
- 4.98. The Secretary of State notes that the Proposed Development would lead to temporary loss of agricultural land utilised but notes measures will be in place to reinstate the land to its previous ALC classification. The Secretary of State agrees with the ExA's weighting of little negative weight on this matter.

Flood risk

- 4.99. After the close of the Examination, the EA published new data following an updated NaFRA. The data, which includes the Flood Map for Planning and flood zones was published on 25 March 2025.
- 4.100. The Secretary of State invited the Applicant to explain whether the updates have any implications for Environmental Statement Chapter 8, the Flood Risk Assessment ("FRA") and the Sequential Assessment for the Proposed Development in the Secretary of State's first consultation letter dated 10 April 2025.
- 4.101. The Applicant responded on 17 April 2025, stating it was aware of the new data published by the EA and had queried its implications for Oaklands Farm Solar Park directly with the EA in March 2025. The EA replied that since the modelling carried out by the Applicant is more detailed and reflects the impacts of the Proposed Development accurately Oaklands will not need to undertake a new assessment based on the new dataset. To confirm that the EA's position remained unchanged at the time of the Secretary of State's information request, the Applicant contacted the EA again on 10 April 2025.

4.102. On 17 April 2025, the EA confirmed its position by stating⁶:

“detailed hydraulic modelling has been undertaken for the watercourses which run through the development site. The EA have reviewed this modelling and are satisfied that it provides a good representation of baseline and future baseline flood risk and also accurately quantifies the impact of the development on flood risk. This detailed hydraulic modelling provides a more accurate assessment of flood risk to the development site than the recent updates to the Risk of Flooding from River and Sea and Flood Map for Planning products as part of NaFRA2. The Environment Agency have no concerns with regards to the recent update to NaFRA2 with respect to this development.”

The Secretary of State’s Conclusions

4.103. Having considered the response from the EA to the information request, the Secretary of State is content that the new data does not alter the conclusions of the Environmental Statement, FRA and Sequential Assessment and no further information is required regarding flood risk. The Secretary of State considers the negligible and non-significant effects on water resources bring neutral weight and does not affect the balance of the Order being made. He does not consider it necessary to make any amendments to the Order as a result.

5. Habitats Regulation Assessment

- 5.1. The Secretary of State has undertaken a Habitats Regulations Assessment (“HRA”) and has carefully considered the information presented during the Examination, including the HRA Report [APP-122] as submitted by the Applicant, the Report on the Implications for European Sites (“RIES”) [PD-013] as produced by the ExA, the ES, representations made by IPs, and the ExA’s Report.
- 5.2. The Secretary of State considers that the Proposed Development could cause Likely Significant Effects (“LSE”) from four effect pathways on The River Mease SAC when considered alone and in-combination with other plans or projects.
- 5.3. The Secretary of State has undertaken an Appropriate Assessment in respect of the Conservation Objectives of the protected site to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an Adverse Effect on Integrity of the identified protected site. Based on the information available to him and subject to the mitigation measures as secured in the final Order, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not adversely affect the qualifying features of the protected site. The full reasoning is set out in the HRA which has been published alongside this decision letter.

6. Consideration of Land Rights and Related Matters

- 6.1. The Secretary of State notes that to support the delivery of the Proposed Development, the Applicant is seeking powers of Compulsory Acquisition (“CA”) and Temporary Possession

⁶ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010122/EN010122-000888-EN010122%20SoS%20RfI%20Applicant%20Response%20Letter%20Redacted.pdf>

("TP") of land and rights which it had not been able to acquire by voluntary agreement. The Applicant is seeking these powers to:

- acquire land permanently within the Order limits;
- temporarily occupy land within the Order limits;
- acquire rights over some land within the Order limits;
- extinguish rights over some of the land within the Order limits; and
- impose restrictive covenants [ER 6.1.1].

