

REGULATION 4 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011 APPLICATION TO MAKE A NON-MATERIAL CHANGE TO THE OAKLANDS FARM SOLAR PARK ORDER 2025 (SI 2025/739) AS CORRECTED BY THE OAKLANDS FARM SOLAR PARK (CORRECTION) ORDER 2025 (SI 2025/1070)

EN010122 – Oaklands Farm Solar Project Non-Material Change Application.

Coton-in-the-Elms Parish Council

The proposed amendments to the Oaklands Farm Solar Park Order 2025 should not automatically be treated as non-material changes under the Planning Act 2008 regime because there is evidence that the changes are significant and may give rise to materially different environmental effects from those assessed during the original DCO examination.

Making_changes_guidance_to_Development_Consent_Orders.pdf

<https://share.google/u3HFFwTNz1o6Vgeja>

"12. A change should be treated as material if it would require an updated Environmental Statement (from that at the time the original Development Consent Order was made) to take account of new, or materially different, likely significant effects on the environment. "

In this case, the submitted changes appear capable of materially altering the environmental effects previously assessed, particularly in relation to:

- hydrology and runoff;
- drainage and flood risk;
- glint and glare;
- landscape and visual impacts;
- soil conditions and agricultural land;
- ecological impacts; and
- construction impacts.

Of particular concern is the apparent contradiction between the approved drainage assumptions and the later geotechnical evidence. It appears the geotechnical data has not been submitted with the application; the link can be found in my appendix below and on the SDDC planning portal Planning Application: DMOT/2026/0620. The submitted geotechnical investigations reportedly conclude that infiltration drainage is not recommended because infiltration testing across the site failed due to prevailing ground conditions. However, elements of the submitted drainage strategy continue to

rely upon infiltration-based approaches including swales and associated attenuation methods. This raises a serious question as to whether the environmental mitigation relied upon in the original Environmental Statement remains valid.

If the original Flood Risk Assessment and Outline Drainage Strategy were prepared on the assumption that infiltration drainage was feasible, but subsequent investigations demonstrate that such drainage is ineffective, then the environmental effects associated with runoff, surface water management, flood risk, land drainage, soil stability, and hydrology may now be materially different from those originally assessed.

The issue is particularly significant given the acknowledged flooding concerns affecting Rosliston Road, Walton Road, Coton Road and surrounding land during winter and wet periods, together with concerns regarding damage to agricultural drainage systems and soil structure.

Furthermore, the reported proposal to increase pile depths by 1m and raise panel heights by 1m is capable of altering both subsurface and visual environmental effects. Increased panel height materially alters landscape and visual impacts and glint and glare effects, while deeper piling affects groundwater movement, land drains, soil conditions, the known sub aquifers and hydrology.

The application also raises procedural concerns regarding compliance with approved mitigation and discharge requirements, including:

- unresolved OCEMP/CEMP issues;
- missing appendices and referenced documents;
- inconsistencies between submitted drainage proposals and geotechnical findings;
- concerns regarding ecological timing and mitigation;
- lack of clarity regarding enforcement and monitoring mechanisms; and
- apparent failure to establish consultation and management structures referred to within the submitted documentation.

It is therefore strongly arguable that the proposed amendments are not merely operational refinements but changes capable of generating materially different environmental effects requiring further environmental assessment and an expert and fuller examination through the material change process rather than the non-material change procedure.

A few detailed comments on the Additional Panels, BMV and Noise:

LEMP – the panels cover 3.4% more ground and appear closer than the agreed 5m to the hedgerows, trees and woodlands, the process appears poor as the LEMP is already

approved for phases 1,2 & 3 under SDDC application DMOT/2026/0492. It should also be noted a new Tree Preservation is now added TPO 578 Twin Oaks Land at Sk2216 6325, Coton Road, Walton-on-Trent the potential entrance to a compound.

Water resource - the Applicants own documents (namely the Geotechnical Surveys) professional opinion is that infiltration will not be an adequate solution to drainage requirements because all the infiltration tests failed. See Appendix 2 below, how is the panel drip line, drainage from run off from panels, damaged land drains and fields being managed by the applicants to prevent localised flooding on roads that already flood without relying on infiltration? The drainage strategy appears flawed and inappropriate, in need of scrutiny before more panels are added, this is a significant environmental impact.

