



Planning Inspectorate
Arolygiaeth Gynllunio

SCOPING OPINION:

Proposed Castle Way Energy

Case Reference: EN0110037

Adopted by the Planning Inspectorate (on behalf of the Secretary of State)
pursuant to Regulation 10 of The Infrastructure Planning (Environmental
Impact Assessment) Regulations 2017

28 July 2026

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1. INTRODUCTION

- 1.0.1 On 17 June 2026, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from BSSL Derbyshire 1 Ltd (the applicant) under regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) for the proposed Castle Way Energy (the proposed development). The applicant notified the Secretary of State (SoS) under regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development and by virtue of regulation 6(2)(a), the proposed development is 'EIA development'.
- 1.0.2 The applicant provided the necessary information to inform a request under EIA regulation 10(3) in the form of a Scoping Report, available from:
- 1.0.3 <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN0110037>
- 1.0.4 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the proposed development as currently described by the applicant. This Opinion should be read in conjunction with the applicant's Scoping Report.
- 1.0.5 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.0.6 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in appendix 1 in accordance with EIA regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.0.7 The Inspectorate has published a series of advice pages, including '[Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#)'. AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.0.8 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

['Nationally Significant Infrastructure Projects: Advice pages'](#)

- 1.0.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Sections 2 and 3)

ID	Ref	Description	Inspectorate's comments
21.1	Section 2	Worst case scenario	The Inspectorate notes that some optionality has been included within the design of the proposed development, for example, the number and voltage of substations, different panel types and number of BESS enclosures required. Where there is optionality, the ES should assess the worst-case scenario.
21.2	Sections 2.2 to 2.4	Maximum Design Scenario (MDS)	The Inspectorate considers that the ES should contain MDS indicative depths for both trench and trenchless crossing installation methods as well as pile and other foundation designs. The applicant's attention is drawn to the consultation response from the Environment Agency (EA) (Appendix 2 of this opinion) for further information.
21.3	Section 2	Construction compounds	The scoping report mentions the use of temporary construction compounds. The ES should specify whether any additional land take would be required for these compounds, or whether they would be sited within the red line boundary of the site. To ensure a robust assessment of likely significant effects, the ES should also provide details regarding the number, location and dimensions of construction compounds, and include these in any relevant assessment such as construction phase flood risk.
21.4	Section 2	Abnormal Indivisible Loads (AIL)	The ES should clarify whether additional works are required to proposed AIL routes and if so, the impacts which may result from such works, together with relevant mitigation measures, should be assessed within relevant aspect chapters of the ES where significant effects are likely to occur. The ES should set out the predicted number of abnormal loads and expected routeing.
21.5	N/A	Cable route options	The Inspectorate notes the potential for up to nine cable route options/variations within the scoping report with differing environmental implications. The Inspectorate considers that

ID	Ref	Description	Inspectorate's comments
			there are receptors identified in the plans that do not appear to be identified within the scoping assessment and that therefore, depending on the Cable Corridor Option (CCO) chosen, additional impacts not considered within the ES may arise. Where this is the case, the Inspectorate would advise the applicant to undertake the scoping process again once the cable route has been selected, to ensure the scope of the assessment remains applicable to the proposed development being assessed. The applicant's attention is also drawn to the Canal and River Trust's consultation response regarding overhead crossings on their water ways (Appendix 2 of this Opinion).
21.6	N/A	Labelling of maps	Within the ES, maps should use clear background mapping and use appropriate colours allowing for distinction between any features that are illustrated. Labelling should be easy to read. Where maps are referring to different land parcels, these should be labelled clearly. Where different solar development parcels are also sub-divided in the text (such as parcels C1 to C3 described in the ground conditions chapter of the scoping report), these should also be clearly labelled and consistent references to land parcels used across the ES.
21.7	N/A	Decommissioning	The ES should specify whether cables associated with the proposed development cable routes will be decommissioned or left in-situ at the end of the project's lifespan.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 5)

ID	Ref	Description	Inspectorate's comments
221	N/A	Alternatives and site selection	The ES should demonstrate how the mitigation hierarchy has been used to avoid effects on sensitive receptors as the proposed development design and location is refined.
222	N/A	Cross referencing	The Inspectorate has identified inconsistencies between a number of aspect chapters within the scoping report. It is advised that where aspect assessments overlap, the ES should cross-reference where impacts/receptors are assessed.
223	N/A	Baseline	The ES should be supported by an appropriate baseline informed by feedback from and agreements (where possible) with relevant consultation bodies on the following matters: • the study area for the assessment • the choice of receptors • the approach to and responses arising from any surveys
224	N/A	AI usage	The Inspectorate notes the AI usage statement appended to the scoping report. If AI is used in the preparation of the ES, then the methodology behind it's use should be clearly stated. This should include the particular AI model used, the capacity it was used in and any limitations encountered. All AI outputs should be verified by relevant competent experts to ensure they are factual.

ID	Ref	Description	Inspectorate's comments
225	N/A	Receptors	It is noted that a number of sensitive receptors have been omitted from multiple sections of the scoping report, for example a number of heritage assets have not been identified and railway receptors are not considered in respect of the transport assessment. The applicant should ensure that all potentially sensitive receptors are identified within the ES.
226	N/A	Inconsistent use of terms and definitions	The ES should be consistent in its usage of terms and definitions across the assessment, particularly within the archaeology and built heritage chapters. The scoping report refers to levels of significance differently across Chapters 8 and 9 and is also inconsistent in the sensitivity classification of grade I and II* listed buildings. The applicant's attention is drawn to the consultation response from Historic England (HE) (Appendix 2 of this opinion) for further information.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Agricultural Land and Soils

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	N/A	N/A	No matters are proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.1.2	Paragraphs 6.6.1 and 6.6.2	BMV / ALC Figure	Figures 6.1 and 6.2 of the scoping report do not include the cable corridor options. The ES should contain a clear tabulation of the areas of land in each Best Most Versatile (BMV) classification to be temporarily or permanently lost as a result of all components of the proposed development, with reference to accompanying map(s) depicting the ALC grades. The study area should be clearly depicted on figures to aid understanding and specific justification for the use of the land by grade should be provided. Consideration should be given to the use of BMV land in the applicant's discussion of alternatives. The applicant's attention is drawn to the consultation response from Natural England (Appendix 2 of this opinion) for further information.

3.2 Air Quality

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
321	Paragraph 7.8.1	Plant effects during construction	The scoping report proposes to scope this matter out as significant effects are not likely to occur due to the temporary, direct, local and short-term nature of construction effects. However, the scoping report does not provide sufficient information on the type, number, and location of plant and machinery within the proposed development site. As such, the Inspectorate does not agree that this matter can be scoped out. An assessment of effects should be provided unless robust justification is provided to demonstrate that such plant and machinery would not give rise to significant air quality effects.
322	Paragraph 7.8.1	Traffic during operation	The scoping report proposes to scope this matter out as the proposed development is not expected to generate traffic exceeding the EPUK/IAQM criteria for detailed assessment. The Inspectorate agrees that it is unlikely that the operation of the proposed development would generate significant emissions to air or significant operational traffic and that this matter can be scoped out of the assessment. The ES must however provide information on the nature of vehicle movements during the operational phase including the type and scale of maintenance activities, frequency, estimated number of vehicle movements (alone and cumulatively) and confirm that these projections fall below the relevant thresholds set out in guidance. The ES project description should also confirm that there would be no emissions from operational plant that require further assessment.
323	Paragraph 7.8.1	Effects associated with accidental major fire incidents related	The scoping report proposes to scope this matter out as a Battery Safety Management Plan will be provided. The Inspectorate notes that the proposed location of the BESS site is unconfirmed and does not consider that this matter can be scoped out at this stage.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		to BESS infrastructure during operation	The ES should include an assessment of the risk from BESS related to fire and the release of smoke and associated gases.
324	Paragraph 7.8.1	Decommissioning	The scoping report proposes to scope out this matter out of the assessment as effects during decommissioning are not likely to differ from those during construction. The applicant explains that a Decommissioning Environmental Plan will be agreed with the relevant LPA and secured through the DCO. The Inspectorate is content with this approach and agrees to scope this matter out.

3.3 Archaeology

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
33.1	Paragraph 8.9.1	Impacts from the installation of solar panels	The scoping report explains that solar arrays will be installed on support frame mounting structures which will be driven into the ground to a depth of typically up to 2.4m, depending on ground conditions. In locations where piling is not appropriate due to ground conditions or the presence of buried archaeological remains, above-ground concrete ballast systems may be used instead. It is not explicit within the scoping report whether this matter is proposed to be scoped out but the potential impacts on below-ground deposits are described as localised, dispersed, and confined to relatively small areas. The Inspectorate considers that the full extent of archaeological remains is unknown at this stage and given that the proposed development does involve ground disturbing activity this matter cannot be scoped out. The ES should consider potential impacts from the installation of the solar panels and be clear where solar array mounting structures are to be driven into the ground versus where alternative concrete footings will be used.
33.2	Paragraph 8.9.2	Excavation impacts from power control infrastructure, on-site cabling, and access tracks during decommissioning	The scoping report proposes to scope these matters out of the assessment as these impacts are expected to be low in magnitude and mitigated through requirements of the ODEMP (formalised through the Detailed DEMP) and are therefore unlikely to result in a significant effect. The Inspectorate agrees with the rationale for scoping this matter out.
33.3	Paragraph 8.9.3	Impacts from decommissioning	The scoping report proposes to scope this matter out of the assessment due to the expectation that the decommissioning phase would not create further significant effects than those during construction and operation of the proposed development, owing to the mitigation in place. In the absence of information such as identified mitigation

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		activities during all project phases	measures, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.

ID	Ref	Description	Inspectorate's comments
334	Paragraph 4.1	Study Area	The Scoping Report identifies that the study area includes the site plus land within a buffer of up to 1km from the solar development sites, however there is no buffer for the cable corridors. The ES should make it clear how the study area has been selected with reference to the relevant guidance for the relevant receptors and agree this where possible with relevant consultation bodies. The applicant's attention is drawn to the consultation response from Historic England (HE) (Appendix 2 of this opinion) for further information.
335	Paragraph 8.6.1	Data sources	The applicant should ensure that all relevant data sources are consulted in the preparation of the ES. For example, the National Heritage List for England is not included in the list of data sources used within the scoping report. The applicant's attention is drawn to the consultation response from HE (Appendix 2 of this opinion) for further information.

3.4 Built Heritage

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
34.1	Table 9.2	Direct effects to designated and non-designated assets	The scoping report proposes to scope this matter out on that basis that no designated or non-designated assets have been identified within the proposed development order limits. The Inspectorate notes that one of the route options for the cable corridor crosses the Trent & Mersey Canal which is a designated heritage asset, and whilst the chosen cable route and any potential crossings are not yet decided construction may have a significant direct effect. The applicant's attention is drawn to the consultation response from the Canal & River Trust (Appendix 2 of this opinion) for further information. The Inspectorate is therefore not in a position to scope this matter out. The ES should consider the potential direct effects to designated and non-designated heritage assets where they are likely to occur.
34.2	Table 9.2	Effects to non-designated heritage assets further than 1km from the draft order limits, and Grade II Listed Buildings further than 2km from the draft order limits	The scoping report proposes to scope this matter out as although there is potential for noise, vibration, and visual effects during construction and decommissioning of the proposed development, these will be limited and temporary in nature and unlikely to result in significant effects. Similarly, during operation, the applicant notes that due to the distance any effects from changes to setting (from the addition of built infrastructure, encroachment on farmland ect.) are unlikely to be significant. The Inspectorate notes that the ZTV shown in figure 9.2 shows potential visibility beyond the 2km radius of the proposed development and it is unclear if there are heritage assets beyond the 2km buffer area that could be subject to LSE. The Inspectorate does not agree to scope this matter out at this stage. The applicant should seek to agree the heritage assets included within the assessment of setting

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			with the relevant consultation bodies, including Historic England and Local Planning Authorities. The ES should fully justify the choice of heritage assets included in the assessment and their locations should be clearly depicted on a supporting plan.

ID	Ref	Description	Inspectorate's comments
343	N/A	Photomontages	The applicant should consider the use of photomontages or visualisations to aid in the understanding of the impact to the setting of heritage assets. The applicant's attention is drawn to the consultation response from HE (Appendix 2 of this opinion) for further information.
344	N/A	Desk-based assessment (DBA)	The DBA used to inform the ES should encompass a range of data sources including Portable Antiquity Scheme (PAS) data, geophysical surveys, deposit modelling, aerial photo data, lidar, cartographic and documentary sources, fieldwalking and targeted trial trenching. The applicant's attention is drawn to the consultation response from HE (appendix 2 of this opinion) for further information.
345	N/A	Heritage assets	It is noted that the scoping report identifies the presence of the possible medieval shrunken village of Ash (MDR2690) but fails to identify the potentially associated ridge and furrow in proximity (MDR23767). The applicant should ensure that the ES identifies all potential heritage receptors. The applicant's attention is drawn to the consultation response from HE (appendix 2 of this opinion) for further information.

3.5 Climate Change and Greenhouse Gases

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
35.1	Table 10.1	GHG emissions of the following during operation and decommissioning: • Raw material extraction and manufacturing of products • Transportation of raw materials to the place of manufacturing • Transportation of materials and products to the proposed development site	The Inspectorate agrees to scope these matters out of the greenhouse gas emissions assessment on the basis that impacts would be limited to the construction phase only, for which a construction phase assessment for each of the listed potential impacts has been scoped-in.
35.2	Table 10.1	On-Site construction activities (including emissions from plant vehicles and generators) during operation	The Inspectorate agrees to scope this matter out of the greenhouse gas emissions assessment on the basis that impacts would be limited to the construction and decommissioning phases only, which will be assessed within the ES.
35.3	Table 10.1	Energy generated by the proposed development, and potential leakage of greenhouse gas during construction and decommissioning	The Inspectorate agrees to scope these matters out of the greenhouse gas emissions assessment on the basis that impacts would be limited to the operational phase only, for which an operational phase assessment has been scoped-in.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
354	Table 10.1	GHG emissions of the following during construction and operation: - On-Site decommission-related activities - Transport and disposal of decommissioning-related waste materials	The Inspectorate agrees to scope these matters out of the greenhouse gas emissions assessment on the basis that impacts would be limited to the decommissioning phase only, for which a decommissioning phase assessment for each of the listed potential impacts has been scoped-in.
355	Table 10.2	Effects from an increase in summer precipitation, summer temperatures, and wind storms during construction and decommissioning	The scoping report proposes to scope this matter out of the climate change resilience assessment as the construction and decommissioning phases of the development will be shorter in timescale and the applicant does not expect there to be significant changes in climate within that timeframe. The Inspectorate is content with this approach and agrees to scope these matters out.
356	Table 10.2	Changes in water availability	Table 10.2 of the scoping report identifies the potential for changes in water availability to result in more acid soils and/or water which can increase the deterioration of building materials. Given that the scoping report states that materials used will be chosen to be appropriate for existing ground conditions and would be able to withstand changes in soil acidity as a result of changes in water availability, the Inspectorate is content to scope this matter out of the climate change resilience assessment. The ES should ensure that appropriate security is provided within the dDCO to ensure use of such materials.
357	Table 10.2	Changes in cloud cover during construction and decommissioning	The scoping report proposes to scope this matter out of the climate change resilience assessment as it is not expected that changes in cloud cover would have a significant negative effect on construction and

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			decommissioning activities. The Inspectorate agrees that there is no pathway to effect for these phases and agrees to scope this matter out.
35.8	Table 10.2	Sea level rise	The scoping report proposes to scope this matter out of the climate change resilience assessment due to the location of the proposed development, risks associated with projected sea level are not expected to be significant. The Inspectorate agrees that this matter can be scoped out.
35.9	Table 10.2	Changes to snow and ice	The Inspectorate agrees to scope this matter out of the climate change resilience assessment on the basis that UKCP18 predictions anticipate less snow and ice than the current baseline and that the risk from snow and ice is not anticipated to increase with climate change.

ID	Ref	Description	Inspectorate's comments
35.10	Paragraphs 10.2.8-10.2.9	Study area	The study area of for the greenhouse gas emissions assessment should include all areas of the proposed development included in both the solar development sites and the cable corridors.