- 6.2. The Applicant is not seeking to acquire National Trust land, Crown land, open space, or allotments [ER 6.2.9].
- 6.3. The land and rights being sought are set out in the Explanatory Memorandum ("EM") [REP8-005], the Book of Reference ("BoR") [REP8-012], a Statement of Reasons ("SoR") [EP8-010], a Funding Statement [APP-020], and a Land Plan [REP6-003] [ER 6.3.3].
- 6.4. The ExA considered the relevant land right powers for the affected persons with Category 1 interests who had not provided an objection or any other representation on a precautionary basis: Elisabeth Albinia Dolben [ER 6.6.4 et seq.], and Peter Avery [ER 6.6.9]. The ExA concluded that the requested CA powers are for a legitimate purpose, are necessary and proportionate, there are suitable provisions for compensation, and there is a compelling case in the public interest for the powers to be granted [ER 6.6.10].
- 6.5. NGET had Category 1 interests as lessee/ tenant and occupier and objected to the CA of its assets land or rights over its land in the absence of an agreed form of protective provisions. NGET requested its definition of "acceptable insurance" to be included in the protective provisions and its definition of "acceptable security" of either a parent company guarantee or a bank bond or letter of credit. NGET requested that an acceptable security should be provided before the construction stage commences and submitted suggested protective provisions [ER 6.6.13].
- 6.6. The Applicant stated it sought voluntary discussions with E.ON UK plc ("E.ON") which has Category 1 interests as an owner or reputed owner but that E.ON directed it to NGET as the appropriate person to grant the voluntary rights [ER 6.6.22]. The ExA had not received an objection, or any other submission, from E.ON, but considered the relevant request for land rights powers on a precautionary basis [ER 6.6.23]. The ExA concluded that protective provisions in the rDCO did not indicate evidence of any serious detriment to E.ON undertaking and concluded it was satisfied in relation to s127 of the 2008 Act [ER 6.6.26].
- 6.7. The Applicant stated the protective provisions with NGET remained under discussion [ER 6.6.14]. The ExA considered no reason that NGET's provisions were unacceptable and included them in the rDCO [ER 6.6.17]. After the Examination had closed on 27 January 2025 NGET withdrew its objection on the basis that the agreed protective provisions with the Applicant were included in the Order.
- 6.8. National Grid Electricity Distribution (East Midlands) plc (NGED) and Cadent Gas Limited withdrew their objections [ER 6.6.30, ER 6.6.34]. The ExA noted that it did not receive any other objection, or any other submission from other Statutory Undertakers ("SUs"), including those identified by the Applicant [ER 6.6.39].
- 6.9. The ExA was satisfied that [ER 6.7.5]:

- There is a clear need for all the land included in the BoR to be subject to CA and TP, the land sought for the Proposed Development and subject to CA would be required for the purposes of s122(2)(a) and (b) of the 2008 Act and that it meets the tests set out in that section;
- The application site is selected appropriately, all reasonable alternatives to CA have been explored, and that there are no alternatives which ought to be preferred;
- There is a need to secure the land and rights required to construct, operate and maintain the Proposed Development within a reasonable timeframe, and the extent of land over which powers are sought would be no more than is reasonably required and it is proportionate to the needs of the Proposed Development;
- The private loss to those affected is in part mitigated through the selection of the land, minimisation of the extent of the rights and interests to be acquired and the inclusion, where relevant, of protective provisions in favour of those affected;
- The Proposed Development represents a significant public benefit and in all cases relating to individual objections and issues, CA and TP are justified to enable its implementation;
- s127 of the 2008 Act is engaged in relation to E.ON as powers would be granted over land owned by E.ON the protective provisions in the rDCO are unlikely to be any serious detriment to E.ON's undertaking;
- The powers sought by the Applicant in relation to SUs are necessary for the Proposed Development and consistent with s138 of the 2008 Act;
- Adequate and secure funding would be likely to be available for CA;
- The Examination has ensured a fair and public hearing and any interference with human rights arising from implementation of the Proposed Development would be for a legitimate purpose that would justify such interference in the public interest and to a proportionate extent; and
- Compensation would be available for quantifiable loss.

6.10. The ExA was satisfied with the application for TP powers because the rights sought are for identified legitimate purposes and are compatible with human rights tests [ER 6.7.8].