The **agricultural land drains and BMV** can never be retuned if the foundations are 3m not 2m - sub aquifers and wells for farm stock and residents are on neighbouring properties at 10m, how can BMV be reinstated when foundations are at 3m and soil disturbance takes 40 years to repair? The noise from a further meter of pile driving should be assessed or are they concreted in? It can only be assumed the increased depth is as a result of the failed infiltration tests of which there is no mention, this is a material change.

Higher panels to 3m and larger transformers will impact landscape and visual, character and appearance, potentially the scheduled monument on the next farm, glint and glare, for the PRoW, local villages, horse users, tractors and HGVs which sit higher. There is already anti glint and glare sheet planned for Coton road how much higher, wider and longer will this be needed? This is a significant environmental change.

Noise. The increase in pile driving, increased track depths will add additional construction noise, more lorries along with an increased operational noise from the 0.6m higher and larger transformers, a detailed review should take place of the multiple changes along with the elevated internal roads and haul track.

CEMP Please note **none** of these material changes were known when this condition was consulted on, no detail of compounds is yet available. The small local authority lacks resource with its current submission of its local plan and small team; the CEMP surely should be per phase as new details emerge and conditions are approved.

Referring you to the below appendices submitted to the SDDC authority on conditions which also relate to the non-material changes application, no update or feedback on either the conditions, nor reported enforcement is forthcoming from the District Council. It is noted the now the grassed down farm was silaged when skylarks were nesting and has not been sown with the required mixed grass species ecological seed ley but a commercial grass seed ley.

It is concluded that as the Environmental Statement submitted is being changed by the applicants this is a material change and respectfully should be treated as such by

yourselves, the failed infiltration tests and consequences from the Geotechnical survey on drainage, increased piling depth, increased height and coverage of panels, the doubling of the depth of the haul track and internal road surfaces (all on BMV soil) are significant effects, this with the submitted inadequate CEMP lead to these changes being material not non material.

Appendix 1 – CEMP comments – the failed infiltration tests were not known at this point

Appendix 2 - 5 Conditions – all linked to the CEMP and failed infiltration test picked up on condition 2, it affects all the conditions

Appendix 3 – Haul Track – unable to see documentation for 30 days

Appendix 4 - a material change from DCO increasing loss of important hedgerow from 21m to 44m by the flooded road area on Coton road.

Appendix 5 - a retrospective planning application for a Chilled Hub Depot at Oaklands Farm

Appendix 1

DMOT/2026/0536 Approval of details required by requirement 9 (CEMP) of permission ref. Oaklands Farm Solar Park Order 2025 relating to a generating station with a gross electrical output capacity of over 50 megawatts at Oaklands Farm Solar Park, Coton Road, Walton upon Trent, DE12 8LP

This CEMP document is unclear, lacks detail, clarity and has multiple contradictions, does it cover a phase or the whole development? The community engagement event which left all questions unanswered for everyone who attended and associated mailshot and paperwork did not fit the requirements of the CEMP requirement 9, which states no phase can commence until approved by the LPA (Local Planning Authority), EA (Environment Agency), and NE (Natural England). Based on 1.2.1 purpose of the document “is to provide a clear and consistent approach” that threshold has been woefully missed to date, therefore the approval of this document cannot proceed based on detail outlined below.

Note the following with respect to 1.1.3 Requirement 9 and the CEMP document:

- What phase is this CEMP for? It seems to relate to the entire project (1.2.1).
- There are no details of who and how to complain.
- No detail on many matters, further detail below but how and when is the 74 acre Temporary Haul Track being reinstated including a 16m wide swathe of mature woodland within the National Forest?
- This CEMP is far shorter than the DCO (Development Consent Order) – what is missing?
- No detail on where the temporary compounds will be so no one can comment on signage or traffic, please note DCC (Derbyshire County Council) expect traffic in

the winter to go from Coton to Rosliston to Walton as this is the gritted route, no mention of winter working despite a start date muted as January 2027 at the consultation by Bay Ware.