3.6 Ecology and Biodiversity

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
36.1	Paragraph 11.8.4	Direct impacts to ecological receptors during maintenance activities	The scoping report proposes that maintenance activities would be scoped out of the assessment, on the basis of these activities being temporary and short-term. Protection measures within an Operational Environmental Management Plan (OEMP) and Landscape and Ecology Management Plan (LEMP) would also ensure any such activities would be managed. The Inspectorate agrees that maintenance activities are likely to be limited and that significant effects are unlikely to occur. Relevant measures should however be covered within the proposed outline OEMP and LEMP to be submitted with the DCO.
362	Table 11.2	Nationally designated sites for nature conservation	The scoping report considers that with the exception of Hilton Gravel Pits SSSI, all nationally designated sites are sufficiently distanced from the proposed development that impacts are unlikely to occur. The Inspectorate notes that the Old River Dove, Marston on Dove SSSI is stated as being within 430m of the proposed development and is designated for aquatic fauna and flora. With reference to scoping report figures 3.2 and 11.1, it appears that this SSSI is directly adjacent to the proposed grey CCO corridor. The Inspectorate considers therefore that at this stage there is potential for a linkage between the proposed development and this SSSI. The Inspectorate does not therefore agree that this site can be scoped out of the assessment until further details of the preferred option(s) for this CCO have been confirmed.
363	Table 11.2	Study areas	The Inspectorate considers that a wider search area than 10km is required to demonstrate whether there are sites designated for mobile species or for any hydrological linkages with internationally designated sites.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			At this stage, therefore, the Inspectorate does not consider that these sites can be scoped out of the assessment. The applicant's attention is drawn to the responses of the Environment Agency and South Derbyshire District Council with respect to potential for effects on the River Dove, lamprey species and the Humber Estuary Special Area for Conservation. These should be addressed in the ES.
364	Table 11.2	Locally designated sites beyond 200m from the order limits	The scoping report proposes to scope out local designated sites beyond 200m of the order limits as with embedded mitigation measures in place, effects are unlikely to occur. However, paragraph 11.9.1 states that sites beyond 100m of the proposed development would be scoped out of the assessment. Paragraph 11.6.12 also notes that desk survey information to identify locally designated sites has not yet been completed for all areas of the CCO corridor options. As such, the Inspectorate is not in a position to scope this matter out at this stage. The ES should confirm the locations and nature of any locally designated sites within the study area. Where embedded measures are used to avoid significant effects on these sites, the ES should list the sites, the nature of potential effects and the measures that have been used to eliminate these effects. This should be supported by appropriate outline management plans that also clearly refer to these measures.
365	Table 11.2	Bats – roosting in buildings	No details are provided to demonstrate whether buildings are affected by the proposed development, but in the basis of the nature of the proposed development being unlikely to affect existing buildings, the Inspectorate is satisfied that this matter can be scoped out of the assessment. Paragraph 11.9.1 of the scoping report does not specifically refer to bats roosting in trees. The Inspectorate considers that while bats roosting in buildings can be scoped out of the assessment, there is potential for significant effects on bats roosting in trees and that this matter should be assessed in the ES in line with Table 11.2,
366	Table 11.2	Reptiles	The scoping report proposes to scope out consideration of reptiles as suitable habitat for reptiles would be retained and protected during construction. This is secured in the

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Commitments Register via a Construction Environmental Management Plan (CEMP). The Inspectorate agrees on this basis that reptiles can be scoped out of the assessment for the construction phase. No information is provided however to demonstrate a commitment to retain and protect any reptile habitat within the proposed development once it is in the operation phase. This matter therefore should be defined and clarified in the ES and an assessment provided, where significant effects are likely to occur. A reference to measures also being secured in any outline decommissioning plan should also be provided.
36.7	Table 11.2	Badger	The scoping report proposes to scope out further assessment of badgers on the basis that badgers are common and widespread and legislative compliance measures will be implemented where required. The Inspectorate notes that badger surveys have not yet been completed within Solar Development site E or the CCO. The Commitments Register does not refer specifically to any commitment to measures for badgers. The Inspectorate considers therefore that there is not enough evidence at this stage to scope out badgers from the assessment. The ES should include appropriate baseline surveys for badger and the applicant's attention is drawn to ID 3.6.22 of this scoping opinion for information on confidential information in this regard. Where surveys have demonstrated that significant effects are unlikely to occur, however, or provided the ES demonstrates how mitigation measures have been secured to ensure that any such effects have been avoided, the Inspectorate is content to scope out an assessment of effects on badger from the ES. This evidence should be supported by agreement, where possible, with relevant consultation bodies.
36.8	Table 11.2	Fish	The scoping report proposes to scope out effects on fish on the basis of measures within the outline CEMP that would avoid effects such as pollution to aquatic habitats. No details are supplied in the scoping report of how watercourse crossings for the

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			CCO would be completed, such as whether trenchless methods would be used in all cases. The Inspectorate does not agree that this matter can therefore be scoped out of the assessment at this stage. The ES should therefore include effects on watercourses and refer to any commitments within the commitments register or management plans to manage pollution such that significant effects on fish are unlikely to occur. Please also see the Inspectorate's comments in ID 3.6.17 of this scoping opinion.
36.9	Table 11.2	Irreplaceable habitats	The Inspectorate notes that surveys of the CCO and main solar sites are not yet complete, including UKHab surveys and desk-based surveys of some areas of the CCO. The proposed design is at an early stage and therefore there is insufficient information to confirm the location and thus retention and protection of irreplaceable habitats. The Inspectorate considers that this matter cannot be scoped out of the assessment at this stage. The ES should identify any irreplaceable habitats that could be affected by the proposed development and set out the measures to retain and protect them, therefore.

ID	Ref	Description	Inspectorate's comments
36.10	Paragraph 11.4.4	Study area for internationally designated sites	Given the stage of the proposed development, the Inspectorate considers that the ES should consider whether there are any sites designated for mobile species or those that could be reliant on land outside of designated sites (functionally linked land) within 20km and 30km search areas from the proposed development.
36.11	Paragraph 11.6.6	CCO surveys	Surveys for the CCO are proposed to be proportionate to the temporary and phased nature impact of this element of the proposed development, although details of what this would be are not provided. The applicant should ensure that a robust baseline is completed and reported in the ES, supported by appropriate surveys. Survey methods and approaches should be discussed and where possible agreed with relevant

ID	Ref	Description	Inspectorate's comments
			consultation bodies, including where any proposed approaches to surveys differ from established industry practice.
36.12	Table 11.1	Wintering birds Nonbreeding birds	The Inspectorate notes that Hilton Gravel Pits Site of Special Scientific Interest (SSSI), identified as “one of the most important sites in the middle region of the Trent valley for over-wintering wildfowl” is within 1.2km of the proposed development. The ES should consider whether there could be direct or indirect LSE arising on these features of the SSSI, supported by baseline surveys where appropriate. In addition, wintering bird surveys are not proposed in the list of surveys being completed or due to be completed (paragraphs 11.6.3 to 11.6.5). Where LSE are likely to occur, the assessment of effects should be supported by an appropriate wintering bird baseline. These reasons and / or surveys scopes should be discussed and where possible agreed with relevant consultation bodies. It is also not clear what groups of birds are scoped into the assessment as part of the ‘nonbreeding birds’ potential receptor (11.6.17) and so this should be clarified within the ES. The applicant’s attention is drawn to the responses from Natural England (wintering birds) and Staffordshire County Council and South Derbyshire District Council (farmland birds) in this regard.
36.13	Paragraph 11.6.17	Desk study	The ES should be supported by appropriate evidence to demonstrate the reasons for the selection of the list of proposed stand-alone habitat and species surveys and where surveys are not carried out, that this has been discussed and where possible agreed with relevant consultation bodies. Any such discussion should also be explained within the ES. The Inspectorate also notes that a full desk study of the proposed development may not yet have been completed and it is therefore unclear whether this includes a search for further designated sites. This matter should therefore be addressed in the ES.

ID	Ref	Description	Inspectorate's comments
36.14	Paragraph 11.8.3	Operational effects	The assessment of disturbance and displacement from the proposed development as a whole, as well as from the presence of solar panels, should be scoped into the assessment.
36.15	Table 11.2	Decommissioning effects	Decommissioning effects are addressed in scoping report paragraphs 11.8.5 to 11.8.9 but do not appear in the scope of the assessment in Table 11.2. The Inspectorate agrees there is potential for significant effects during the decommissioning phase and that these should therefore be included within the scope of the assessment in the ES.
36.16	N/A	Tree and woodland surveys	The Inspectorate notes the potential for ancient woodland to be present adjacent to the CCO and the presence of ancient and veteran trees within the Order Limits. The ES should be supported by appropriate tree surveys. The applicant's attention is drawn to the responses of South Derbyshire District Council in this regard.
36.17	Paragraph 11.8.2	Effects on watercourses Trent and Mersey Canal	The ES should consider the potential effects of the proposed development on watercourses including the Trent and Mersey Canal. This should include consideration of potential for effects arising from both open cut and horizontal directional drilling (HDD) methods of watercourse crossings and indirect effects. Effects should include potential noise and vibration, loss of connectivity and / or habitat fragmentation, effects on spawning grounds, entrainment of fish and downstream effects on habitats and species from release of sediment. Where HDD is to be employed, the assessment should consider effects of potential releases of drilling fluids. The applicant's attention is drawn to the responses of the Canal and River Trust and Environment Agency in this regard.
36.18	Paragraph 2.4.18	Overhead cabling	The ES should assess the potential for collision risks with relevant sensitive receptors where potential overhead lines are used as part of the grid connection, and where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
36.19	Appendix 1.2	Commitments Register	The commitment to retain and protect irreplaceable habitats where these are identified (ancient woodland and ancient / veteran trees) should be included within further versions of the commitments register. The Commitments Register also refers to a commitment of "Existing trees and hedgerows will be retained as far as possible and protected in accordance with best practice (BS 5837)". Further versions of this document should therefore include the commitment to retain and protect ancient and veteran trees.
36.20	N/A	Confidential information	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3.7 Glint and Glare

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
37.1	Table 12.1	Glint and Glare – Construction and decommissioning	The scoping report proposes to scope this matter out on the basis that glint and glare effects are unlikely to occur until the solar photovoltaic panels have been erected. The Inspectorate agrees that significant effects as a result of glint and glare during construction and decommissioning are unlikely to occur. This matter can be scoped out of the ES.
37.2	Table 12.1	Road users – All phases	The scoping report proposes to scope this matter out on the basis that impacts to these receptors would be suitably mitigated. The Inspectorate considers that insufficient information has been provided on the proposed mitigation, the layout of the scheme and the receptors in proximity to rule out any significant effects. As such, the Inspectorate is not in a position to scope this matter out of the ES. The ES should assess any potentially significant effects occurring to the stated receptors. This should also include consideration of other potential ground-based receptors such as railway receptors.

ID	Ref	Description	Inspectorate's comments
37.3	Paragraph 12.7.2	Mitigation	The scoping report states that where glare impacts are predicted, appropriate mitigation may include the installation of screening around the site perimeter to obstruct line of sight to solar PV panels. If this screening is to be provided in the form of landscaping, the ES should assess the short to medium term effects of glint and glare from the proposed development prior to the establishment of such mitigation. All landscaping should be detailed in the ES and provided within the Outline LEMP.

ID	Ref	Description	Inspectorate's comments
			In respect of aviation receptors, the Inspectorate considers that appropriate mitigation should be agreed with nearby airfields.
374	Paragraph 12.7.3	Worst case scenario	The scoping report states that the assessment has been prepared assuming the use of fixed axis panels however it is noted that there is the potential for optionality here. See comment I.D. 2.1.1 above regarding this matter.

3.8 Ground Conditions and Contamination

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
38.1	Paragraph 13.9.1	Operational phase impacts	On the basis that there is limited potential for pollution incidents during operation and maintenance, and the proposed development will be subject to an OEMP, the Inspectorate is in agreement that an assessment of ground conditions and contamination can be scoped out of further assessment for the operational phase.

ID	Ref	Description	Inspectorate's comments
382	N/A	Guidance	The scoping report omits reference to some relevant legislation and guidance. The applicant should ensure that the ES is prepared with regard to all relevant legislation and guidance documents. The applicant's attention is drawn to the consultation response from the EA (Appendix 2 of this opinion) for further information.
383	N/A	Contaminative sources	It is noted that a number of features and potential hydrogeological linkages have not been identified within the scoping report. The ES should have regard for historic landfills within and adjacent to the scoping boundary, authorised landfills adjacent to the scoping boundary, Groundwater Dependent Terrestrial Ecosystems (GWDTEs) in proximity to the site and the former RAF Broughton site. The applicant's attention is drawn to the consultation response from the EA (Appendix 2 of this opinion) for further information.
384	Paragraph 13.4.1	Baseline information	The scoping report states that the cable route corridors have not been subject to baseline studies. This area comprises a large portion of the total project and will be subject to intrusive ground works. The Inspectorate therefore considers it appropriate that the ES includes baseline information on the cable route corridor.

ID	Ref	Description	Inspectorate's comments
385	Paragraph 13.4.2	Study area	The scoping report identifies that the Study Area includes the site plus land within a buffer of up to 250m from the site when considering the effects associated with ground conditions and land contamination, however this is not explained or justified within these paragraphs. The ES should make it clear how the study area has been selected with reference to the relevant guidance for the relevant receptors and agree this where possible with relevant consultation bodies. The Inspectorate recommends that the ES utilises a study area of 1km due to the presence of multiple aquifers and fault systems beneath the proposed development sites. The applicant's attention is drawn to the consultation response from the Environment Agency (EA) (Appendix 2 of this opinion) for further information.

3.9 Health

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
39.1	Paragraph 14.8.1	Healthcare capacity – All phases	This matter is proposed to be scoped out of the ES on the basis that the operational phase would not result in a permanent increase in the residential population and construction workers would be treated at the local Accident and Emergency. The Inspectorate agrees that the proposed development would not be likely result in a material increase for demand for healthcare services. This matter can be scoped out of the ES.

3.10 Landscape and Visual Impact

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Table 15.3	Changes to character of National Character Areas (NCAs)	The scoping report proposes to scope out effects on NCAs on the basis of guidance from Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3). NCAs would nevertheless be included to provide context for the baseline. The Inspectorate agrees on that basis, that assessment of effects on NCAs can be scoped out of the assessment.
3.10.2	Table 15.3	Lighting – All phases	The scoping report proposes to scope out effects from construction and decommissioning lighting on the basis that this would be task – specific and temporary. The Inspectorate notes that temporary and occasional lighting would be considered as part of the wider assessment of landscape and visual impacts, but a standalone lighting assessment is proposed to be scoped out. The Inspectorate is content with this approach. Providing lighting impacts across all phases are considered as part of the wider LVIA assessment, a standalone lighting assessment can be scoped out of the ES.
3.10.3	Table 15.3	Changes to views and visual amenity of people at their place of work and people engaged in outdoor sport or recreation which does not depend upon the appreciation of views of the landscape – All phases	The scoping report proposes to scope this matter out on the basis that no such receptors have been identified within or adjacent to the sites and that according to GLVIA3, these receptors are less sensitive to change. Whilst the Inspectorate considers that this rationale is acceptable in principle, it would highlight that GLVIA3 states that the sensitivity of these receptors is not black and white. The ES should therefore consider the potential for receptors that would meet these criteria but would be considered as more sensitive (e.g. cricket pitches) and provide an assessment where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.104	N/A	Consistent use of Zone of Theoretical Visibility (ZTV)	The Inspectorate notes that a Zone of Theoretical Visibility has been created to inform the scope of the built heritage assessment in scoping report section 9.0 and is shown on figure 9.2. (See also section 3.4 of this scoping opinion). The LVIA should ensure cross reference and collaboration between these two chapters to ensure the use of ZTV information is consistently applied. Figure 9.2 also shows visibility potentially beyond a 5km radius of the proposed development and it is unclear if there are sensitive landscape and visual receptors outside of the 5km buffer area that could be subject to LSE. The final extent of the study area, and the methodology for the ZTV used to inform its selection, should be determined in consultation with the relevant local authorities. Evidence of consultation should be provided in the ES.
3.105	Paragraph 15.5.7	Photomontages	The scoping report states that photomontages will be provided from a selection of viewpoints. The Applicant should seek to agree the number and location of viewpoints to be developed as photomontages with relevant consultation bodies. Photomontages should be produced in accordance with the Landscape Institute's TGN 06/19 Visual Representation of Development Proposals and should illustrate the proposals at different phases: Existing Situation (baseline), Operational (year 1) and Residual with planting established (10 to 15 years).

3.11 Noise and Vibration

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Paragraph 16.9.1	Operational vibration	This matter is proposed to be scoped out on the basis that the operational phase would not introduce any significant sources of vibration. On this basis, the Inspectorate is in agreement that an assessment of operational vibration can be scoped out of further assessment.
3.11.2	Paragraph 16.9.1	Operational road traffic noise	This matter is proposed to be scoped out on the basis that there would be only light traffic movements once the proposed development is operational and, whilst major component replacement would require HGV movements, they would be infrequent. The Inspectorate agrees that standard operational traffic would be unlikely to produce significant amounts of noise. Routine operational road traffic can therefore be scoped out of the ES. However, limited information has been presented on the estimated frequency of major component replacement, the HGV movements associated with them and nearby sensitive receptors. The ES should present further justification for the claim that major component replacement would not lead to significant levels of road traffic noise. This should include a worst-case estimate of the frequency of replacement and the number of HGV movements required for each occurrence. If such a case cannot be made, then significant effects should be assessed where they are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.11.3	N/A	Figures	The ES should contain a plan illustrating both the extent of the study area and the expected route(s) of construction traffic.

3.114	Paragraph 16.5.1	Sensitive receptors	The scoping report states that sensitive receptors in proximity to the proposed development will be identified and agreed with the LPA. The ES should explain how receptors have been identified and provide a figure showing their location, the assessment must address all potential significant effects. The Inspectorate considers that ecological receptors should also be included in the list of potential noise and vibration sensitive receptors.
3.115	Paragraph 16.10.1	Background noise monitoring	The ES should justify the baseline noise monitoring locations chosen and explain how they are deemed representative of nearby receptors.

3.12 Socioeconomics

(Scoping Report Section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.121	Paragraph 17.8.1	School capacity – All phases	This matter is proposed to be scoped out on the basis that the proposed development would not result in a permanent increase in the local population and so there would be no impact on the demand for school places. On this basis, the Inspectorate agrees that impacts to school capacity can be scoped out of the ES.
3.122	Paragraph 17.8.2	Permanent employment - Operation	The scoping report does not provide any rationale for scoping this matter out, however the Inspectorate agrees that the operation of the proposed development is unlikely to result in any significant changes to permanent employment in the area. This matter can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.123	Section 17.7	Adverse impacts	The description of potential likely significant effects provided within the scoping report appears only to consider positive socio-economic impacts of the proposed development, with the exception of temporary accommodation capacity. The ES should also consider potential adverse socio-economic impacts such as those to tourism, recreation and agricultural businesses.

3.13 Transport and Access

(Scoping Report Section 18)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Paragraph 18.9.1	Effects from operation of the proposed development	The scoping report proposes to scope out transport and access effects during operation on the basis of an anticipated 1 to 2 vehicle movements per day that would not exceed relevant Institute of Sustainability and Environmental Professionals (ISEP) guidance thresholds. On that basis, the Inspectorate is satisfied that routine operational traffic movements can be scoped out of the assessment. However, the applicant's attention is drawn to the comments in ID 16.9.1 regarding major component replacement. The applicant's attention is also drawn to the comments in ID 3.13.5 of this scoping opinion relating to effects on operational access to public rights of way.
3.13.2	Paragraph 18.10.9	Traffic movements with hazardous loads	The scoping report proposes to scope out effects from hazardous loads (not including abnormal indivisible loads) as effects are unlikely to be significant. No details are provided of what hazardous loads may be required nor likely numbers of hazardous loads could be required. The Inspectorate considers that this matter cannot be scoped out of the assessment at this stage and should be clarified within the ES.

ID	Ref	Description	Inspectorate's comments
3.13.3	Paragraphs 18.4.1 18.5.1 18.6.1	Baseline	See comment I.D. 2.2.4 above.

ID	Ref	Description	Inspectorate's comments
	18.6.2		
3.134	Appendix 1.1 and Figure 3.2	Effects on non-vehicle modes of transport	The scoping report chapter on traffic and access relates solely to effects on vehicle traffic. The Inspectorate notes crossings of an operational railway including a level crossing on the pink cable corridor route and a crossing of the Crewe to Derby railway on the grey cable corridor route. The proposed development pink and maroon routes also border the Mercia Marina and the pink route crosses the Trent and Mersey Canal. Where these options are refined in the ES, an assessment of effects on all these transport features during construction and operation should be included, where significant effects are likely to occur. This should be informed by appropriate consultation and feedback from consultation bodies.
3.135	N/A	Public rights of way	The traffic and access chapter also does not refer to effects on users of public rights of way, which appear to cross the solar development sites in appendix 1.1, figure 1.1. Access to public rights of way and users of public rights of way should be addressed within the ES.
3.136	N/A	Assessment methodology	With reference to ID 3.13.4 and 3.13.5 of this scoping opinion, the approach to the methodology for transport and access, including definitions of magnitude, sensitivity and significance of effects, should be reviewed and where necessary updated to take account of any effects on these additional traffic route options.