6.11. The ExA concluded that the Secretary of State can be satisfied that there is a compelling case in the public interest for CA and that the Proposed Development would comply with the 2008 Act in this regard [ER 6.7.7 et seq.].

6.12. As part of its response to the first consultation letter by the Secretary of State, the Applicant provided an update on outstanding land agreements and negotiations for easements and confirmed that: the Options agreement have been signed by the relevant landowners for Oaklands Farm and Park Farm; a draft option and deed of easement are with lawyers for final approval, and an Occupier's Consent is under negotiation with the final commercial points being discussed ahead of exchange of final signed documents.

The Secretary of State's Conclusion

6.13. The Secretary of State agrees with the ExA that a compelling case in the public interest for the requested CA and TP powers has been made, and that these powers should therefore be granted.

- 6.14. The Secretary of State is satisfied that the inclusion of land rights powers within the DCO meets the requirements of s122 of the 2008 Act and relevant guidance that it would be appropriate and proportionate to include them in the DCO.
- 6.15. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

7. Secretary of State's Consideration of the Planning Balance, Conclusion and Decision

- 7.1. The ExA recommended that the Secretary of State should grant development consent and make the Order in the form attached to Annex C of its report [ER 8.3.2].
- 7.2. The Secretary of State notes the presumption in favour of granting consent to applications for energy NSIPs, and notes that that presumption applies unless any more specific and relevant policies set out in the NPSs clearly indicate that consent should be refused [paragraph 4.1.3 of EN-1].
- 7.3. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- Need (very great positive weight) [ER 3.2.88].
 - Agriculture and soils (little negative weight) [ER 3.3.153].
 - Biodiversity (little positive weight) [ER 3.4.146].
 - Landscape and visual impacts (great negative weight) [ER 5.3.68].
 - Noise and vibration (little negative weight) [ER 3.7.58].
 - Historic environment (moderate negative weight) [ER 3.5.61].
 - Traffic and transportation (little negative weight) [ER 3.8.77].
 - Water quality, resources, drainage, and flooding (neutral weight) [ER 3.9.91].
 - Air Quality (neutral weight) [ER 3.10.24].
 - Aviation and defence (neutral weight) [ER 3.10.34].
 - Climate change adaptation and resilience (little negative weight) [ER 3.10.50].
 - Nuisance (neutral weight) [ER 3.10.95].
 - Human health, fire risk, safety, and security (little negative weight) [ER 5.3.119].
 - Socio-economics and NMU (little positive weight) [ER 3.10.160].
 - Waste (neutral weight) [ER 3.10.175].
 - Good design (neutral weight) [ER 3.10.209].
- 7.4. The Secretary of State considers the Proposed Development would make an important contribution to the Government's objectives for energy supply and net zero emissions and thereby ascribes the need very great positive weight in the planning balance. The Secretary of State considers that the BESS would contribute to providing a reliable and flexible energy supply and would have beneficial impacts on climate change. The Secretary of State notes the Proposed Development's additional benefits such as Biodiversity Net Gain and socio-economic benefits.
- 7.5. The Secretary of State considers the temporary loss of agricultural land including BMV land during construction and operation of the Proposed Development has little negative weight in

the planning balance. However, the Secretary of State considers this impact acceptable as the loss of BMV land has been avoided as far as possible, its use is justified and the use of BMV land by the Proposed Development would be minimal taking into account the proportion this represents locally and nationally.

- 7.6. The Secretary of State considers the imposition of a requirement for a decommissioning fund is not necessary. The Secretary of State considers the decommissioning and restoration of the application land will be adequately secured and does not consider a decommissioning fund requirement is necessary or relevant.
- 7.7. The Secretary of State acknowledges that all NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed as being in accordance with NPS policy, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.
- 7.8. For the reasons given in this letter, the Secretary of State concludes that there is an urgent need for development of this type and attributes very great positive weight to this urgent need. The Secretary of State does not consider that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Proposed Development's potential adverse impacts, as mitigated by the proposed terms of the Order. For the reasons given above, the Secretary of State concludes that development consent should be granted.
- 7.9. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIRs submitted by LCC, the joint LIR by SDDC and DCC, the NPSs, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of Regulation 4(2) of the EIA Regulations that the environmental information as defined in Regulation 3(1) of those Regulations has been taken into consideration.

8. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector "*general equality duty*" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "*protected characteristics*": age; gender; gender reassignment; disability; marriage and civil partnerships⁷; pregnancy and maternity; religion and belief; race; sex and sexual orientation.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts

⁷ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.

- 8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.
- 8.4. The Secretary of State is confident that, in taking the recommended decision, he has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the Application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 8.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Statement considers biodiversity sufficiently to inform him in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

Environmental Principles Policy Statement

- 8.7. From 1 November 2023, Ministers are under a legal duty to give due regard to the Environmental Principles Policy Statement when making policy decisions. This requirement does not apply to planning case decisions, and consequently the Secretary of State has not taken it into consideration in reaching his decision on this application.

9. Modifications to the draft Order

- 9.1. Following consideration of the draft Order provided by the ExA, the Secretary of State has made the following modifications to the draft Order:
 - a. Amendment to the preamble of the draft Order to include section 140 of the Planning Act 2008 as part of the Secretary of State’s powers to authorise the development.
 - b. Amendments to the definitions in Article 2(1) (Interpretation):
 - i. Inclusion of definition for “balance of solar plant” and “Road Traffic Regulation Act 1984”.
 - ii. Inclusion of definition of “footpath” and “footway” to have the same meaning as in the Highways Act 1980.

- iii. Amendment to the definition of “maintain” to replace “materially more adverse” with “materially different”.
- iv. Amendment of the definition of “Order Land” such that it is required for, or is required to facilitate, or is incidental to, the authorised development.
- v. Inclusion of definition of “outline skills, supply chain and employment plan” referred to in Schedule 1.

c. Amendments to Part 2 (Principal Powers)

- i. Amendment to Article 3(3) to make clear that the development consent granted does not authorise works which are likely to give rise to any materially new or materially different environmental effects. Similar amendments are made to Article 4(3), paragraph 20(2) of Schedule 1 (construction hours), and paragraph 25(2) of Schedule 1 (amendment to approved details).
- ii. Amendment to Article 5(3)(a) to substitute the word ‘and’ after the semi colon with “or”. This is consistent with the position taken in previous Development Consent Orders and notwithstanding the view of the ExA [7.3.14], the Secretary of State sees no reason to depart from the usual practice in this area where his consent is not required if the transferee or lessees is a licence holder or of the relevant time limits have elapsed.
- iii. Amendment to Article 5(6) to replace the word “five” with “ten”.
- iv. Amendment to Article 7 for drafting clarity.

d. Amendment to Part 3 (Streets)

- i. Amendment to Article 11 to refer to temporary closure rather than temporary stopping up of public rights of way as is preferred by the Secretary of State (and consequential amendments to other provisions as required). Subparagraph 9 is added for consistency with previous DCOs.

e. Amendments to Part 4 (Supplemental Powers)

- i. Removal of Article 14(9) for consistency with previous DCOs.
- ii. Removal from Articles 14 and 16 of references to not unreasonably withholding consent, as this is covered by article 39.

f. Amendments to Part 5 (Powers of Acquisition)

- i. Amendment to Article 17 to clarify the power to acquire compulsory Order land is subject to the provisions in Part 5.
- ii. Insertion of Article 18(3) to reflect changes made by section 185 of the Levelling-up and Regeneration Act 2023 to the Compulsory Purchase Act 1965 and the Compulsory Purchase (Vesting Declarations) Act 1981. The Levelling-up and Regeneration Act 2023 provides that the applicable period of the time limit for giving notice to treat and for a general vesting declaration will be that specified in the Order

which on this case is five years from the day the Order is made. Consequential changes are made to Articles 21 and 24 as a result.