- At the community engagement 3 different start dates were mentioned, questions were answered, queries were not written down, there was no detail on the community fund. Section 3.2 and 3.2.3 has not been complied with and zero points of contact given.
- The circulated household leaflet stated, the Construction Management Plan (CTMP) has been shared and Approved”, this was not available at the community event. The leaflet stated, we are working with the Council and have established a Traffic Management Group”. Although it states construction will be its busiest from June 2026” the first meeting of this group was not until July 8th. This leaflet states under economic benefits there are opportunities for local contractor and suppliers but again no detail, it starts June 2026 the leaflet was delivered in April 2026, this appears to be a pure PR exercise for the CEMP.
- Road signage is needed on local roads which are well used by equestrian, cyclists and walkers to protect residential amenity, without detail of the compounds it is not possible to comment on their placement or mitigate any issues.
- Complaints 3.3.3 no principal contractor contact was available or given at the community event, this has not occurred. 3.3.4 is not available.
- Security measures – 3.4.4 where is Corton Road?
- 3.5 how can residents comment on effects to residential amenity when there is zero detail on compounds, generators, lighting detail, access routes etc.
- Working Hours and Lighting - Conflicting detail on compound lighting, working hours, restricted working hours 3.7.1 appears to state incorrectly with” rather than without LPA agreement”. 3.7.2 either stick to the working hours or do not, and no detail on how this is being monitored – will onsite 24/7 monitoring be undertaken, there is overnight drilling by residents properties on Rosliston road surely this must have 24/7 noise monitoring.
- Confirmation is needed the specialist Barn owl survey was undertaken as it is nesting season now and through the summer, Barn Owls do nest on this site.
- 3.82 50m buffer for otters but the haul track crosses the brook 3 times in the otter territory – no detail how they are dealing with the buffers.
- 3.84 why are all trees and TPO trees not protected by a 15m root protection zone?
- 4 Nuisance – see above and below on monitoring and overnight drilling, lighting and there are no details of contact points for complaints nor is the monitoring/complaint data available for scrutiny – self monitoring rarely works for enforcement and issues.
- 4.12 and 4.14 contradict each other there appears to be no concern for residential amenity, no strict conditions or monitoring.
- 4.2 Soil Management Plan – contradiction 4.2.5 and 4.2.11 is a soil specialist employed only October and March or the entire project this is BMV land?

- There is no detail on field drainage, the cables are 1m deep, field drainage is 1.2m deep and backfilled with stone, where is the method and detail of reinstatement, the DCO process proved there are no drainage field records.
- 4.2.5 how will the same ALC land classification be achieved – no detail one line in a CEMP, once the soil is disturbed it takes 40 years to repair, how will you remove the cables and reinstate the land drains at the end of the project? How will you reinstate the BESS compound to ALC? Detail is required.
- Why are there only periodic drainage surveys for 2 years not the lifetime of the project, the agricultural ditches need pulling/clearing every 8 years.
- 4.2.14 – 4.2.17 has stop works conditions but solar installation contradicts 4.2.10 stating in the final paragraph the soil can be damaged and worked on in the wet when the solar is worked on – this is ridiculous and contradictory work plans. Solar installation is planned in December when the ground is wet and unsuitable.
- The Indicative timeline at the engagement event is incorrect different Bay Ware PR staff gave different start dates but the documentation states solar installation is due to commence in December 2026 when soil conditions are unsuitable.
- Section 3.2 of the CEMP states clearly that community engagement will be held prior to works and provide detail of those works, with the principal contractor contact available – none of these were available or complied with.
- 4.59 No mention of the underlying sub aquifer and how the BESS and potential contamination will be addressed, several adjacent local properties have water drinking and farmstock wells and boreholes. The statement in the CEMP seems to state they are releasing the contaminated water. Does this comply with the Fire Service recommendations? How will the ALC be reinstated on the BESS?
- No mention of Haul Track and Culvert which is otter habitat, National Forest and woodland reinstatement timing nor how or when it will be reinstated.
- Appendix 2 – there seems to be zero external oversight by the LPA or anyone on the Environmental Monitoring Plan, in the interests of open and transparent governance and enforcement the LPA, EA and NE at a minimum must have access to appropriate monitoring, process and protections with 6m or 12m returns made to the LPA.
- There is no detail on decommissioning of either the solar farm or haul track, how will hedges, ditches be managed throughout the life of the project, how will in detail the land be returned to Agricultural and BMV at the end of the project and who will fund this?

Appendix 2

Application ref. DMOT/2026/0656: Approval of details required by requirement 21 (Protected species) of permission ref. Oaklands Farm Solar Park Order 2025 relating to a generating station with a gross electrical output capacity of over 50 megawatts at Oaklands Farm Solar Park, Coton Road, Walton upon Trent, DE12 8LP

Comments:

It is noted Barn Owls have been nesting on site and nearby this year. The CEMP working times/program seem to conflict with nesting and breeding season, a strict timeline is needed.