3.14 Water Environment and Flood Risk

(Scoping Report Section 19)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	Paragraph 19.9.2 and Table 19.1	Impacts from fluvial flood risk where parcels are located solely within Flood Zone 1 (parcels A, B and National Grid Willington 400kV substation) – All phases	Considering site parcel A and the National Grid Willington substation are entirely within Flood Zone 1, the Inspectorate agrees that an assessment of fluvial flood risk can be scoped out for these areas. However, it notes that site parcel B contains areas of Flood Zones 2 and 3 associated with the Longford brook water course. The extents of these Flood Zones are not clear from the scoping report, and it is not explicit whether any infrastructure is to be sited here. As such, the Inspectorate is not in a position to scope this matter out. The ES should also contain an assessment of fluvial flood risk for site B.
3.14.2	Paragraph 19.9.3 and Table 19.1	Impacts from surface water flood risk where parcels have a very low risk (parcels A, C, D ,E and National Grid Willington 400kV substation) – All phases	This matter is proposed to be scoped out on the basis that these parcels have a 'very low' risk of flooding. However, this is in contradiction to the baseline information provided within the scoping report which states that parcels C, D and the National Grid substation have a 'low-high' risk of surface water flooding. Furthermore, excluding parcel A, the extents of the higher risk areas in each parcel have not been provided. As such, the Inspectorate considers that it does not have sufficient information to rule out significant effects and does not agree to scope this matter out. The ES should provide an assessment of surface water flood risk for these areas.
3.14.3	Paragraphs 19.9.5 to 19.9.9 and Table 19.1	Risk of flooding from sewers – (parcels A, B, C, D and E) – All phases	The scoping report proposes to scope this matter out on the basis that the proposed development site is greenfield and so is not intersected by any sewer infrastructure. Whilst the Inspectorate agrees that significant effects from sewer flooding are not likely to occur, and can be scoped out of the ES, it considers that this rational does not account for the potential effect of foul water run-off on surface water receptors. As such, the ES should consider the potential impacts from foul-water generation on

			surface water. The applicant's attention is drawn to the consultation response from the Environment Agency (EA) (Appendix 2 of this opinion) regarding this matter.
3.144	Paragraph 19.9.4 and Table 19.1	Surface Water / Water Quality (parcels A, C, D ,E and National Grid Willington 400kV substation) - Operation	Paragraph 19.9.4 of the scoping report states that surface water quality will be scoped in for all parts of the proposed development, however table 19.1 indicates that it will be scoped out for parcels A, C, D, E and the National Grid substation during operation. For the avoidance of doubt and in the absence of any further rationale, the Inspectorate considers that this matter should be scoped in for all parts of the proposed development.

ID	Ref	Description	Inspectorate's comments
3.145	N/A	Cable route	It is not clear from the scoping report the extent to which the cable routes will be considered within the assessment. For the avoidance of doubt, the cable routes should be assessed where significant effects are likely to occur.
3.146	N/A	Guidance	The scoping report omits reference to some relevant legislation and guidance. The applicant should ensure that the ES is prepared with regard to all relevant legislation and guidance documents. The applicant's attention is drawn to the consultation response from the Environment Agency (EA) (Appendix 2 of this opinion) for further information.
3.147	N/A	Sensitive receptors	The applicant should ensure that all sensitive receptors are identified within the ES. The scoping report omits a number of important receptors. The ES should include consideration of Water Framework Directive (WFD) groundwater bodies, main rivers (including the river Dove), abstractions and groundwater flow within and in proximity to the proposed development. The applicant's attention is drawn to the consultation response from the EA (Appendix 2 of this opinion) for further information.
3.148	N/A	Fire water	The ES should consider the potential impacts from firewater drainage and other chemicals associated with the BESS and substation. The applicant's attention is

			drawn to the consultation response from the EA (Appendix 2 of this opinion) for further information.
3.14.9	Table 19.1	Heat pollution	The ES should include consideration of heat pollution released from cables as a potential risk to groundwater. The applicant's attention is drawn to the consultation response from the EA (Appendix 2 of this opinion) for further information.

3.15 Electric, Magnetic and Electromagnetic Fields

(Scoping Report Section 20.2)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.15.1	Section 20.2	Electric, Magnetic and Electromagnetic Fields	This aspect is proposed to be scoped out on the basis that the proposed overhead power lines, underground cables, and substations would operate at or below a maximum of 132kV, and as such would not be capable of exceeding exposure thresholds. Scoping Report paragraphs 2.4.11 to 2.4.18 describe the main elements of the proposed Castle Way Energy substation(s) (including 400kV transformers, busbars and switchgear) and grid connection (400kV above and underground infrastructure, from the Castle Way substation(s) to the National Grid Willington 400 kV substation). Given this contradiction, the Inspectorate does not agree to scope this aspect out. An EMF assessment should be provided in an appendix to the ES, and include the location, routing, and voltages of any cables over 132kV and address the risks to human and ecological receptors arising from EMF, considering relevant technical guidance, where significant effects are likely to occur. The Inspectorate considers that the ES should set out the design measures to be implemented to avoid the potential for likely significant effects in line with DECC's Voluntary Code of Practice 2012. The applicant's attention is also drawn to the comments by Egginton Parish Council regarding the sensitivity of Solar Development Site E in particular.

3.16 Lighting

(Scoping Report Section 20.3)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.16.1	Paragraphs 20.3.1 - 20.3.2	Lighting	An assessment of lighting effects is proposed to be scoped out during all phases of the proposed development on the basis that the site is not located in a dark skies area and during the construction and decommissioning phases, impacts would be limited in extent, intensity, and duration. Therefore, effects are unlikely to be significant. During operation, the proposed development would not be permanently lit, only be lit through manual operation, or passive infrared lights in the event of an emergency maintenance visit being required in hours of darkness. The Inspectorate is content a standalone lighting assessment can be scoped out of the ES providing lighting impacts across all phases are considered as part of both the wider LVIA and ecological assessments. The ES should include where relevant a detailed description of the construction and operational lighting design and the measures taken to avoid or minimise lighting impacts on human and ecological receptors, including consideration of effects relating to intermittent lighting sources such as motion activated security lighting.

3.17 Major Accidents and Disasters

(Scoping Report Section 20.4)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.17.1	Section 20.4	Major accidents and disasters (MA&D)	The scoping report proposes to scope out a standalone chapter on this aspect on the grounds that the proposed development is not considered to be vulnerable or likely to give rise to significant impacts relating to major accidents and disasters. The scoping report notes that: • flood risk will be considered in Chapter 19: Water Environment and Flood Risk; • resilience to extreme weather events will be considered in Chapter 10: Climate Change and Greenhouse Gases; • risks of battery fires or other electrical fires would be managed through mitigation set out in an Outline Battery Safety Management Plan and a BESS Fire Emissions Assessment; • risks associated with glint and glare will be considered in Chapter 12: Glint and Glare; • accidental spillages, impacts to existing utilities, and risk of crime would be managed through the implementation of appropriate mitigation measures and management plans; • changes in traffic flows and the implications for road safety and the potential for road traffic accidents will be covered in Chapter 18: Transport and Access; • risks associated with unstable ground conditions will be considered in Chapter 13: Ground Conditions and Contamination; and • risks to human health will be addressed within Chapter 14: Health.

			The Inspectorate is content with this approach. Providing the risks from MA&D are adequately assessed in the ES locations mentioned above, a standalone MA&D chapter can be scoped out of the ES.
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3.18 Materials and Waste

(Scoping Report Section 20.5)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.18.1	Section 20.5	Materials and Waste	The scoping report proposes to scope this matter out on the basis that waste during construction and decommissioning will be managed through the relevant management plans and no significant arisings are expected during operation. The Inspectorate considers that insufficient information has been provided at this stage to rule out significant effects from materials and waste. The Inspectorate agrees that a standalone chapter is not required within the ES. However, it is not content to scope this matter out entirely. The ES should contain a description of all potential waste streams, including during the operation and decommissioning phases, and include estimates by volumes, type and quantity of expected residues and emissions. This should also include an assessment of significant effects, where they are likely to occur.

3.19 Minerals

(Scoping Report Section 20.6)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.19.1	Section 20.6 and paragraphs 3.5.7, 3.5.44 & 3.5.52	Minerals	This aspect is proposed to be scoped out as the proposed development is not expected to impact any safeguarded mineral resources or affect the future extraction of minerals. The scoping report states that Sites A, D and E lie within a sand and gravel safeguarding area, indicating potential constraints relating to the sterilisation of mineral resources. Staffordshire County Council has also advised that proposals for quarrying in the vicinity of Site E are being considered through the emerging Derbyshire and Derby Minerals Local Plan. The Inspectorate considers that this is primarily a planning matter and that the application should explain the relationship between the Proposed Development and any safeguarded mineral resources, including the potential implications for future mineral extraction and the position of the relevant Mineral Planning Authorities. On the basis of the information currently available, the Inspectorate does not consider that the potential sterilisation of mineral resources, in itself, constitutes a likely significant environmental effect requiring assessment in the ES. However, should the Applicant identify any likely significant environmental effects arising from interactions with safeguarded mineral resources, these should be assessed within the ES.

3.20 Telecommunications, Television Reception and Utilities

(Scoping Report Section 20.7)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
320.1	Section 20.7	Telecommunications, Television Reception and Utilities	This aspect is proposed to be scoped out on the basis that impacts will be avoided through design and implementation of easements. The Inspectorate agrees that significant effects relating to telecommunications, television reception, and utilities are not likely to occur and this aspect can be scoped out of the ES.

3.21 Wind Microclimate, Daylight, Sunlight and Overshadowing

(Scoping Report Section 20.8)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
321.1	Section 20.8	Wind Microclimate, Daylight, Sunlight and Overshadowing	This aspect is proposed to be scoped out on the basis that there are no sensitive neighbouring receptors that could be affected, and that the height and open configuration of the proposed infrastructure would not introduce any massing capable of altering wind/ sunlight/ daylight conditions. The Inspectorate has considered the characteristics of the proposed development and is content that the scale and massing would not cause significant changes to wind microclimate, daylight or sunlight visibility, or cause overshadowing, and this aspect can be scoped out of further assessment.

3.22 Cumulative effects

(Scoping Report Section 21)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3221	N/A	N/A	No matters are proposed to be scoped out.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES

Bodies prescribed in schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations (as amended)')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The relevant parish council or, where the application relates to land in Wales or Scotland, the relevant community council	Foston and Scropton Parish Council
	Church Broughton Parish Council
	Repton Parish Council
	Newton Solney Parish Council
	Findern Parish Council
	Etwall Parish Council
	Dalbury Lees Parish Council
	Hatton Parish Council
	Hilton Parish Council
	Egginton Parish Council
	Willington Parish Council
	Burnaston Parish Council
	Stenson Fields Parish Council
	Kirk Langleigh Parish Council
	Doveridge Parish Council
	Sudbury Parish Council
	Longford Parish Council
	Marston Montgomery Parish Council

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Cubley Parish Council
	Shirley Parish Council
	Brailsford Parish Council
	Boylestone Parish Council
	Alkmonton & Hungry Bentley Parish Council
	Rodsley And Yeaveley Parish Council
	Hollington Parish Council
	Marchington Parish Council
	Hanbury Parish Council
	Draycott in the Clay Parish Council
	Anslow Parish Council
	Burton Parish Council
	Outwoods Parish Council
	Horninglow and Eton Parish Council
	Tutbury Parish Council
	Rolleston on Dove Parish Council
	Stretton Parish Council
The Environment Agency	The Environment Agency
Natural England	Natural England
The Forestry Commission	East & East Midland Forestry Commission
	North West & West Midlands Forestry Commission
The Historic Buildings and Monuments Commission for England (known as Historic England)	Historic England
The Canal and River Trust	The Canal and River Trust

SCHEDULE 1 DESCRIPTION	ORGANISATION
The relevant Highways Authority	Staffordshire County Council
	Derbyshire County Council
	National Highways
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	East Midlands Combined Authority
The Civil Aviation Authority	Civil Aviation Authority
The Health and Safety Executive	Health and Safety Executive
United Kingdom Health Security Agency	United Kingdom Health Security Agency
NHS England	NHS England

TABLE A2: RELEVANT STATUTORY UNDERTAKERS

‘Statutory undertaker’ is defined in The APFP Regulations (as amended) as having the same meaning as in section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
The Crown Estate Commissioners	The Crown Estate
The relevant police authority	Police and Fire Commissioner for Staffordshire
	Police and Crime Commissioner for Derbyshire
The relevant ambulance service	West Midlands Ambulance Service NHS Foundation Trust
	East Midlands Ambulance Service NHS Trust
The relevant fire and rescue authority	Derbyshire Fire and Rescue Service
	Stoke-on-Trent and Staffordshire Fire and Rescue Service

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS Staffordshire and Stoke-on-Trent Integrated Care Board
	NHS Derby and Derbyshire Integrated Care Board
NHS England	NHS England
The relevant NHS Trust	East Midlands Ambulance Service NHS Trust
The relevant NHS Foundation Trust	West Midlands Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	South Staffordshire Water Plc
	Severn Trent
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd

STATUTORY UNDERTAKER	ORGANISATION
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Inovyn Enterprises Ltd
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Stark Infra-Gas Limited
	National Gas
	RWE Generation UK Public Limited Company
The relevant electricity generator with CPO Powers	Derby Gas Power Station
The relevant electricity distributor with CPO Powers	National Grid Electricity Distribution (East Midlands) Limited
	National Grid
	National Grid Electricity Distribution (West Midlands) Limited
	Advanced Electricity Networks Ltd
	AGR Networks Ltd
	Aidien Ltd
	Aurora Utilities Ltd
	Edge Utility Networks Ltd

STATUTORY UNDERTAKER	ORGANISATION
	Eclipse Power Distribution Limited
	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Green Generation Energy Networks Cymru Ltd
	Grid Line Power Networks
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	Sphere Energy Connect Ltd
	Stark Infra-Electricity Ltd
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Energy System Operator (NESO)

TABLE A3: LOCAL AUTHORITIES AS DEFINED IN SECTION 43(3) OF THE PA2008

LOCAL AUTHORITY	
Amber Valley Borough Council	
Erewash Borough Council	
North East Derbyshire District Council	
North West Leicestershire District Council	
Lichfield District Council	
Stafford Borough Council	
High Peak Borough Council	
Staffordshire Moorlands District	
South Derbyshire District Council	
Derbyshire Dales District Council	
East Staffordshire Borough Council	
Peak District National Park Authority	
Sheffield City Council	
Derby City Council	
Staffordshire County Council	
Derbyshire County Council	
Dudley Metropolitan Borough Council	
Kirklees Metropolitan Council	
Barnsley Metropolitan Borough Council	
Oldham Metropolitan Borough Council	
Rotherham MBC	
Stockport Metropolitan Borough Council	
Tameside Metropolitan Borough Council	
Walsall Council	

LOCAL AUTHORITY
Birmingham City Council
Cheshire East Council
Stoke-on-Trent City Council
Shropshire Council
Wolverhampton City Council
Telford and Wrekin Council
Warwickshire County Council
Worcestershire County Council
Leicestershire County Council
Nottinghamshire County Council

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Alkmonton & Hungry Bentley Parish Council
Barnsley Metropolitan Borough Council
Boylestone Parish Council
Burnaston Parish Council
Canal & River Trust
Church Broughton Parish Council
Dalbury Lees Parish Council
Derbyshire County Council
Derbyshire Dales District Council
Egginton Parish Council
Environment Agency
Etwall Parish Council
Findern Parish Council
Forestry Commission
Fulcrum
Health and Safety Executive
Historic England
Kirklees Council
Lichfield District Council
Longford Parish Council
National Highways
NATS Safeguarding

Natural England
Network Rail
North East Derbyshire District Council
North West Leicestershire District Council
Repton Parish Council
Shropshire Council
South Derbyshire District Council
Staffordshire County Council
Staffordshire Moorlands District Council
Stretton Parish Council
Tutbury Parish Council
UK Health Security Agency

Alkmonton & Hungry Bentley Parish Council

c/o Bentley Grove

Alkmonton

Ashbourne

DE6 3DJ

11/07/2026

Mr Joseph Jones

Environmental Advisor on behalf of the Secretary of State.

Environmental Services Infrastructure Decisions and Applications Service.

Planning Inspectorate.

c/o QUADIENT

69 Buckingham Avenue

Slough

SL1 4PN

Dear Mr Jones,

Further to your email to Alkmonton & Hungry Bentley Parish Council as a 'consultation body' defined in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

Alkmonton & Hungry Bentley Parish Council is providing requests for additional information that Castle Way Energy should include in its Environmental Statement (ES) for the proposed solar farm development in South Derbyshire.

1. Summary

The comments that follow relate to Castle Way Energy's (CWE) Environmental Impact Assessment Scoping Report of June 2026.

Alkmonton & Hungry Bentley Parish Council believes that CWE's proposal is particularly deficient in the following areas:

- 1.1 The Cultural Significance and heritage of the landscape has been ignored.
- 1.2 The Applicant is proposing to take an unreasonably narrow approach to Ecology and Biodiversity. The Scoping Report (specifically Table 11.2) seeks to "Scope Out"; Bats – Roosting, Reptiles, Badgers, and Fish from appropriate consideration. This wildlife should remain "In Scope" and suitable commitments made about welfare and care.
- 1.3 The proposed approach to Visual Impact, with particular respect to lighting, is inadequate..

- 1.4. The proposed analysis of Water and Flood Risk and Climate Change Resilience, given the regular flooding that already takes place in and around the proposed development area, is insufficient in many areas.
- 1.6. Many areas of Construction and Decommissioning are “Scoped Out”, at least in part, as they are considered ‘temporary’ or ‘short term’. The Applicant is trying to claim that many significant Decommissioning activities should be “Out of Scope”. Construction and Decommissioning are fundamentally different activities, and Decommissioning should be suitably considered now.
- 1.7. The Scoping Report seeks to exclude Walkers, Horse Riders and Cyclists from the Receptors being considered for Glint and Glare analysis. These must be included. Solar panels, fencing, security cameras and the loss of visual amenity will be severe with respect to Rights of Way. The part of the proposal that seeks to put solar panels into fields regularly used for recreational activities is strongly challenged.

Comments on Proposed Scope

The points below refer to Table 22.1 “Summary of Proposed Scope of the EIA”. They state the areas that need further, broader analysis if the EIA is to provide a balanced analysis of the proposed development.

Agricultural Land and Soils

All sections

The impact during **Construction and Decommissioning** should be included for all agricultural sections due to their potential impact on soil quality and future agricultural use.

Air Quality

A quantitative air pollution study over a suitable period of time and weather conditions is key to establish a background level of air pollution. The impact during **Decommissioning** should be scoped into the assessment.

Archaeology

The impact during **Construction and Decommissioning** should be scoped into the assessment.

Greenhouse Gases

The impact during **Construction and Decommissioning** should be scoped into the assessment. It seems counter-intuitive to include these considerations for Operations, but not for Construction or Decommissioning.