- iii. Amendment to Article 24 to clarify the drafting.
 - iv. Amendment to Article 26 to clarify the drafting.
 - v. Amendment to Article 27(11) to provide that the maintenance period is to begin with the date of final commissioning of the part of the authorised development for which temporary possession is required, in keeping with other recent DCOs.
- g. Amendments to Part 7 (Miscellaneous and General)
- i. Amendment to Article 36 to make the power to fell or lop trees or shrubs subject to the provisions of Article 37 (trees subject to tree preservation orders).
 - ii. Deletion of (previously) Article 43 (Inconsistent planning permissions) because it is not considered necessary and creates potential ambiguity.

Schedule 1

- d. Omission of Requirement 27 in Part 2 (Requirements) in relation to the decommissioning fund for the reasons given in this decision letter.
- e. Amendment to paragraph 31 in Part 3 (Procedure for Discharge of Requirements) to substitute the word “ten” with “eight” to align it with the timescales in paragraph 28.

Schedule 11 (Arbitration Rules)

- f. Amendment to paragraph 7 to reflect the Secretary of State’s preference that the default position should be that any arbitration hearing and documentation is publicly accessible, rather than private as previously provided, subject to confidentiality or disclosure exceptions in sub-paragraphs (2) and (3).

Schedule 12 (Documents to be certified)

- g. Updates made to the Document Reference, Examination Library Reference and Date for REP4-040 following the Applicant’s response to the first consultation letter.
- 9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments, changes in the interests of clarity and consistency, changes made for the purposes of standardised grammar and spelling, and changes to ensure that the Order has its intended effect. The Order, including the modifications referred to above is being published with this letter.

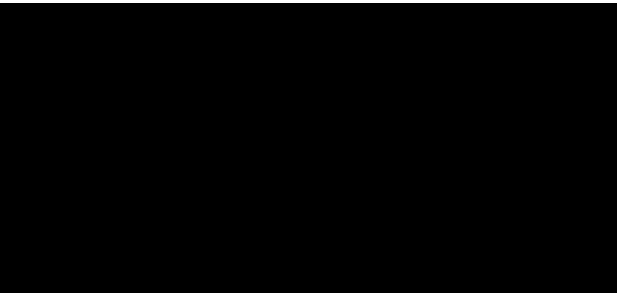
10. Challenge to decision

- 10.1. The circumstances in which the Secretary of State’s decision may be challenged are set out in Annex A to this letter.

11. Publicity for decision

- 11.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the 2008 Act and Regulation 31 of the EIA Regulations.
- 11.2. Section 134(6A) of the 2008 Act provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



David Wagstaff OBE

Head of Energy Infrastructure Development

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010122>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
ALC	Agricultural Land Classification
BESS	Battery Energy Storage System
BMV	Best and Most Versatile
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CNP	Critical National Priority
DCC	Derbyshire County Council
DEMP	Decommissioning Environmental Management Plan
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EA	Environment Agency
EIA	Environmental Impact Assessment
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
ES	Environmental Statement
ExA	The Examining Authority
HRA	Habitats Regulations Assessment
IP	Interested Party
ISH	Issue Specific Hearing
LPA	Local Planning Authority
LDP	Local Development Plan
LEMP	Landscape and Ecological Management Plan
LIR	Local Impact Report
LCC	Leicestershire County Council
LSE	Likely Significant Effect
MW	Megawatt
NaFRA	National Flood Risk Assessment
NE	Natural England
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OLEMP	Outline Landscape and Ecological Management Plan
PP	Protective Provisions
PPG	Planning Policy Guidance
PSED	Public Sector Equality Duty
PV	Photovoltaic
rDCO	Recommended Development Consent Order
RIES	Report on the Implications for European Sites
RR	Relevant Representation
SAC	Special Area of Conservation
SDDC	South Derbyshire District Council
SoCG	Statement of Common Ground

SMP	Soil Management Plan
The 2008 Act	The Planning Act 2008
The TCPA 1990	The Town and Country Planning Act 1990
TP	Temporary Possession
WMS	Written Ministerial Statement
WR	Written Representations