- 1. Application ref. DMOT/2026/0657: Approval of details required by requirement 17 (Surface Water and Foul Water Drainage) in relation to phases 1 (Haul Road), 2 (Grid Cable Route), and 3 (Internal Access Roads) of permission ref. Oaklands Farm Solar Park Order 2025 relating to a generating station with a gross electrical output capacity of over 50 megawatts at Oaklands Farm Solar Park, Coton Road, Walton upon Trent, DE12 8LP**

Comments:

The documents on the portal refer to the CEMP which is not agreed see comments at the top and attached on the CEMP. There is no detail on how the land drains will be repaired within the CEMP nor how the access track will be removed and woodland reinstated, it just states they will be restored but not how, this includes BMV, a natural water bog peat wildlife area.

Phase 1 Haul Road - The drainage solutions offered are inadequate and in direct opposition to the professional guidance provided by the Geotechnical Surveyors (contained in DMOT/2026/0620) which states 8.3.3 that infiltration drainage is not recommended as none of the infiltration tests were effective due to ground conditions. The use of drainage swales will need to be reconsidered. Rosliston road clearly floods most of the winter.

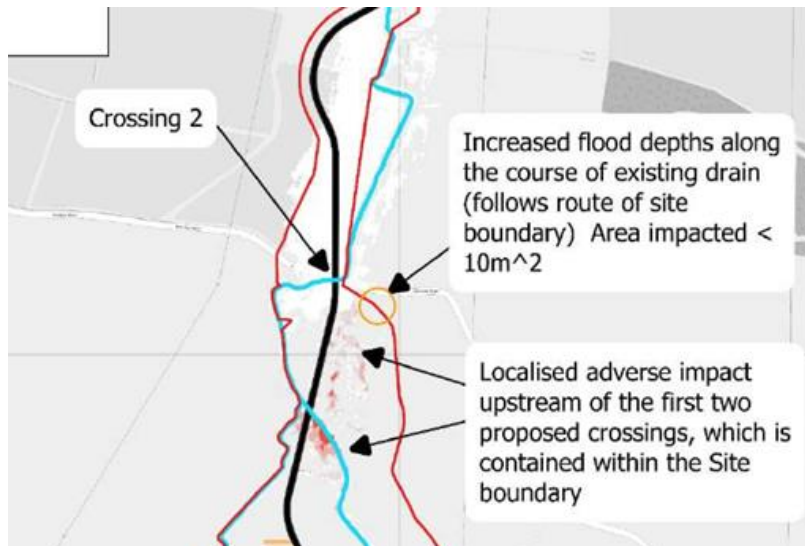
Phase 2 Cable route – this states no drainage planned works as it's only a year and temporary but with failed infiltration tests, winter works planned, known surface water flooding which is common on Main Street / Walton Road, and it is therefore astonishing that no drainage / flood mitigation plan is being provided.

Phase 3. Internal access roads – see above, again – infiltration is the proposed drainage strategy, but this has been professionally determined to be an inadequate solution due to ground conditions. A new, more effective proposal is therefore required. Rosliston road clearly floods most of the winter.

Please note for all these conditions it does not fulfil the requirements of the Development Consent Order (DCO) in that the submitted details do not “include the plans and strategies referred to in the flood risk assessment” as required by Requirement 17 part 2 of the DCO as they are not in accordance with the flood risk assessment which shows clearly land near Rosliston road may flood by up to 20cm. Please refer to FRA document dated Dec 2024.

nsip-documents.planninginspectorate.gov.uk/published-documents/EN010122-000819-EN010122 D7 6.1 ES Chp8 Appx 8.1 Flood Risk Assessment and Outline Drainage Strategy Clean.pdf

Event	Off-site land at increased flood depths (m ²)	Off-site land at decreased flood depths (m ²)	Maximum increase in flood depths off-Site (m)
3.33% AEP	10	224	0.20 (Within existing ditch along Site boundary – covering area less than 7m ²) Floodplain – no increase



It is also noted the OCEMP - it's EN010122/D6/6.1/Appx 4.3 (known as REP6-018 on the NSIP site) [EN010122-000776-EN010122 D6 6.1 Chp4 Appx 4.3 OCEMP Clean.pdf](#) and the appendix referenced was completely missing.

2. **Application ref. DMOT/2026/0620: Approval of details required by condition 13 (contamination) of permission ref. 2025 No. 739 - The Oaklands Farm Solar Park Order 2025 relating to a generating station with a gross electrical output capacity of over 50 megawatts at Land at Oaklands Farm, Coton Road, Walton upon Trent, DE12 8LP**

Comments:

Why are the documents on the portal only about geotechnical site investigations when this condition is about a generating station and condition 13 contamination. The documents on the portal refer to the CEMP which is not agreed see comments at the top and attached on the CEMP. There is nothing about addressing contamination of the sub aquifer which several neighbouring residents run water wells. I also note the geotechnical documents show investigations with snow on the ground which is already in breach of the soil management plan.