Climate Change Resilience

Increased frequency and magnitude of wind and storms

The impact during **Construction and Decommissioning** should be scoped into the assessment.

Changes in water availability

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment.

Ecology and Biodiversity

Irreplaceable habitats

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. Masking the current landscape with new planting for screening purposes, will have major impacts.

Reptiles

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. There are known reptile populations in several areas.

Badger

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. There are active badger setts within and close to proposed sites.

All wildlife sections

The impact of **Decommissioning** on wildlife should be scoped into the assessment. There is little logic to why Construction should be considered for almost all species, but Decommissioning should not be.

Glint and Glare

Construction and decommissioning phases

The impact during **Construction and Decommissioning** should be scoped into the assessment.

Road Safety, Residential Amenity and Railway Operations

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment.

Visual Impact

Lighting assessment

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. The impact of illumination placed at could be very impactful on the local area. More broadly the implications during the extended Construction and Decommissioning phases could be very notable after dark.

Lighting during operation

The impact during **Operation** should be scoped into the assessment.

Changes to views and visual amenity of people at their place of work

The impact during **Operation** should be scoped into the assessment.

Noise and Vibration

Temporary noise changes during decommissioning

The impact during **Decommissioning** should be scoped into the assessment. The applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full.

Transport and Access

Changes in traffic flows and non-motorised user delay amenity on: People at home / work, sensitive and or vulnerable groups / locations and collision clusters and routes with road safety concerns.

The impact during **Operation** should be scoped into the assessment. The local roads around the proposed sites and link corridors are generally narrow country lanes in a poor state of maintenance, which renders them wholly unsuitable for the levels of heavy construction traffic required for this development. It will inevitably lead to delays and disruption to local traffic, together with an increased risk of accidents, particularly during the construction and decommissioning periods.

Water Environment and Flood Risk

The NPPF requires a sequential risk-based approach to be taken for all planning applications in areas known to be at risk now or in future from any form of flooding. The Sequential and Exception Tests should be applied in order to steer development to land at lowest risk of flooding from any source. This has been completely missed out of the Scoping Report. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

In conclusion it is essential the proposed Scope of the EIA is extended for the reasons documented above.

Yours sincerely,

Martin Burton

Chair, Alkington & Hungry Bentley Parish Council

Castle Way Energy EN0110037 Scoping Consultation (BMBC reference 2026\ENQ\00469)

From DevelopmentControl & DevelopmentManagement <DevelopmentControl@barnsley.gov.uk>

Date Mon 13/07/2026 13:49

To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

You don't often get email from developmentcontrol@barnsley.gov.uk. [Learn why this is important](#)

Thankyou for your ES Scoping consultation request dated 17th June 2026 for the following:

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

Proposed application by BSSL Derbyshire 1 Ltd (the applicant) for an Order granting Development Consent for the Castle Way Energy (the proposed development)
(Order granting Generating Stations Development Consent for the Castle Way Energy - Located in areas within Derby, Uttoxeter and Ashbourne).

We can confirm that Barnsley Metropolitan Borough Council do not have any comments

Kind Regards,

Development Management

Regeneration and Culture Business Unit

Place Directorate

Telephone: 

Mail: Planning and Building Control, PO Box 634, Barnsley, S70 9GG



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of possibilities.



Council of
the year



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Mr Joseph Jones
Environmental Advisor on behalf of the Secretary of State
Environmental Services Infrastructure Decisions and Applications Service
Planning Inspectorate
c/o QUADIENT, 69 Buckingham Avenue
Slough, SL1 4PN

By email: CastleWayEnergy@planninginspectorate.gov.uk

13th July 2026

Dear Mr Jones,

RE: Castle Way Energy Solar Farm (Project Ref: EN0110037) – EIA Scoping Consultation Response

Further to your consultation request under The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), Boylestone Parish Council ("the Council") submits its formal response regarding the information that must be included within the applicant's Environmental Statement (ES).

While the majority of the proposed 900-acre scheme wraps around our southern boundaries, Boylestone Parish sits as an immediate direct neighbour to Sector A on Muse Lane. Our community is on the frontline of Sector A's physical layout; our residents share immediate boundaries, narrow highway access, and direct visual corridors with this specific parcel. The localised and cross-boundary impacts of Sector A will heavily and directly affect our parish.

1. Executive Summary of Deficiencies

The Council has reviewed Castle Way Energy's (CWE) Environmental Impact Assessment Scoping Report (June 2026). Under Schedule 4 of the Infrastructure Planning (EIA) Regulations 2017, the Scoping Report is fundamentally deficient in the following areas:

1.1 Cultural Significance and Heritage: The proposal fails to adequately assess the cumulative degradation of the historic agricultural landscape and settings of heritage assets within and adjacent to the rural vistas enjoyed from the southern edges of Boylestone looking toward the Church Broughton plateaus.

1.2 Narrow Ecological Scope: Table 11.2 unacceptably seeks to "Scope Out" Roosting Bats, Reptiles, Badgers, and Fish. Farmland wildlife moves fluidly across parish boundaries via shared ecological networks. These receptors must remain "In Scope" to ensure statutory compliance with landscape-scale biodiversity protections.

1.3 Minimal Visual and Lighting Assessment: The proposed methodology for assessing the visual impact of security infrastructure and illumination—particularly during the extended construction and decommissioning phases—is inadequate for a sensitive, low-light rural baseline like Boylestone.

1.4 Deficient Water and Flood Risk Analysis: Boylestone already suffers from localized surface water flooding. Given our geographical position directly connected to the local drainage streams feeding into the wider catchment, the proposed methodology fails to account for downstream and back-up surface water runoff acceleration caused by thousands of topographically concentrated solar panels.

1.5 Absence of the Sequential Test: The Scoping Report completely omits the mandatory requirements of the National Policy Statement for Renewable Energy Infrastructure (EN-3) and the National Planning Policy Framework (NPPF) regarding the Sequential and Exception Tests for steering development away from flood-risk areas and prioritising lower-grade land over BMV agricultural land.

1.6 Unwarranted Scoping Out of Decommissioning: The applicant consistently minimizes decommissioning activities as "temporary" or "short-term" to exclude them from the ES scope. Decommissioning a 300MW solar farm and a 200MW Battery Energy Storage System (BESS) represents a major industrial demolition phase with distinct, long-term environmental, hazardous material, and soil handling risks that must be fully assessed now.

1.7 Exclusion of Vulnerable Receptors from Glint/Glare: Seeking to exclude walkers, horse riders, and cyclists from the Glint and Glare analysis is a severe safety oversight. These panels, alongside extensive perimeter fencing and CCTV, will directly flank heavily used Public Rights of Way (PROWs), fundamentally damaging recreational amenity and introducing major safety hazards for horse riders. This is particularly critical for Sector A on Muse Lane, where the installation of extensive 8-foot perimeter security fencing, CCTV infrastructure, and panels directly adjacent to the road will create an unacceptable 'industrial corridor' effect, fundamentally altering the local landscape character landscape types and destroying the residential amenity of immediate neighbours and local recreational users.

1.8 Compounding Threat to National Food Security and Loss of BMV Farmland: The Scoping Report fails to address the cumulative loss of highly productive agricultural land across South Derbyshire. Taking hundreds of acres of active, food-producing farmland out of production for 40 years directly undermines national food security resilience. The applicant's assertion that the land "remains in agricultural use" via seasonal sheep grazing is a fundamental minimisation of the true loss of arable crop-yield capacity. The displacement of local tenant farmers in favour of industrial energy development must be fully scoped and addressed.

1.9 Irreversible Destruction of Non-Designated Heritage Assets (MDR8155): The Scoping Report fails to recognise the direct, irreversible physical impact that the installation of Sector A will have on the historic **Medieval Ridge and Furrow Field System recorded under Monument Record MDR8155**. Pile-driving thousands of steel mounting posts, trenching for high-voltage cables, and tracking heavy construction machinery across these surviving medieval earthworks will fundamentally erase a significant historic landform. The applicant's methodology must treat MDR8155 as a key baseline constraint rather than a generic archaeological feature.

2. Specific Comments on Proposed Scope (Table 22.1)

Agricultural Land and Soils

* Demands: All agricultural sections must include the construction and decommissioning phases. The ES must feature a comprehensive Agricultural Land Classification (ALC) survey based on physical soil core sampling rather than desktop assessments to identify all Best and Most Versatile (BMV) land (Grades 1, 2, and 3a). Furthermore, the ES must provide a clear quantitative baseline of current food production capabilities (e.g., annual crop and grain yields) within Sector A. It must explicitly evaluate the long-term, potentially irreversible risks of subsoil compaction, drainage network destruction, and the exact financial and physical enforcement mechanisms (such as a ring-fenced legal bond) required to return the land to its exact pre-construction agricultural baseline.

Air Quality

* Demands: A quantitative, long-term baseline air pollution study must be undertaken to establish accurate rural background levels. Air quality impacts arising from dust and heavy machinery emissions during the decommissioning phase must be formally Scoped In.

Archaeology and Cultural Heritage

* Demands: Ground mitigation, heavy plant movement, trenching, and soil disturbance impacts during both construction and decommissioning must be Scoped In due to the high likelihood of encountering subterranean heritage assets across the historical rural countryside spanning Boylestone, Trusley, and Church Broughton. Specifically regarding the **Ridge and Furrow field system (MDR8155)**, the ES must mandate a comprehensive, micro-topographical LiDAR and walk-over survey of Sector A to map every surviving ridge and furrow earthwork. The applicant must explicitly evaluate how the placement of frames, substations, and access tracks avoids the physical destruction of these historic features, outlining strict exclusion or preservation-in-situ strategies.

Greenhouse Gases (GHG)

* Demands: It is legally inconsistent to include GHG considerations for the operational phase while scoping them out for construction and decommissioning. The ES must include a full lifecycle carbon audit, quantifying the emissions generated by the manufacturing, transport, global sourcing, and ultimate disposal/recycling of the panels and infrastructure.

Climate Change Resilience

* Increased Storm Frequency: The structural integrity and wind-loading capacity of the arrays during extreme weather events must be evaluated across all lifecycle phases.

* Water Availability: The impact of altered vegetation cover on local water tables and soil moisture retention must be assessed across Construction, Operation, and Decommissioning.

Ecology and Biodiversity

* Irreplaceable Habitats: The ES must analyze how masking the existing rural landscape with dense screening vegetation will permanently displace edge-habitat species and disrupt local migration corridors.

* Reptiles & Badgers: There are known reptile populations and active badger setts within and close to Boylestone. The continuous ecological corridors connecting Boylestone to the Muse Lane (Sector A and Church Broughton fields mean that forcing these populations out of their historic foraging grounds will cause immediate displacement stress on the ecology of Boylestone parish. The ES must scope this in and outline trans-boundary mitigation strategies.

* Decommissioning Impacts: There is no ecological logic to scoping construction in while scoping decommissioning out. The dismantling phase will cause equal habitat disruption and must be fully assessed.

Glint and Glare

* Demands: The scope must be expanded to include all non-motorised users (walkers, cyclists, equestrians). The assessment must evaluate the risk of sudden solar reflection causing horse bolting or driver distraction on narrow rural lanes, annoyance to residential properties, across all phases.

Visual Impact and Lighting

* Demands: The operational, construction, and decommissioning light pollution footprint must be fully Scoped In. The ES must detail a strict lighting assessment regarding night-time security illumination to prevent the industrial blighting of South Derbyshire's dark sky environment, ensuring visual receptors looking south from Boylestone are fully evaluated.

Noise and Vibration

*Demands: Temporary and structural noise changes during decommissioning—including the extraction of pile-driven steel mounting posts and concrete foundation removal—must be fully Scoped In. The applicant must be required to evaluate a legally binding, ring-fenced Decommissioning Bond within the ES to secure complete site restoration.

Transport and Access

*Demands: The ES must provide a localized Traffic and Access Assessment specifically for Sector A. It must prove that the narrow, single-track network of Muse Lane will not be utilized as a primary or secondary construction routing option. The ES must comprehensively evaluate construction traffic impacts on the tight junctions, historic bridges, and lack of passing places along Muse Lane and surrounding lanes feeding Boylestone. The applicant must scope in a complete route suitability assessment for Heavy Goods Vehicles (HGVs), dynamic structural loading constraints on local rural roads, and cumulative traffic impacts associated with simultaneous construction phases across the wider development site.

Water Environment and Flood Risk

*Demands: The ES must include a catchment-wide Flood Risk Assessment (FRA). The mass compaction of soils and localised concrete footing installations planned across Church Broughton and Trusley fields will permanently alter the absorption rate of the clay-heavy soils. This risks bottlenecking the Boylestone Brook drainage network, causing severe back-up flooding affecting our parish roads and properties. The Sequential and Exception Tests must be applied within the ES, and cross-boundary hydraulic modelling must explicitly account for the Boylestone Brook catchment area.

3. Grid Connection Infrastructure (Overhead Lines vs Undergrounding)

Boylestone Parish Council notes that the developer's current proposals leave open the option for overhead line (pylons/poles) to the Willington East Substation. Introducing further overhead structures across the rural parishes of Church Broughton, Foston, Hatton, Hilton and Egginton especially alongside National Grid's separate Chesterfield to Willington 400kV pylon upgrade project would cause unacceptable, compounding harm to our shared countryside views.

Under Schedule 4, Paragraph 2, the applicant must provide a transparent technical comparison within the ES between overhead pylon options and a fully undergrounded cable route, treating undergrounding as the non-negotiable baseline requirement.

Conclusion

For the reasons documented above, the proposed Scope of the EIA is fundamentally narrow and legally insufficient. Boylestone Parish Council formally requests that the Planning Inspectorate directs the applicant to expand the Scope of the ES to include these critical environmental and infrastructural safeguards.

Yours sincerely,

Helen Walker

Chair to Boylestone Parish Council

Burnaston Parish Council
Response to the Environmental Impact Assessment (EIA) Scoping
Consultation
Castle Way Energy (Project Reference EN0110037) Planning Inspectorate
Reference: EN0110037

Burnaston Parish Council welcomes the opportunity to comment on the scope of the Environmental Impact Assessment (EIA) for the proposed Castle Way Energy Nationally Significant Infrastructure Project.

The Parish Council recognises that the current consultation relates solely to the scope of the Environmental Statement (ES), rather than the planning merits of the proposed development itself. Accordingly, these representations are intended to assist the Planning Inspectorate in determining the information that should be included within the Environmental Statement to enable a comprehensive, proportionate and robust assessment of the likely significant environmental effects of the Proposed Development upon Burnaston Parish.

The comments below focus primarily on the proposed cable route corridor, as this is the element of the Proposed Development most likely to directly affect Burnaston Parish. The following bullet points summarise our key concerns, whilst other very important points are not listed here, they are included in further detail in the Parish Council's submission.

- The scoping report has been put forward too early with too little information about the design of the scheme. The design should have been taken to a more mature stage before the scoping EIA report was presented to the planning inspectorate and to the statutory consultees for comment.
- The scoping EIA's risk assessment is limited. It is suggested the applicant needs to carry out a much more rigorous risk assessment exercise on hazards that they have failed to consider in this scoping report. The risk assessment must explicitly acknowledge the high level of uncertainty related to the 'experimental' nature of such large-scale solar farms and their connectivity of energy to the substation. Regard should also be given to the expected increase in extreme climate events during its 40-year working life and this needs to be assessed.
- It is essential that the risk of a major accident or disaster caused by fire from Battery Energy Storage System (BESS) is scoped in for further assessment as part of the EIA. We have particular concern about connection route being near dwellings in area shaded maroon (Bearwardcote Hall to Willington Marina), but the suitability of the entire scheme area for BESS is questioned because water used to put out a lithium battery fire could contaminate the ground.
- Full transparency about the testing methodology and/or the survey used to assess the grading of agricultural land needs to be confirmed by an independent source.
- There is insufficient information to justify the use of the land by the proposed solar farm as a connection route. To identify nine possible routes demonstrates that the

applicant is unable to find and secure any suitable location for the solar panels, making any assessment of the sites difficult.

- We can advise from our local knowledge that the existing local roads expected to carry the expected volume of construction HGVs, are unsuitable. Roads and routes must therefore be created to construct this connection grid.
- The Population baseline for this route have not been adequately researched, and the list of community assets is incomplete. Population matters, including the impact of the solar farm development and associated pylons on residents' health, must be scoped into the EIA.

1. General Principles

1.1 Appropriate Scope of Assessment

Where uncertainty remains regarding the design, construction methodology or operational characteristics of the Proposed Development, the Environmental Statement should adopt a precautionary approach and assess all realistic scenarios capable of giving rise to significant environmental effects.

Matters should not be scoped out solely because aspects of the Proposed Development remain under consideration. Where flexibility is retained, the Environmental Statement should demonstrate that the reasonable worst-case environmental effects have been assessed.

1.2 Design Flexibility (Rochdale Envelope)

The Scoping Report identifies several elements of the Proposed Development that remain subject to design flexibility, including the potential cable route alignment, the extent of the cable corridor, the form of grid connection infrastructure and whether infrastructure may be located above or below ground.

Whilst an appropriate degree of flexibility may be necessary at the scoping stage, such flexibility should not result in uncertainty regarding the environmental effects of the Proposed Development.

Where flexibility or optionality is retained, the Environmental Statement should clearly explain the assumptions adopted and demonstrate that the assessment remains robust regardless of the final design selected.

2. Cable Route Corridor and Route Selection

2.1 The Scoping Report identifies the **maroon cable route corridor** as one of the potential cable corridor options affecting Burnaston Parish. As this is the element of the Proposed Development most likely to directly affect the Parish, sufficient information should be provided to enable its likely environmental effects to be fully understood.

The assessment should fully consider the environmental effects of the corridor together with the methodology by which alternative cable corridor options will be evaluated.

It should clearly distinguish between the broad corridor currently presented and the eventual cable alignment, explaining the environmental, engineering, technical, landownership and community considerations that will inform the route selection process.

2.2 In particular, it should explain:

- the process and criteria by which the final cable alignment will be selected from within the identified corridor options;
- the weighting to be given to environmental, engineering, technical, landownership and community considerations;
- how consultation responses from affected communities, statutory consultees and local authorities will inform route selection;
- how the final alignment will seek to avoid or minimise environmental impacts within Burnaston Parish; and
- where environmental trade-offs arise between alternative alignments, how those trade-offs will be evaluated and how the final route selection will be justified.

It should also clearly identify whether the cable corridor is proposed to comprise underground cabling, overhead transmission infrastructure or a combination of both.

2.3 Where optionality is retained, each realistic scenario should be assessed.

The anticipated location of any above-ground infrastructure associated with the cable corridor should also be identified, including pylons, jointing compounds, transition compounds, sealing-end compounds, substations or other permanent electrical infrastructure, together with their anticipated dimensions, operational characteristics, landscape and visual effects, and potential impacts upon nearby residential properties and Public Rights of Way.