Towards the end of the documents page 56 8.3.3 infiltration tests it states all the tests failed and therefore it is not recommended to adopt infiltration drainage at the site - therefore this affects the CEMP, and haul road and solar arrays panels and the drip lines

from them, water will not soakaway. What is the proposed drainage method now especially as the pile driving and cables destroys land drains. See attached and CEMP queries.

3. **Application ref. DMOT/2026/0619: Approval of details required by condition 10 (CTMP) of permission ref. 2025 No. 739 - The Oaklands Farm Solar Park Order 2025 relating to a generating station with a gross electrical output capacity of over 50 megawatts on Land at Oaklands Farm, Coton Road, Walton upon Trent, DE12 8LP**

Comments:

The CEMP stated that residents would see the Construction Traffic Management Plan and that it had been shared and approved, it has not, it was not available I refer to comments attached on the CEMP, no principal contractor was at the community liaison event and no detail on the temporary compounds so no one knows where the traffic will come or go to. There is not an established traffic management Group 7.2 has not been met a TMG will be established 6 months prior to construction to implement and monitor the final CTMP”, and no one locally has been able to put any input into this group, this is stated in the CEMP attached. 7.2.2 should include all District and County Cllrs.

Who will enforce the traffic management plan? How will the ice and flooding that occurs all winter on Rosliston road out of Walton be accommodated and the Cadent pipe which leaks continually on this road needing repairs multiple times a year. Local roads are not gritted so will traffic be diverted in floods and ice to gritted roads as per DCC policy? 5.3.3 is not in sync with the CEMP and working hours nor with 6.4.1., there can be no exceptions as stated or the condition is unenforceable.

4. **Application ref. DMOT/2026/0632: Approval of details required by Requirement 5 for phases 1 (Haul Road), 2 (Grid Cable Route), and 3 (Internal Access Roads) of permission ref. Oaklands Farm Solar Park Order 2025 relating to a generating station with a gross electrical output capacity of over 50 megawatts at Oaklands Farm Solar Park, Coton Road, Walton upon Trent, DE12 8LP**

Comments:

Covering letter makes clear requirement 5 which is not met as the CEMP see attached comments is flawed. Bearing in mind the infiltration test results above the ground does not soak water away it therefore corresponds drainage will be affected for the protection of BMV, agricultural land restoration, flooding and water run off for the haul track, grid cable route and brook crossings which flood heavily as does the adjacent road all winter. All this raised during the DCO hearings.

Requirement 9.3 has not been addressed at all therefore the CEMP is not complete, it appears this is not getting the attention that is needed to ensure residential amenity is protected.

Appendix 3

Approval of details required by requirement 7 - Arboricultural Method Statement for phases 1 (Haul Road), 2 (Grid Cable Route), and 3 (Internal Access Roads) of permission ref. Oaklands Farm Solar Park Order 2025 relating to a generating station with a gross electrical output capacity of over 50 megawatts at Oaklands Farm Solar Park, Coton Road, Walton upon Trent, DE12 8LP

Unable to comment on this condition as still stating error page 404 for a month.

Appendix 4

Application for hedgerow removal due to additional space necessary to deliver the Nationally Significant Infrastructure Project at Land at Oaklands Farm, Coton Road, Walton upon Trent, DE12 8LP

Comments:

Under the DCO 21m of important hedgerow was being removed, now it is 44m this is a material change, more than double and its effects:

- landscape and visual,
- Character and appearance
- Hydrology and run off this will affect the road which floods here by the brook as the hedge absorbs much of the runoff and water.
- Neighbouring residential amenity
- Loss of ecology, habitat and biodiversity
- Noise the hedge would have reduced the haul track noise from neighbouring properties.

Appendix 5

Continued use of former milk processing building to a food preparation with ancillary office space and erection of separate storage facilities at Oaklands Farm, Coton Road, Walton on Trent, Swadlincote DE12 8LP

This impacts the CTMP Oaklands Farm which during the DCO the applicants made clear would remain a farm. However the applicants sold the cattle in the dead of night 3 weeks after the DCO and the farm is now operating retrospectively a Chilled Hub Depot with multiple HGVs, vans and cars on the narrow lanes and travelling from the A444, often queuing on the bends on the roads where the compounds are likely to be, this is again a material change and the cumulative impact should be taken into account.