3. Character and nature of our community

3.1 As the proposed cable corridor has the potential to affect Burnaston Parish, the Environmental Statement should include a comprehensive description of the existing environmental baseline within the Parish. This should reflect the local characteristics, community assets and environmental sensitivities that contribute to Burnaston's rural character and distinct identity.

3.2 Burnaston is a small rural parish comprising the historic village, isolated farmsteads and individual rural dwellings. Many residents rely on the surrounding countryside and the Parish's extensive Public Rights of Way network for everyday walking and recreation, making the rural landscape an important part of the Parish's character, wellbeing and quality of life.

3.3 The Parish Council's AECOM Design Guide and Codes (Appendix 11), contain a detailed assessment of Burnaston's landscape character, built form, heritage, movement network and rural context (appendix 1, Appendix 2, Appendix 3, Appendix 4). This evidence should be considered when establishing the environmental baseline.

3.4 Where relevant environmental information is available from South Derbyshire District Council, Derbyshire County Council, the Derbyshire Biological Records Centre (DBRC) or other recognised environmental organisations, the Environmental Statement should explain how that information has informed both the baseline assessment and the subsequent environmental evaluation.

The baseline should include:

- Burnaston's rural character and distinct identity;
- residential properties, farms and other sensitive receptors;
- the contribution of the surrounding countryside to residents' quality of life;
- existing traffic conditions and highway constraints;
- existing flooding issues informed by local experience;
- landscape character, tranquillity and dark skies; and
- the environmental value of these characteristics.

Local knowledge should form an important component of the Environmental Statement baseline.

4. Heritage and Archaeology

4.1 A comprehensive assessment of the direct and indirect effects of the proposed cable corridor on the historic environment should be undertaken.

The assessment should have regard to Burnaston Parish's AECOM Design Guide and Codes, which identifies the historic linear form of Burnaston village, locally significant heritage assets, listed buildings and the contribution made by their landscape setting to the Parish's character and identity.

4.2 Where archaeological investigations are required, the proposed survey methodology, mitigation measures and any further investigations required before the final cable alignment is selected should be explained.

4.3 It should also demonstrate how the route selection process has sought to avoid impacts on heritage assets wherever possible and, where this cannot be achieved, explain how impacts have been minimised through the design of the proposed works.

5. Choice of location (alternatives considered)

5.1 We suggest that the inclusion of several proposed supply routes is haphazard, the criterion for the routes is based on the location of the solar panels which is itself based on sufficient land being offered by landowners within 15 miles of the Willington Substation. This is not a credible basis for identifying the best site for such a vast solar industrial complex. This is contrary to the planning protection of the rural open countryside.

5.2 Land areas have been scoped but it has been confirmed by Brockwell Energy that whilst some areas identified for both the solar farms and the route corridors could be dropped from consideration, other areas could be brought into consideration. If that happens, how does it affect the EIA and the project timeline as a whole? Will those areas be given just time to engage with the project?

5.3 Part of the proposed maroon route follows the path of an existing high pressure gas main which would suggest that the ground is perfectly fit for underground cable ducting.

5.4 The Parish Council suggests the selection process for sites needs to be a more rigorous process to establish possible locations where the least harm will be caused.

6. A development of this scale in this landscape contravenes those local policies.

6.1 The proximity of nearby sensitive human receptors which include residential dwellings, populated areas and Burnaston village is concerning. At the same time this connection route is proposed, South Derbyshire District Council (SDDC) has identified an area in the parish for building at least 2500 homes (SDDC Local Plan STRA2) for which there is limited proposed infrastructure upgrade of the A516. Therefore, the construction traffic for the house building and the construction of this connection route, places an enormous strain on the overstretched road network, primarily the A516 at a time when major housing construction may also be taking place.

7. Major accidents, disasters and emergency planning

7.1 The risk of major accidents or disasters is significantly downplayed. The EIA needs to assess these risks, and their potential impact, on the grounds that such events are rare and risk management will be built into the scheme as it evolves. This is insufficient, and we contend that major accidents and disasters must be scoped in for further assessment in the EIA.

7.2 The connection routes do not specify how the energy will be transferred, whether there will a BESS on the site, where the power cables are to go (over or underground). Without clear decisions and information on this fundamental aspect, the assessment of accidents and disasters cannot be made nor mitigated.

7.3 BESS safety - there is a fire risk associated with the Battery Energy Storage System (BESS) and the lack of information about this demonstrates that the matter has not been adequately researched and justifies the need for this matter to be further assessed. BESS fires are rare, but when they do occur the impact is severe and potentially life threatening, so the overall risk is undeniably high. Lithium batteries burn intensely and all current designs likely to be used for this project produce a mixture of combustion products that includes hydrogen fluoride, (HF), the most highly corrosive acid. The dangerously toxic plume of acid vapor can be dispersed over many miles by the prevailing wind which is from the west. This would push any toxic fumes to Derby City, which is a mere distance of 2 miles away and has a population of 274,100 (2024) and estimated to be 278,000 in 2026. The possible repercussions in terms of substantial legal claims for injury due to inhalation of significant doses of HF by a significant number of occupants in dwellings downwind of a battery fire must be very significant. There needs to be a much more rigorous justification from the applicant of the reasons for the proposed location. Any cooling water that must be used to prevent escalation of the fire to other battery units becomes contaminated with the acid. There are risks of the contaminated fire water entering surface watercourses or the ground, this is against NPPF 187 e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

7.4 A comprehensive assessment of major accident risks associated with the proposed electrical infrastructure should be included together with appropriate emergency planning and mitigation measures.

Where relevant, the assessment should consider:

- Battery Energy Storage Systems (BESS);
- fire and explosion;
- thermal runaway;
- pollution incidents;
- hazardous substances;
- firewater containment;
- emergency vehicle access;
- emergency response arrangements;
- impacts on nearby residents and the wider environment;
- business continuity and resilience of the electricity network; and
- the resilience of the proposed infrastructure to extreme weather and climate change.

Where uncertainty remains regarding the final design of the electrical infrastructure, the reasonable worst-case scenario should be assessed.

7.5 Other security issues

These are of human origin including the targeting of solar farms and connection routes during warfare, vandalism, security breaches, data theft, mismanagement, misconduct, fraud, bankruptcy and market failure. Recent wars (Ukraine and Iraq) have demonstrated that energy supplies are the primary targets in a war.

7.6 It is essential that the risk of a major accident or disaster caused by fire in the BESS, impacting on the connection routes are scoped in for further assessment as part of the EIA and therefore considered in the ES. This is particularly the case where the connection routes are in close proximity dwellings. As part of the EIA the applicant needs to carry out a more rigorous risk assessment exercise on other hazards that have failed to be considered.

8. Infrastructure

8.1 There is vast uncertainty over what infrastructure will be installed throughout the proposal; this raises the question of how can the environmental impact be fully assessed, for example, there is no indication on size or appearance of the pylons, whether the connection will be overground or underground, when the decision has not yet been made regarding essential infrastructure.

9. Flooding risk and water management

9.1 The Environmental Agency warns that the risk of flooding is increasing with potentially 1 in 4 homes affected by 2050. Local knowledge tells us that areas around Etwall Lane, the A38 and the A516 already experiences flooding, and this will inevitably get worse. Incidents of flooding have increased, roads are impassable and the village has on occasions been completely cut off.

9.2 The creation of 2500 homes on the opposite side of the village have the potential to increase localised flooding; the site for the proposed house building is on higher land and water always flows downhill. The parish is already concerned about the increased risk of flooding from the proposed house building.

We are concerned that the proposed development would interrupt overland flow routes, as well as increase the rate and volume of surface water run-off from the creation of hard surfaces required to create the connectivity route in an area that is already prone to flooding regularly and has a high-water table. This goes against NPPF 187 e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, considering relevant information such as river basin management plans; and

9.3 It is inaccurate not to expect that there will be no further changes in the amount and characterisation of surface water runoff within the future lifetime of the site, which is proposed to last until at least 2069.

9.4 We refer to our comments that should there be a BESS on the proposed connection route, the water will need to be prevented from entering the soil or other water courses as it would be highly toxic, this has not been addressed as the decision is not made where the BESS are located and whether energy transfer will be over or under ground.

9.5 The assessment should include:

- existing flooding patterns;
- overland flow routes;
- existing drainage systems;
- watercourse crossings;
- groundwater;
- cumulative flood risk;
- climate change resilience;
- reinstatement of drainage systems following construction;
- pollution prevention during construction; and
- long-term operation and maintenance of drainage infrastructure.

It should clearly demonstrate that the proposed cable corridor will not increase flood risk elsewhere within Burnaston Parish.

10. Agricultural land classification

10.1 Much of the proposed connectivity route is currently farmed and it is extremely concerning that so much productive land could be repurposed. Food security is as important as the development of renewable energy. There is also concern about the long-term effects on soil quality of solar panels and whether the land would be degraded such that it could not be returned to agricultural use after the 40-year lifetime of the proposed solar farm and battery storage. Given that there is not a development of this scale already in existence for this length of time, there is no precedent to support such a claim that this is possible and the long-term impact of a scheme of this scale is unknown.

NPPF 187f) cites remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate, the proposed connectivity corridor is agricultural land and no explanation has been provided for the use of farmland nor which brown field sites have been explored and the reasons for them being dismissed in favour of agricultural land.

Burnaston Parish is characterised by productive agricultural land, and the Environmental Statement should include a comprehensive assessment of the effects of the proposed cable corridor on agricultural land and soils.

10.2 The assessment should include:

- Agricultural Land Classification, supported by field survey where appropriate;
- identification of any Best and Most Versatile Agricultural Land affected;
- temporary and permanent impacts on agricultural productivity;
- soil stripping, storage and reinstatement;
- protection and reinstatement of agricultural drainage;
- long-term soil restoration; and
- monitoring of reinstated land.

Where farmland is temporarily disturbed during construction, it should be demonstrated how the land will be restored to its former agricultural capability.

11. Landscape, Visual Amenity and Rural Character

11.1 The EIA considers the effect of the scheme on landscape and visual amenity. In some respects, this is difficult to predict when the decision has not been made whether the connection routes are overground or underground.

We strongly contend that the scale, geographical extent and duration of the proposed development will cause widespread substantial and significant adverse landscape impacts, and prolonged adverse visual impacts. These will be felt most keenly by the residents of Burnaston parish, including the residents of the new 2500 homes where the Local Plan is calling the area a country park.

11.2 The effect on residents

We maintain that the residents are not just affected by the impact on their public views and public visual amenity (i.e., the adverse effects on views and visual amenity at their place of residence, which is less important to planning) because as rural people their lives are intimately related to the landscape in which they live - probably more so than for urban dwellers. Consequently, the imposition of large-scale utilitarian objects, be it pylons, and/or BESS in the rural landscape will cause residents genuine grief.

Residents are not “inward looking” and due to the nature of the village and the new housing development on the elevated ground contained in the District Council’s Local Plan, STRA2, the pylons will be seen from 360 degrees. Residents have chosen to live in this location so they can enjoy the countryside around the village, making the residents the main recreational users of public rights of way, therefore they would likely be the most sensitive visual receptors of any change in the landscape associated with the Scheme.

11.3 The effect on Burnaston village and parish

In and around the village there will be more than just a distant and filtered glimpses of the solar panel infrastructure. The huge scale of any overground infrastructure

means that the landscape immediately around the village will be changed from rural beauty to one of industry and we will lose the countryside environment in which residents have chosen to live (Appendix 9, Appendix 10).

11.4 A comprehensive Landscape and Visual Impact Assessment should be undertaken for the proposed cable corridor and any associated permanent or temporary infrastructure within Burnaston Parish.

The assessment should consider:

- construction, operation and decommissioning;
- Burnaston's rural character and distinct identity;
- views from Burnaston village;
- views from isolated dwellings and farmsteads;
- views from Public Rights of Way;
- temporary construction compounds;
- permanent electrical infrastructure;
- any overhead transmission infrastructure;
- seasonal variation (summer and winter);
- cumulative landscape effects; and
- the effectiveness and timescale of landscape mitigation.

11.5 The assessment should have regard to Burnaston Parish's AECOM Design Guide and Codes (Appendix 5, Appendix 6 Appendix 7), which identifies the importance of the Parish's agricultural landscape, hedgerows, key views, rural setting and the strong relationship between Burnaston village and the surrounding countryside.

Particular attention should be given to the cumulative effect of incremental infrastructure on the gradual urbanisation of the rural landscape and the erosion of Burnaston's distinct rural identity, having regard to the objectives identified within Burnaston Parish's AECOM Design Guide and Codes (Appendix 8)

12. Public Rights of Way

12.1 Burnaston Parish's Public Rights of Way network is an extensive recreational and functional asset linking the village with neighbouring settlements and the surrounding countryside (Appendix 12). Residents make extensive use of these routes for walking, recreation and everyday access, contributing significantly to health, wellbeing and community life.

The assessment should identify all Public Rights of Way that may be affected directly or indirectly by the proposed cable corridor and assess the effects on:

- accessibility and connectivity;
- walking, cycling and equestrian use where appropriate;
- pedestrian safety;
- visual amenity;
- enjoyment of the countryside;
- temporary closures and diversions;
- construction impacts;
- operational impacts; and
- decommissioning impacts.

It should explain how disruption to the Public Rights of Way network will be minimised throughout construction, operation and decommissioning.

12. 2 The network should be recognised as an important environmental receptor and assessed as a connected network rather than simply individual footpath crossings, consistent with the evidence contained within Burnaston Parish's AECOM Design Guide and Codes.

12.3 The proposed connection route crosses a public footpath which is well used to connect the villages of Burnaston and Etwall; Etwall being a key sustainable village with many services, shops, schools and recreational facilities. The potential for significant landscape and visual effects during construction, operation and decommissioning of the scheme have not been mitigated in the EIA.

13. Traffic and Transport matters

13.1 Construction traffic and transport

13.1.1 Local knowledge tells us the impact during construction will be considerable.

13.1.2 Because the connection route is bisected by the A516, it may be possible to minimise use of the rural roads by using and by building some additional access roads inside the boundary of the connection route; however, to reach the Willington substation, considerable use will need to be made of the local roads.

Parga 2.5.4 – lorry movements: Unfortunately, these are not suitable for HGV traffic, excluding construction staff transportation and ancillary construction traffic. Parts of the connectivity route are only accessible via single track lanes. Proposed lorry movements have been suggested to be 80 per day, in addition there are daily movements for construction staff of 320; for all parcels, the movements have not been broken down to be identified nor to assess the impact upon the corridor proposed to be through Burnaston parish. Two HGVs will struggle to pass each other at all along Etwall Road and Main Street and in practice, two-way continuous car traffic is difficult because the effective road width is narrowed by deep potholes and road subsidence on both sides of the road. Any increase in HGV traffic will further degrade the quality of that road, possibly making it even more of a hazard for road users. Without major resurfacing along the entire length Etwall Road and Main Street and widening in some locations, this road is impractical for construction vehicles. Adding more passing places will not be sufficient. Burnaston village has no footpath, causing residents - including school children - to have to walk on the road. Construction traffic should not be allowed to use that section of road unless a safe route is first provided for pedestrians. There must be no use of roads through the centre of the village by HGV construction traffic. Dee Lane and Etwall Road have no pavements and in parts there is little opportunity for pedestrians to escape from the roadway to escape traffic. Again, it must not be used by construction traffic without improving pedestrian safety and resurfacing.

13.1.3 The noise and visual impact of construction would hugely impact residents and their enjoyment of the rural landscape as well as local wildlife.

13.1.4 A comprehensive assessment of construction traffic associated with the proposed cable corridor should be included. This should consider:

- the suitability of local rural roads to accommodate construction traffic;

- the condition, width and geometry of local roads;
- locations where roads narrow significantly;
- construction traffic routing;
- construction compounds;
- HGV movements;
- abnormal loads;
- cumulative construction traffic;
- temporary road closures;
- road condition surveys before and after construction; and
- any highway improvements required to facilitate construction.

13.1.5 Construction traffic should be assessed using realistic worst-case assumptions, including peak construction periods, simultaneous construction activities and cumulative HGV movements where these could affect Burnaston Parish.

13.1.6 The assessment should also explain how construction traffic routes have been selected and whether alternative access arrangements have been considered to minimise impacts on Burnaston Parish.

13.1.7 Particular consideration should be given to roads within Burnaston village that have no footways, requiring pedestrians to walk on the carriageway. The assessment should explain how construction traffic could affect pedestrian safety on these routes.

13.1.8 Local knowledge indicates that parts of the highway network comprise narrow rural roads with limited passing opportunities and were not designed to accommodate sustained HGV movements. The assessment should therefore consider the suitability of these roads for construction traffic together with the potential effects on pedestrian safety, highway safety and residential amenity.

13.2 Operational traffic

13.2.1 The proposed construction route must cross 2 major routes – the A38 and the A50. These roads have little to no ability to absorb any creation of new routes for construction without fundamentally creating major traffic congestion.

13.2.2 The need to cross the A38 is proposed at a significant point where the A38 and A50 connect. The volume of traffic at this junction is huge, being the point where the east-west A50 intersects with the north-south A38. The intersection is large, it cannot be called a roundabout, it is a circular road, of approx. 1 mile. The proposed construction to cross the A38 would occur at a time of other major infrastructure activities at or extremely close to the crossing points. This EIA has failed to take other projects into account, including the

- Proposed strategic site development of 2500 houses on land to the west of Derby and approximately 0.5 mile from the proposed connectivity corridor. An outline planning application is expected to be submitted in summer of 2026; the developers having been in conversations with SDDC in excess of 3 years and this site is in the emerging Local Plan for SDDC. Disruption to traffic along the already over used and congested A516 would bring the area to a standstill. Car fumes generated by the volume of traffic will be a health

hazard to children walking and cycling along the A516 to the secondary school of John Port, which is the largest in the country.

- The creation of the Freeport industrial site on the opposite side of the A38. Surveys have been conducted on the site; which is a major economic development area of the surrounding areas of Derby City, Derbyshire, Staffordshire, Leicestershire and is supported by Toyota, JCB, East Midlands Airport and many other large and international businesses. Disruption to the major route of the A38 would have the potential of a significant economic impact upon the regional economy.
- As part of the creation of the Freeport industrial site, a rail freight line is being considered, any cabling either over ground or underground would impact and prevent this proposal. This would impact the viability of the industrial site, the creation of local jobs and prevent the reduction of traffic on the A38.
- As part of the creation of the Freeport industrial site, Toyota are considering the construction of a bridge from its site to the Freeport site, Toyota being directly opposite the Freeport site. The creation of a connection corridor may prevent the construction of the bridge.
- The proposed creation of a rail head (Axis 50) at the same junction/crossing point. Cabling either overhead or underground would impact upon this proposed infrastructure development.
- There are proposals being considered for a proposed passenger train station to be created at Hilton (approx. 3 miles from the corridor), the connectivity route proposed would either cross the railway line or impact upon the proposal.

13.2.3 The Scoping Report proposes to scope out operational traffic on the basis that the completed development is anticipated to generate only a very limited number of vehicle movements.

The Environmental Statement should clearly explain the assumptions underpinning this conclusion and confirm whether the assessment includes:

- routine maintenance of the cable corridor;
- inspection and monitoring visits;
- emergency access requirements;
- periodic repair and replacement work throughout the operational life of the development; and
- operational vehicle movements associated with any above-ground electrical infrastructure.

Where such activities have the potential to affect Burnaston Parish, the assessment should demonstrate why operational traffic impacts are not considered likely to be significant.

13.2.4 summary, we can advise from our local knowledge that the existing local roads are not currently suitable for carrying HGVs and the EIA has failed to identify the impact of any construction traffic upon the area within Burnaston parish.

14. Construction Methodology

14.1 A comprehensive assessment of the proposed construction methodology for the cable corridor within Burnaston Parish should be included, together with the environmental implications of the construction techniques proposed. This should identify:

- where open trenching, trenchless techniques (including Horizontal Directional Drilling) or other construction methods are proposed;
- the anticipated working width required for construction;
- the location and extent of temporary construction compounds, storage areas and haul routes;
- the duration and phasing of construction work within Burnaston Parish;
- proposed construction working hours;
- temporary and permanent land take;
- soil handling, storage and reinstatement procedures; and
-
- measures proposed to minimise disturbance to residents, Public Rights of Way, agriculture, ecology and the wider environment.

15. Biodiversity, habitats and wildlife

15.1 Whilst Brockwell state “we take a nature first approach, working to ensure that our designs are sensitive to the wider environment...” no details have been provided and there is incomplete surveying of the proposed connection routes.

15.1.2 There are numerous species, some of which are protected, living in the area, including bats. The proposed connection corridor is home to a variety of flora, fauna, birds and mammals. It is imperative this area is left untouched by development. Any development that would result in loss of established woodlands and hedges, impacting the rural landscape and removing wildlife habitat, is unacceptable.

15.1.3 Natural environment and biodiversity

The proposed scheme seems entirely at odds with the entirety of Section 15 of the NPPF. Including (but not limited to):

NPPF 187. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats (see above) and hedgehogs;

NPPF 192. Focuses on the protection and enhancement of biodiversity and geodiversity, and under 192 a) the EIA submitted does not adequately identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity ⁶⁸; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation.

The EIA fails under NPPF 192(b) to adequately explain how the site and developers will promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

15.1.4 We maintain that to create the connectivity corridor through agricultural land and through open green spaces, will significantly harm biodiversity. Explanations as to how any impacts will be mitigated have not been provided in sufficient depth of detail. Mention is made of planting around the edges of the connectivity sites however, long established wildlife, vegetation, floral and fauna will be destroyed in the creation of the corridor and will take a significant number of years to recover (if ever) or to return to the current standard. Detail has failed to be provided of any planting schemes; this raises concerns around the provenance of any replanting; locally sourced planting is required to ensure continuity of local species.

15.1.5 The assessment should therefore include:

- hedgerows;
- mature trees;
- protected species;
- habitat connectivity;
- ecological networks;
- Biodiversity Net Gain;
- ecological mitigation;
- long-term habitat management; and
- cumulative ecological effects.

15.1.6 Any ecological matters proposed to be scoped out should be clearly explained and justified.

15.1.7 The assessment should have regard to existing ecological information held by the Derbyshire Biological Records Centre (DBRC), Derbyshire Wildlife Trust and other recognised ecological organisations.

Where existing records identify protected species, priority habitats, ecological networks or other sensitive ecological receptors within or adjacent to the proposed cable corridor, these should be fully assessed.

It should also explain how existing ecological information has informed the route selection process and demonstrate how opportunities to avoid ecological impacts have been considered before relying on mitigation or compensation measures.

Where avoidance is not possible, it should explain how impacts will be minimised before relying on mitigation or compensation.

15.1.8 We would like to point out that most if not all research data about the effect of solar farms on biodiversity, habitat and wildlife has been generated from much smaller scale solar sites and connection routes, and there is considerable uncertainty associated with extrapolating any such findings to a scheme of this size.

16. Population and Health

16.1 The effect on residents has partly been covered earlier in this reply relating to landscape and visual amenity however, there will definitely be a detrimental impact to the mental health and wellbeing of residents of rural villages that are in close proximity to the scheme and to the connection routes, through an immediate and enduring decline in their quality of life due to the changes.

16.2 The negative impact upon property values for the residents closest to any pylons erected should be explored and be part of the EIA together with an explanation as to how the impact of the scheme is to be mitigated. Residents are concerned that being positioned so close to a significant connectivity route will make the local area less desirable and therefore impact property values.

17. Electric, Magnetic and Electromagnetic Fields (EMF)

17.1 The Scoping Report proposes to scope out Electric, Magnetic and Electromagnetic Fields (EMF) as a standalone topic. Given that the final design of the cable corridor has not yet been confirmed, including whether the connection will comprise underground cabling, overhead transmission infrastructure or a combination of both, this matter should remain under review. If above-ground electrical infrastructure remains a realistic option, the Environmental Statement should assess any potential effects of Electric, Magnetic and Electromagnetic Fields where appropriate.

17.2 It should also explain whether the decision to scope out EMF remains valid as the design evolves and, if not, how this issue will be assessed before any Development Consent Order application is submitted.

18. General impact on the rural economy

18.1 The creation of the connectivity corridor and loss of agricultural land or the change in land use would lead to job losses in the rural economy by those carrying out various roles.

This would have a ripple effect on businesses in the area and over the length of the scheme, it is unlikely that the limited jobs created during the construction and then maintenance of the proposed development site would offset these for local people..

19. General difficulties and uncertainties

19.1 There are a few general difficulties and uncertainties with the scoping EIA report mostly relating to its lack of sufficient information. Perhaps the biggest uncertainty results from the lack of data about the design, installation and operation of such an unprecedentedly large-scale solar industrial facility. This means that the requirement to identify any difficulties, uncertainties and assumptions must be rigorously met in the EIA.

19.2 Since decommissioning will not begin until 2069 at the earliest, there is very limited ability to genuinely assess this period, and this knowledge gap should clearly be stated as a major risk in and of itself. At this stage the decision relating to overground or underground supply routes has not been made; the scoping report states, "surveys and assessments will be undertaken to understand important below and above ground heritage assets and the development will be designed to minimise our potential impacts". This lack of information and decision making creates a lot of uncertainty about the impact of the connection route. The design of the scheme should have been taken to a more mature stage before the scoping EIA report was presented to the planning inspectorate and to the statutory consultees for comment.

20. Decommissioning and Restoration

20.1 The proposed operational life of the development is expected to extend for approximately **40 years**. Decommissioning should therefore be assessed with the same degree of rigour as construction.

20.2 The assessment should include:

- the proposed decommissioning methodology;
- anticipated construction traffic associated with decommissioning;
- removal of underground and any above-ground infrastructure;
- restoration of agricultural land;
- reinstatement of soils, drainage systems and habitats;
- management of construction waste;
- environmental effects arising during decommissioning; and
- proposals for long-term aftercare and monitoring following restoration.

It should demonstrate that the land can be successfully restored following the end of the operational life of the development.

21. Conclusion

The Parish Council considers that the Environmental Statement should comprehensively assess the matters identified above to ensure that the likely significant environmental effects of the Proposed Development upon Burnaston Parish are fully understood before any application for Development Consent is submitted.

Substantially greater certainty is required regarding the proposed cable corridor, the route selection process, construction methodology and the associated environmental effects affecting Burnaston Parish.

Where uncertainty remains regarding any aspect of the Proposed Development, the Environmental Statement should adopt a precautionary approach and assess the reasonable worst-case environmental scenario, ensuring that sufficient information is available to enable the Planning Inspectorate, statutory consultees and the public to understand the full extent of the potential environmental effects before any Development Consent Order application is determined.

The Parish Council trusts that these comments will assist the Planning Inspectorate in preparing a Scoping Opinion that ensures the Environmental Statement provides a comprehensive assessment of all matters relevant to Burnaston Parish before any Development Consent Order application is submitted.

2. Context Analysis

This section covers the assessment of the whole Neighbourhood Area, analysing its landscape, built form and heritage, movement infrastructure and area types.

2.1 Landscape character

Burnaston NA is predominantly rural, with small settlements and farms scattered across the open landscape, with the Toyota factories being the only significant exception. Burnaston settlements are clearly defined by their position within open countryside and lack of direct public transportation links, which together create a strong sense of separation from nearby towns and villages.

The landscape comprises gently rolling, low-lying agricultural land, characterised by open arable fields and shallow river valleys. It features regular hedgerow patterns, red-brick farmsteads and limited areas of woodland. The heavy, seasonally wet soils are well suited to livestock and dairy farming.

The NA is also characterised by a number of Tree Preservation Orders (TPOs), particularly within the Mickleover Country Park development, where all trees are protected under a TPO as native black poplars.



Figure 07: A series of Public Rights of Way (PROW) exist across and around the parish, such as this semi-rural public footpath on Millway Lane which forms part of a wider pedestrian route. The lane also provides private vehicular access to adjacent properties.

2.2 Built form and heritage

There are three main settlements within the NA, namely Burnaston village, the Mickleover Country Park development and the Toyota factories. The latter will not be the focus of the following analysis due to its industrial nature.

Burnaston village is a historic linear settlement with a varied building line and setbacks. Buildings are low-rise and sit comfortably within the surrounding landscape. The presence of green verges along Etwall Lane and Main Street strengthens the relationship between Burnaston village and its natural setting.

The Mickleover Country Park development (locally known as "Pastures") is a more recent development, arranged around the former Pastures Hospital. This settlement is more compact, with buildings having a more regular setback from the street. Despite the inclusion of natural features, this development has a less rural character than Burnaston village. The NA also includes scattered farmsteads, some of which remain in active use.

Both settlement within the NA contain a number of listed buildings and locally listed assets, including the following Grade II listed buildings:

- **Figure 10** - Church at Pastures Hospital The Church House (1), South Derbyshire, DE3
- **Figure 11** - Winter Garden at Pastures Hospital (2), 30 Metres South West of Church

- **Figure 12** - Walnut Farmhouse and Attached Outbuilding Burnaston (3), South Derbyshire, DE65
- **Figure 13** - Western Range of Farm Buildings at Walnut Farm Burnaston (4), South Derbyshire, DE65
- **Figure 14** - The Homestead Burnaston (5), South Derbyshire, DE65



Figure 08: Pastures Hospital is an unlisted but locally significant heritage asset, now repurposed as flats through adaptive reuse.



Figure 09: Church at Pastures Hospital.



Figure 10: Winter Garden at Pastures Hospital.



Figure 11: Western Range of Farm Buildings at Walnut Farmhouse.



Figure 12: Walnut Farmhouse and Attached Outbuilding.



Figure 13: The Homestead.

2.3 Movement

Burnaston NA is strategically located, being surrounded by three major roads: the A38, the Derby Southern Bypass and the A516. These provide strong connections to nearby larger centres, with Derby city centre reachable within 20 minutes by car.

The NA faces challenges in terms of pedestrian and cycle connectivity, as Burnaston village and Mickleover Country Park are not well connected. The main routes through Burnaston village - Main Street, Dee Lane and Findern Lane - link the village to the major roads mentioned above. A number of minor tertiary routes, such as Millway Lane, provide access to residential properties and small developments.

Pavements are not present within the historic Burnaston village. The more recent Mickleover Country Park development features hard-surfaced paving on at least one side of the road and traffic-calming measures, such as road narrowings and speed bumps.

Public Rights of Way are also common in the area and are a valued amenity for countryside walks. They also help to strengthen connections between settlements and their surrounding natural environment.

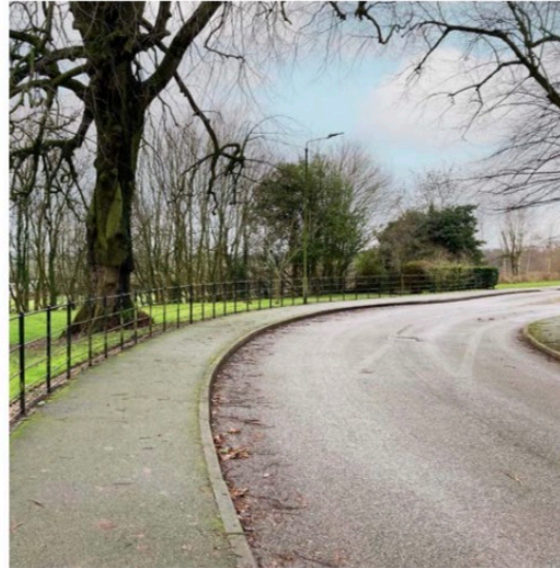


Figure 14: Merlin Way along the Mickleover Country Park Football Club playing fields.



Figure 15: Main Street.

3.2 Linear Village - Area Type 1

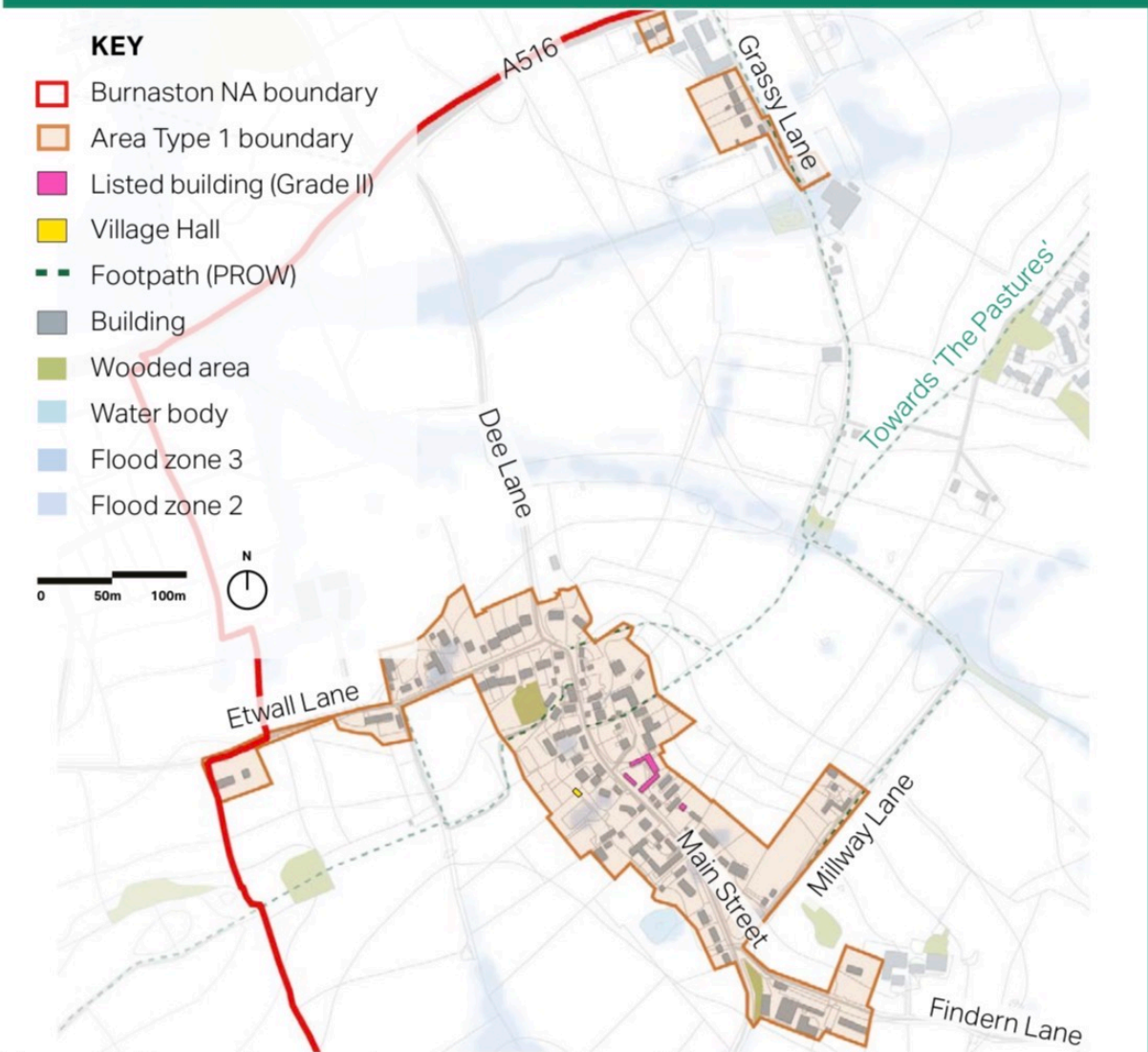


Figure 18: Diagram illustrating the components of Linear Village Area Type.

3.2.1 Overview

An example of a Linear Village Area Type is the village core developed along Main Street, forming a historic rural settlement that connects two A-roads carrying through-traffic. Despite this position, the village retains a tranquil character, shaped by its organic linear form, narrow plots, and informal streets, with access to surrounding countryside via footpaths. The presence of heritage and listed buildings, including converted barns, reinforces the village's historic identity.

AT1 measurements and calculations

Indicative Dwellings per Hectare (DpH):	5-10 DpH
Typical plot size range:	29m W x 80m D 20m W x 49m D
Typical block size range:	49m W x 210m L 80m W x 450m L

Table 03: Net density, plot and block size calculations based on a tested area in AT 1.

Area Type distinct qualities and features		
Built environment	Settlement pattern	The linear village exhibits a predominantly linear form along Main Street, with occasional infill properties. Settlement is loosely arranged, with a variety of large plots oriented to the street to limit sprawl (usually of narrow historic form). Nearby Grassy Lane reflects a similar pattern but with fewer properties and larger agricultural plots, maintaining a dispersed rural character.
	Building lines and boundary treatments	Building lines are irregular, with older barns often built directly onto the road, while main residential properties have generous setbacks and large separation distances from other properties. Front boundaries vary: medium-height brick walls (~1.4 m), dense well-maintained hedgerows, and timber fencing are used depending on street prominence. Main streets tend to have lower boundaries, whereas secluded lanes like Etwall Lane feature taller dense hedges.
	Building size, scale and type	Property sizes are generally generous, with detached houses prevailing over semi-detached, short terraces, and converted barn courtyards. Buildings reflect historical evolution, predominantly two storeys high, with varied forms and scales contributing to a village character.
Movement network	Street typology	Streets are meandering and linear, often lacking formal pavements. The historic layout reflects long-term incremental growth rather than planned design.
	Parking	There is no formal parking provision. On-plot garages and driveways exist, including for older properties, while visitor parking occurs informally on the street.
Natural environment	Green and blue infrastructure	There is no formal green or blue infrastructure within the village. Surrounding countryside can be seen through gaps between properties and edges of the settlement, is accessible via footpaths, and seasonal flooding occurs/
	Open spaces and biodiversity	Although formal public open spaces are absent, biodiversity appears rich, supported by extensive gardens, surrounding nature, and agricultural land.
Activity	Public realm	The public realm is informal, with no defined streetscape elements or civic spaces. The village hall, housed in a converted chapel, acts as the central community hub.
	Land uses and community	Land use is primarily residential, with supporting agricultural plots. Community functions are centered around the village hall, which hosts events and meetings.

Table 04: Summary of the distinctive qualities of Linear Village Area Type.



Figure 25: Filtered view retained by the orientation of infill building on the left.



Figure 26: Hedges and permeable fencing are common along Main Street, that features minimal public realm interventions resulting in informal and rural public realm.

Infill and conversions

- Infill development should respect the established rhythm of plots, maintaining gaps, privacy and views that contribute to the village's character. Especially important are filtered views onto the open countryside, seen through gaps between houses and back gardens.
- Conversions of barns should retain their simple agricultural form (such as courtyard arrangements) and scale. Conversions could support small-scale residential or business uses where appropriate and where these do not increase traffic significantly.

Boundaries and landscaping

- Proposed boundary treatments should reflect locally distinctive types and forms. Boundaries should be low in height along the main road and low-medium along subsequent roads, with tall hedgerows outside the settlement.
- Tall, closed fencing must be avoided where it would create a sterile or monotonous street frontage.

Public realm and green space

- Development should strengthen informal links to surrounding footpaths and the open countryside.
- Development should maintain the informal public realm with minimal signage, street furniture where appropriate, and downward lighting.

A5 - Settlement edge and setting

Burnaston NA is set within an open agricultural landscape and its character is strongly influenced by the relationship between the built environment and the surrounding countryside.

- New development proposals should respect the clear distinction between the village and the rural landscape by being limited in scale and form, reflecting the existing settlement pattern and avoiding outward sprawl.
- Development must provide a clear and gradual transition to the

surrounding landscape through appropriate planting, building density, and boundary treatments. Green vegetation buffers and pockets of woodland could be considered.

- Development must retain undeveloped gaps between Burnaston and nearby settlements to prevent coalescence and preserve distinct identity.
- Development proposals should demonstrate how the rural setting and distinct identity of the village will be conserved and enhanced.



Figure 39: Illustrated strategies for positive edge of development.

A6 - Views and gateways

- Development should conserve important views, vistas, and the intrinsic qualities of the surrounding landscape.
- Development should retain and integrate existing landscape features as key components of local character to retain or enhance internal views.
- Development should avoid standardised layouts, excessive lighting, wide roads, and urban-style boundary treatments in rural settings, which would have negative impact on the village character and internal settlement views.
- Development should provide clear, welcoming, and village-like entrances that reinforce local identity and character.
- Consideration could also be given to identifying key views and approaches to the village which contribute to its character. Key approaches include Etwall Lane, north and south ends of Main Steer, approach from A516 to Etwall Road, Merlin Way and Hospital Lane, as well as rural footpath approaches to each settlement.

A7 - Utilities and storage

- Developers must design utilities and waste storage sensitively, using wooded enclosures or screening with vegetation.
- Utilities should be located discreetly and conveniently, not negatively impacting local traffic.



Figure 40: Gateway to Main Street with green vegetated street verges and harmonised material palette.



Figure 41: Discreet brown bins placed against a red brick wall near vegetation.

4.3 B: Neighbourhood structure and amenities

These design codes and guides provide guidance that suggests how to include new amenities in new development, in a way that serves the community appropriately.

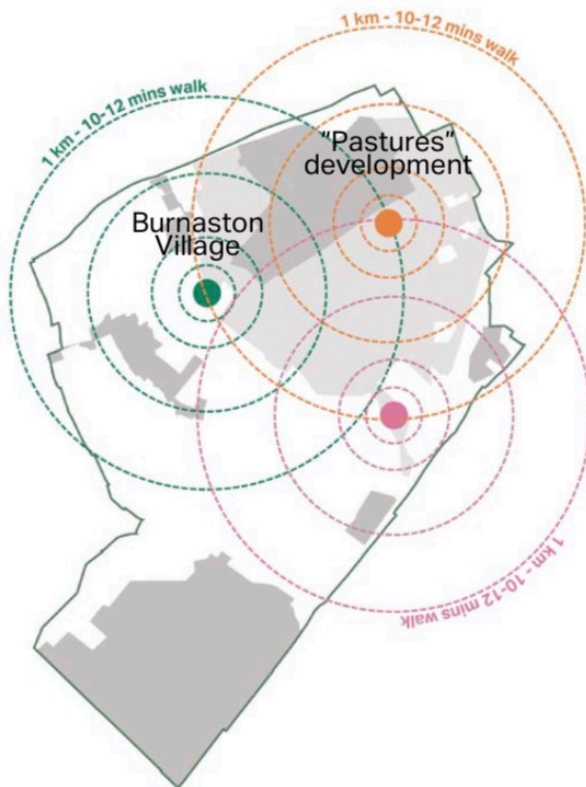
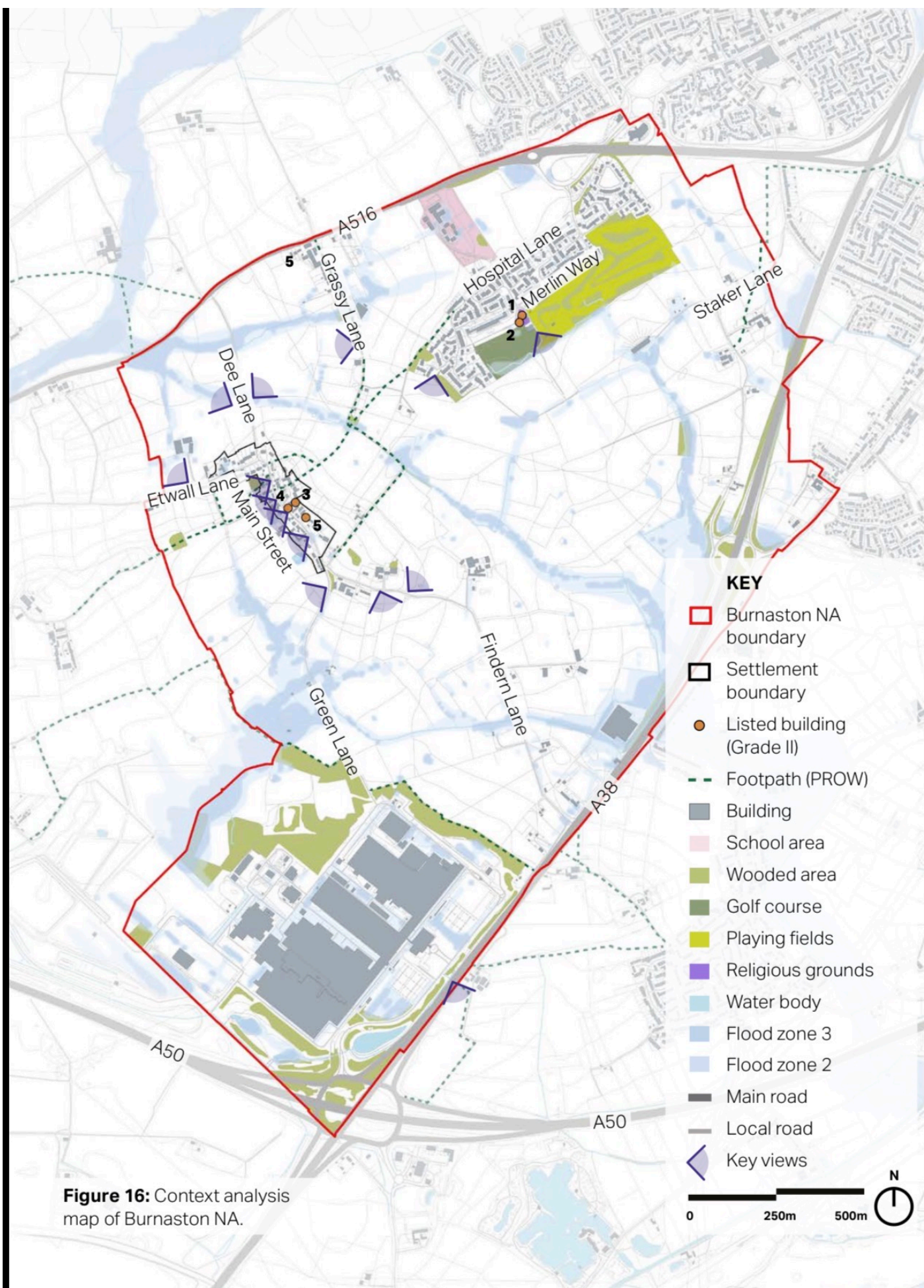


Figure 43: Diagram showing how new amenities could be located to serve existing developments.

B1 – Local Economy

- Public-facing businesses are encouraged. However, they must not disrupt the distinctive rural character of the area when located in rural settlements or at the edge of the settlement;
- New amenities should be included to serve the new development and existing ones. Strategic location is key to ensure amenities are accessible to all residents.
- Small rural enterprise projects, such as local shops and craft workshops are encouraged to bring vitality to the rural settlements of the Neighbourhood Area. Co-working and flexible working spaces should also be considered;
- Improve circular walks and permissible walkways in the area to connect the different settlements, as they are an essential feature and contribute to strengthening within the NA;
- Upgrade existing footpaths, pavements and crossings to enhance connections to the surrounding towns; and
- Consider the rural character of the area as a distinctive feature and strengthen the relationship with the surrounding landscape.



Planning Inspectorate
By email only

Your Ref EN0110037

Our Ref CRTR-IPP-01017-01

Wednesday 15 July 2026

Dear Case Officer,

Proposal: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11 Scoping Consultation

Project Name: Proposed application by BSSL Derbyshire 1 Ltd (the applicant) for an Order granting Development Consent for Castle Way Energy Solar and associated Battery Energy Storage System Development

Waterway: Trent & Mersey Canal

Thank you for your consultation in respect of the above.

The Trust is the charity who look after and bring to life 2000 miles of canals and rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a prescribed consultee in the Nationally Significant Infrastructure Projects (NSIP) process.

The Trust owns, manages and operates the Trent & Mersey Canal. The proposals comprise a solar farm and a Battery Energy Storage System (BESS) on land to the north-west of the canal on a number of separate sites (Sites A to E) and includes a cable crossing of the Trent & Mersey Canal to provide a connection to the national grid at the existing National Grid Willington 400 kV substation. Site E is located approximately 35m north of the Trent & Mersey Canal.

The canal is designated as a conservation area and there are a number of listed structures along the canal, including the River Dove Aqueduct in the vicinity of Site E. The canal is also designated as a Local Wildlife Site in the vicinity of Site E.

We do not anticipate Sites A to D as being likely to have any impacts on our infrastructure given their significant distance from the canal and our interest is primarily focussed on Site E and the cable corridor as it approaches the Point of Connection (POC) at the Willington substation.

Having reviewed the EIA Scoping Report, we wish to make the following comments on the scheme:

Chapter 2- The Proposed Development

At Para 2.4.18 it is stated that for entry into the Willington 400kV Substation, both underground and overhead cable options are being explored. The cable route will need to cross the Trent & Mersey Canal before entering the substation and we advise that the Trust does not allow overhead utility crossings over our waterways. All crossings under the waterways must be at least 3.5m below bed level and be installed using trenchless techniques. At this

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stage the proposed cable corridor pink route option indicates that the crossing will be somewhere along an approximately 500m section of the canal to the west of Mercia Marina. Without more information, it is not possible at this stage to provide specific comments on any canal structures which may be affected or at risk of impact from the proposals. We would however advise that the canal is a conservation area and potential impacts on its historic character and appearance must be considered. The Trust would wish to provide more detailed comments when the route has been selected in terms of the potential impact on the assets that we own and manage.

Construction work in close proximity to the waterway infrastructure could potentially adversely affect the structural integrity of the waterway. It is therefore essential that the structural integrity of the canal is not put at risk as part of any of the works, including excavation, earthmoving, drilling, boring, vibrations or the tracking of plant and machinery which could, in the worst-case scenario result in the failure of the canal. Depending on the exact location of the final route, the exact depth of the crossing under the canal would need to be agreed with the Trust to ensure the works do not undermine the structural integrity of the canal infrastructure. In accordance with the Trust's Code of Practice for Works Affecting the Canal & River Trust (CoP) we would expect any canal crossing to be constructed via trenchless techniques and the crown of the pipe will need to be at least 3.5m below hard bed level of the canal. The route and depth of the crossing, method statements and associated ground investigations will need to be approved by the Trust's geotechnical specialists, all via the CoP process. As such, all installations that interface with our waterways and assets, whether on or alongside Trust land, waterways and structures, will need to comply with the Trust's Code of Practice for Works Affecting the Canal & River Trust (please see <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice> for more details) and particularly to the whole of Part 1 and to Part 2 Section 2 which covers service crossings. We would welcome any works in close proximity to our waterways being carried out within the winter stoppage season to limit the impact on canal users and boating businesses.

Chapter 3- Description of Site and Surroundings

Section 3.5 describes the key environmental features of the draft order limits. Solar Development Site E is stated to be approximately 105m away from the Trent & Mersey Canal conservation area (para 3.5.50) although the maps suggest that the distance from the Draft Order Limits may be nearer to 50m. There are a number of features and structures of historic interest along this stretch of canal, including some Grade II listed structures. The Point of Connection (POC) is correctly identified as being within 45m of the canal conservation area (para 3.5.56).

Chapter 9- Built Heritage

The Trent & Mersey Canal is an important designated heritage asset and there are numerous notable structures and features associated with it, some listed in their own right. The Environmental Statement (ES) should consider the potential impact on the character, appearance and historic significance of the canal and these features. The ES should consider how any likely harmful effects can either be avoided or at least mitigated.

Although Site E is located quite close to the canal, the presence of existing built development and mature vegetation makes significant visual impacts on the canal relatively unlikely, but nonetheless, the ES should assess the likely impact of Site E and identify the extent of any effects.

The likely effects of the cable connection crossing the canal to the POC are difficult to quantify until decisions have been made regarding both the exact location of the crossing point and whether an underground or overhead crossing is intended. As noted above, the Trust would not support the provision of an overhead crossing. In any event, the ES should consider potential effects of the crossing on the character and appearance of the conservation area and on the physical structure and historic fabric of the canal and associated features/structures.

As indicated at para 9.8.1 and summarised in Table 9.1, there is potential for indirect significant effects to designated and non-designated heritage assets during both the construction and operation stage and direct impacts during the construction stage.

We consider that there may be the potential for direct effects on the canal during construction operations to install the cable connection crossing and this should also be considered within the ES. At this stage it is not possible to quantify the likelihood of direct impacts occurring, but both underground and overhead connections would involve construction activity in proximity to the canal which could have direct impacts depending on the final design and location of the works, so it is not yet possible to confidently scope out direct built heritage impacts on designated heritage assets.

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Chapter 11- Ecology and Biodiversity

Section 11 of the Scoping Report discusses Ecology and Biodiversity and indicates that appropriate ecological mitigation, compensation and enhancement measures will be identified within the Environmental Statement. This should include specific consideration of the Trent & Mersey Canal and identification of any potential impacts on the role of the canal as a wildlife habitat and on the species supported by it.

The CEMP referred to at para 11.7.4 should include consideration of how materials, fuels, chemicals and wastes will be stored and where; measures for the prevention of dust generation and windblown litter and debris; measures to prevent run off into the canal and culverts (e.g. of silty water, contaminated water, fuels and chemicals); pollution response emergency procedures and details of any planned water abstractions and /or discharges from or which may impact upon the canal. Construction lighting, particularly in relation to works undertaken in proximity to the canal to provide the cable connection, should also be included within the CEMP and should minimise harmful effects on nocturnal species such as bats, which often use canal corridors as foraging or commuting routes.

Para. 2.4.18 advises that if an underground cable connection to the POC at the Willington substation is deemed appropriate this would be undertaken with trenchless technology such as an HDD. Should Horizontal Directional Drilling (HDD) be proposed to allow a cable crossing below the Trent & Mersey Canal, this would have the potential to cause vibrational impacts that could impact waterborne species, including fish. This should be considered within the ES with regard to the potential construction effects of the scheme on biodiversity.

Chapter 12- Glint and Glare

It appears unlikely that there should be any glint or glare impacts on canal users from Site E, but it would be helpful if the Glint and Glare Study were to consider this and confirm whether this is indeed the case. If any significant impacts are identified, appropriate mitigation measures should be included within the ES to address them. We do not anticipate any glint or glare impacts from Sites A- D given their distance from the canal.

Chapter 13- Ground Conditions and Contamination

The Trent & Mersey Canal should be included as a potential receptor and potential risks to water quality in the canal, particularly associated with construction of the cable connection where it needs to cross the route of the canal, should be assessed and measures identified as necessary to mitigate them. It appears unlikely that there should be any significant risks to the canal associated with the construction, operation or decommissioning of Site E, but the ES should nonetheless demonstrate that this has been considered and, if appropriate, discounted.

The CEMP and DEMP referred to at para 13.7.3 should include consideration of how materials, fuels, chemicals and wastes will be stored and where; measures for the prevention of dust generation and windblown litter and debris; measures to prevent run off into the canal and culverts (e.g. of silty water, contaminated water, fuels and chemicals); pollution response emergency procedures and details of any planned water abstractions and /or discharges from or which may impact upon the canal.

Chapter 15- Landscape and Visual Impact

The Scoping Report details that a Landscape and Visual Impact Assessment will be carried out in line with GLVIA3 methodologies (para 15.4.1). We note that the Trent & Mersey Canal is identified as a route used by recreational receptors (para. 15.5.5) and we recommend that appropriate representative viewpoints from the canal/canal towpath are identified to assist in assessing the likely visual impacts of Site E and the cable crossing of the canal in the vicinity of the Willington substation.

Chapter 16- Noise and Vibration

Works to install a cable crossing beneath the Trent & Mersey Canal have the potential to generate noise and vibration impacts and these effects on the canal infrastructure and canal users should be considered within the ES. In particular, works in proximity to the canal need to be carefully managed to minimise the risk of significant vibration or loading that could adversely affect the stability of the canal washwalls, for example if pylons are required to be constructed close to the canal to provide an overhead cable crossing or from the construction of send and receive pits if underground HDD drilling is proposed. If an underground crossing is proposed for the cable connection to the POC at Willington substation, the ES should consider the potential effect of vibrational impacts from HDD drilling that could affect waterborne species, including fish.

Chapter 19- Water Environment and Flood Risk

The Scoping Report advises that the Canal & River Trust have been contacted to confirm any construction requirements for works near to the Trent & Mersey Canal, associated with Solar Development Site E and the

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National Grid Willington 400 kV substation construction works (para 19.3.3). The Trust has only received an initial contact but is willing to engage further to provide advice on how best to minimise and mitigate potential risks and adverse impacts on the canal and any associated infrastructure. Please also see our separate comments below as an affected landowner.

We note that surface water discharges to the canal are not anticipated to form part of the development. Should this change, we recommend early contact with our Utilities Team so that any proposals can be considered in detail and their feasibility assessed.

We note that the Trent & Mersey Canal is identified as a sensitive receptor in relation to Route E and the cable route (para 19.5.5). As the cable corridor options are refined, it should become easier to identify potential areas of interest and/or concern in relation to the canal, and we ask that we are included in discussions as this is progressed.

Other Comments

The Trust as Landowner

As the promoter may already be aware, the Trust will require any works in, under, over, or in close proximity to, the Trust's waterway infrastructure, to be carried out in accordance with the Trust's Code of Practice for Works Affecting the Canal & River Trust (which can be found at <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>). The Trust created the Code of Practice to provide all third parties working in and around the Trust's network with expectations, standards and processes to ensure the integrity and safety of the network, safeguard operations and conserve its heritage and the natural environment, in line with its statutory duties and charitable objectives. Where nationally significant infrastructure projects have the potential to interact with, or impact, the Trust's network, the Trust always seeks to secure protective provisions within the DCO.

We welcome discussion with the promotor as more details about the project are identified and can be shared with the Trust. In our experience, early agreement of protective provisions can mean that the Trust need only be minimally involved in the examination process.

Landowner consent would be required for the installation of a new cable above or below the Trent & Mersey Canal, due to the Trust's ownership of the canal. The promotor is advised to contact the Trust's Utilities Team at utilitiesenquiry@canalrivertrust.org.uk for further advice.

The Trust has a duty under the Trust's Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways and towpaths for public use and enjoyment. Additionally, the Trust has a duty under S105 of the Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use by the public.

Please note that the Canal & River Trust is a statutory undertaker which has specific duties to protect the waterways. Accordingly, it is likely that we will resist the use of compulsory purchase powers which may affect our land or undertakings. We reserve the right to seek protections under S16 of the Acquisition of Land Act 1981 should any proposals affect land which has been acquired for the purposes of our undertaking. Accordingly, we require that the acquisition of any Trust land or rights over Trust land should be secured by agreement.

We encourage provision of details of the promoter's land ownership requirements to the Trust as soon as possible and for negotiation for any land transfers to also occur as soon as possible. Disposals by the Trust of operational land require internal approvals to satisfy its own policies and Charity Commission rules and time should be allowed for this in the transaction process.

Separate discussions will need to take place between the Trust and the promotor, especially on the design and location of the cable crossing of the canal and agreements to access/enter our land as necessary. The Trust would need to retain unhindered access to the canal and any supporting infrastructure throughout the construction and operational phases of the development.

The above comments are given as advice based on the consultation material currently available. We would wish to provide more detailed comments as the scheme is developed further and the potential impact on our waterways and assets determined. These comments do not prejudice any further comments or matters that may be raised by the Trust at a later stage.

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Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Ian Dickinson MRTPI

Area Planner

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Patron: King Charles III. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, Registered office address National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW

Church Broughton Parish Council
c/o Houghton House
Main Street
Church Broughton
Derbyshire
DE65 5AS
Sunday 5th July 2026

Mr Joseph Jones
Environmental Advisor on behalf of the Secretary of State.
Environmental Services Infrastructure Decisions and Applications Service.
Planning Inspectorate.
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

By email : CastleWayEnergy@planninginspectorate.gov.uk

Also by post : To Mr Joseph Jones at the address above

Your reference : EN0110037

Our reference : CBPC-EIASR-Response1

Dear Mr Jones,

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

Proposed application by BSSL Derbyshire 1 Ltd (the Applicant) for an Order granting Development Consent for the Castle Way Energy (the proposed development)

Further to your email (Reference: EN0110037) of the 17th June 2026 to the Church Broughton Parish Council (CBPC) as a 'consultation body' defined in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

The CBPC is providing a comprehensive set of comments on the information that Castle Way Energy should include in its Environmental Statement (ES) for the proposed solar farm development at Church Broughton and Barton Blount (Sites A and B as defined in the document), and making other points that apply to all areas of the proposed development. These comments are being submitted before the Planning Inspectorate's deadline of 15th July 2026.

1. Opening remarks and Summary

The comments that follow relate to Castle Way Energy's (CWE) Environmental Impact Assessment Scoping Report of June 2026.

The CBPC believes it is the best placed consultee to understand and comment on the impact that this proposed development will have on the Parish of Church Broughton and Barton Blount (Sites A and B). The CBPC, supported by the "Stop the Church Broughton and Barton Blount Solar Farm" Campaign Group, has had a large amount of input from local residents, farmers, road users, walkers, cyclists, horse riders, flood consultants and experienced construction and engineering leaders who use the area and understand their local environment. As such we would like the CBPC's comments on the proposed exclusions from the EIA to be taken as well informed and considered. More broadly, the CBPC also believes it is well placed to comment on a number of issues that affect the wider proposal, specifically Sites A-E and the Cable Corridor Options (CCOs), given its knowledge is applicable to these nearby locations.

At the highest level the CBPC believes that CWE's proposal is particularly deficient in the following areas :

- 1.1 The Cultural Significance and heritage of the landscape to the North of Church Broughton is high. The village of Church Broughton has, for many centuries, been closely associated with, and linked, to Barton Hall and the Barton estate. Barton Hall has a notable ancient monument and a large heritage footprint (Heritage Record MDR14236) with a Grade 2* and three Grade 2 listed buildings and structures. Church Broughton has a notable Grade 1 listed church (Heritage Record MDR2625) and surrounding heritage assets. The setting of these assets is key to the ongoing heritage and spatial relationship between Church Broughton and Barton Blount. These would be lost if the Site B proposed development was to proceed.
- 1.2. The Applicant is proposing to take an unreasonably narrow approach to Ecology and Biodiversity. The Scoping Report (specifically Table 11.2) seeks to "Scope Out" Bats – Roosting, Reptiles, Badgers, and Fish from appropriate consideration. This is despite the report making a number of statements on how these categories will be protected and considered. This is not appropriate. This wildlife should remain "In Scope" and suitable commitments made about welfare and care. Other species such as hare, deer, and protected bird species have all been sighted and should be "In Scope". In addition, migrating birds need consideration. Geese are frequent autumn visitors with large formations migrating on traditional "flyways" (as referred to in NPS-EN5 2.9). These need to be considered. The proposed scope is contradictory on Cable Corridor Options. In some sections it states pylons or underground cables will be used. In others it suggests that only underground cables will be utilised and hence only a narrow cable corridor will be considered. Needless to say, different transmission installations will have different impacts on wildlife. Additionally, an ecological monitoring programme needs to be put in place (as referred to in NPS-EN3 2.10).
- 1.3. The proposed approach to Visual Impact, and particularly lighting, is much too minimal. The CBPC has broad experience with problems associated with excessive lighting levels, lighting durations and installation heights from the nearby Dove Valley Park Industrial Estate. This development must analyse this area fully. The Scoping Report refers to

structures that range in height from 3 to 12m. Lighting at any of these levels will have a considerable impact, particularly with modern, high intensity illumination products.

- 1.4. The treatment of road traffic related concerns given the many narrow roads around Sites A and B is insufficient. In particular, it is important that access problems and the required responses in the event of a Major Accident or Disaster are fully considered. This must be combined with flooding related access problems given that, in periods of heavy rain, Church Broughton and the surrounding area becomes cut-off to traffic on all routes to the South, East and West. Only 1 road to the North remains passable when all the other routes have flooded. This route is narrow and convoluted. A stand-alone Major Accident and Disaster chapter should be included.
- 1.5. The proposed analysis of Water and Flood Risk and Climate Change Resilience, given the regular flooding that already takes place in and around Church Broughton, is insufficient in a very large number of areas. This is highlighted by the significant amount of commentary that follows in Section 5 of this document. This describes numerous shortcomings within Clause 19 of the Applicant's proposal. In particular, the need to apply the Sequential and Exception Tests to steer development to land at lowest risk of flooding from any source is completely missing from the Scoping Report. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sites must be assessed individually and reasonably available alternative sites at lower risk of flooding from all sources must be considered.
- 1.6. Many areas of Construction and Decommissioning are "Scoped Out", at least in part, as they are considered 'temporary' or 'short term'. There is an inconsistency throughout the document in the time scales used to define "Impact". A single scale should be used. Construction and Decommissioning are stated as taking 30 months each, giving a combined period of 5 years. These will have a "High", not "Low" Impact on the local community. The proposed analysis of Decommissioning activities and the associated disposal of waste materials and returning the land to agricultural use is very limited and insufficient. The Applicant is trying to claim that many significant Decommissioning activities should be "Out of Scope". Construction and Decommissioning are fundamentally different activities, and Decommissioning should be suitably considered now.
- 1.7. The Scoping Report seeks to exclude Walkers, Horse Riders and Cyclists from the Receptors being considered for Glint and Glare analysis. These must be included to ensure that Footpaths and Bridleways are not lost for community use by creating an "adverse environment for future use". More broadly, the combination of large numbers of solar panels, fencing, security cameras and the loss of visual amenity will be severe around heavily used, community Rights of Way. That part of the proposal that seeks to put solar panels into fields regularly used for recreational activities is strongly challenged.

2. Comments on Proposed Scope

The following section comments on Table 22.1 “Summary of Proposed Scope of the EIA”. It draws out those areas that need further, broader analysis if the EIA is to provide a fair and reasonable assessment of the impact of the proposed development.

Agricultural Land and Soils

Effects on agricultural land use and the use of BMV land

The impact during **Construction and Decommissioning** should be included in this area, for obvious reasons. Soil compaction from heavy vehicles, access roads on which large amounts of gravel are laid, building foundations, buried cables and conduits, damage and removal of existing land drains, solar panel piling that creates permanent (in reality) underground structures which cannot be removed at a later date will all have long lasting effects on agricultural land.

Farm business effects (severance, disturbance and effects on drainage)

The impact during **Decommissioning**, and particularly the residual quality of the land after decommissioning, should be scoped into the assessment. This is a particularly important area that the Applicant appears to be ignoring. If, for example, substantial piled structures that may reach 2-3 metres underground to secure solar panels are left in-situ then the land will not be capable of agricultural use after Decommissioning - it won't be capable of being ploughed. There are also numerous questions about what land drains and drainage routes will be present after Decommissioning. This needs to be addressed now.

Clause 11.8.6 reads “The underground ducting and joint bays associated with the cables, and/ or overground cables will be decommissioned in accordance with the latest regulations and good practice at that time but are anticipated **to be left in-situ to minimise adverse environmental effects**”. This is likely to have fundamental implications as to whether the land can be returned to farming use. Decommissioning must be fully analysed.

Land based rural economy

The impact during **Decommissioning**, and particularly the residual quality of the land after Decommissioning, should be scoped into the assessment. The ability to return the land to support a rural economy after solar farm use is a particularly important area that the Applicant is avoiding.

Requirement for an additional Receptor / Effect

The impact during **Construction, Operation and Decommissioning** of biosecurity risks to agriculture has not been considered. Maintaining effective biosecurity is essential to safeguarding livestock in neighbouring farms and the control of invasive plant species. This area should be analysed in the Applicant's EIA and suitable control measures defined.

Air Quality

Changes in construction traffic and construction plant emissions (NO_x, NO₂, PM₁₀, PM_{2.5}), potential impacts on human and ecological receptors

The wider industrial developments to the South and South West of Church Broughton and Barton Blount and A50 traffic already produce levels of air pollution that move across residential areas, on prevailing winds. A quantitative air pollution study over a suitable period of time and weather

conditions is key to establish a background level of air pollution. This can then be used with forecast levels of pollution from Construction and Decommissioning to establish an accurate picture of the impact on air quality. The proposal to only have a qualitative analysis (alone) is not suitable for the area.

The impact during **Decommissioning** should be scoped into the assessment. The Applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full. See 1.6 above.

Construction effects from dust emissions generated by construction activities such as earthworks, material handling and trackout

For the reasons stated immediately above, a qualitative analysis alone is not sufficient for the area.

In addition, the impact during **Decommissioning** should be scoped into the assessment. The Applicant does not appear to be giving due consideration to Decommissioning issues and these should be included in full. See 1.6 above.

Construction effects for NRMM

The air pollution impact of Non-Road Mobile Machinery should be included in the two pieces of analysis listed immediately above this section.

Archaeology

Construction effects upon known or unknown archaeological remains

The impact during **Decommissioning** should be scoped into the assessment. Again, the Applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full.

Installation of solar panels

The impact during **Construction and Decommissioning** should be scoped into the assessment. It's very surprising that the Applicant is proposing not to include this in the EIA, given its the primary activity that will affect and transform Sites A and B, and indeed all the sites within this proposal.

Effects during decommissioning upon known or unknown archaeological remains

The impact during **Decommissioning** should be scoped into the assessment. Again, the Applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full.

Built Heritage

Designated Heritage Assets within 1km of Site

The views and impact across the proposed development area extend further than 1km and a 5km radius is much more representative of likely impact.

Highly designated Heritage Assets within 1-2km radius of Site

This category should be reworded to read "Highly designated Heritage Assets within 5km radius of Site" to ensure that it is clear that assets within 1km are included. The views and impact across the proposed development area extend further than 2km and a 5km radius is much more representative of likely impact.

Direct Effects

Whilst it is noted that analysis of this area is fully scoped in, the Applicant's comments in this section makes little sense. This section in Table 22.1 reads : "There is no potential for any direct effects on designated or non-designated assets as none have been identified within the Site." The Applicant needs to ensure that the assets being analysed are suitably broad and considered, as the potential for "direct effects" appears reasonably possible (such as a building's structural deterioration during piling if it has poor or no foundations).

Non-designated Heritage Assets further than 1km

The impact during **Construction and Decommissioning** should be scoped into the assessment, and the distance envelope should be increased to 5km. The amount of construction and decommissioning traffic accessing the site could affect heritage assets further afield than 1km. Sites A and B and its approach roads have never seen the amount of HGV movements that are contemplated for this development and it may well have notable impacts away from the site itself.

Listed Buildings further than 2km

The impact during **Construction and Decommissioning** should be scoped into the assessment, and the distance envelope should be increased to 5km. The amount of construction and decommissioning traffic accessing the site could affect listed building much further afield than 2km, particularly if they have poor foundations. This area has never seen the amount of HGV movements that are contemplated for this development and it may well have notable impacts away from the site itself.

Greenhouse Gases

Transportation of materials and products to the Site (where not accounted for at the Product Phase)

The impact during **Decommissioning** should be scoped into the assessment. Again, the Applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full. This section, or an alternative one, should also analyse the implications of disposal of solar panels and other material from the site.

Leakage of GHGs

The impact during **Construction and Decommissioning** should be scoped into the assessment. It seems counter-intuitive to include these considerations for Operations, but not for Construction or Decommissioning.

Energy Generated

The Applicant's statement "The energy generated by the Proposed Development will displace energy generated from other sources, with the displacement of energy generated using non-renewable sources resulting in GHG emissions savings" is challenged. It is not a given that solar energy will displace other forms of energy generation, as it is not sufficiently dependable to allow that to occur. Obviously Solar panels do not generate meaningful amounts of energy at night and produce only low amounts in winter months. The application has made no specific claims on the presence of a Battery and Energy Storage System (BESS). Even with such systems in position, it would not be a given that other forms of generation will be displaced.

Transport and disposal of waste materials

The impact during **Construction and Operation** should be scoped into the assessment, as it will obviously affect the case and justification being presented for the development. The disposal of waste also has wider implications over and above greenhouse gas emissions with respect to suitable disposal sites and transportation routes, waste collection and temporary storage facilities and pollution risks.

Climate Change Resilience

Increased frequency and magnitude of wind and storms

The impact during **Construction and Decommissioning** should be scoped into the assessment. Members of the CBPC with construction experience note that the risk of wind blown or storm affected temporary or partially complete structures can result in health and safety risk to local residents. This can occur if, for example, large area panels get caught by gusts and move at high speed across roads or gardens. Similarly, refuse and waste can be distributed over large areas if not properly secured. Most people will have seen instances of these two problems occurring in other circumstances.

Changes in water availability

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. The local aquifer is a known water extraction point for a number of agricultural wells and the Lidl Bottling Plant on the Dove Valley Park Industrial Estate just to the South of the proposed development area. The presence of Solar panels is likely to increase the amount and rate of surface water run-off to local water courses. It may reduce the water entering the aquifer, and thus available for the local businesses that are reliant on it. Local abstraction could be significantly affected during construction phase if dewatering is carried out.

Ecology and Biodiversity

Irreplaceable habitats

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. Irreplaceable habitats should be explicitly identified in the EIA given that, by their nature, they are irreplaceable. The CBPC very much wants the ancient hedgerows, field margins, notable trees and other features (including fields with mediaeval ridge and furrows) to be identified explicitly. Their protection can then be agreed with the Applicant during the 3 phases of development. Masking the current rural landscape and field forms with new planting for screening purposes, even with native species to the area, would destroy the current outlines of fields, hedgerows and copses of trees. Similar considerations are likely to be relevant across the entire area (Sites A to E) that are being considered for development.

Reptiles

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. There are known reptile populations in and around 4 pond and wetland areas within and close to Site B at Church Broughton and Barton Blount. The report does not recognise these areas in full and only comments on one pond in Site B (within clause 19.5.5). It seems to be completely appropriate to identify all these areas and to ensure that the associated populations are suitably protected and considered within the EIA. Similar considerations are likely to be relevant across the entire area (Sites A to E) that are being considered for development.

Badger

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. There are active badger setts within and close to the proposed Site B at Church Broughton and Barton Blount. It seems to be completely appropriate to identify these and ensure that the associated populations are suitably protected and considered within the EIA. Similar considerations are likely to be relevant across the entire area (Sites A to E) that are being considered for development.

All wildlife sections

The impact of **Decommissioning** on wildlife should be scoped into the assessment. There is little logic to why Construction should be considered for almost all species, but Decommissioning should not be. The Applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full.

Glint and Glare

Construction and decommissioning phases

The impact during **Construction and Decommissioning** should be scoped into the assessment. It is not clear from the Applicant's statements why this important area would not be fully considered and analysed in its EIA. This is for a total of 5 years (see points 1.6 and 1.7 above).

Road Safety, Residential Amenity and Railway Operations

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. Again, it is not clear from the Applicant's statements why this important area would not be fully considered and analysed in its EIA. See point 1.6. above.

Aviation receptors, pilots and ATC towers

The impact during **Construction and Decommissioning** should be scoped into the assessment. Again, it is not clear from the Applicant's statements why this important area would not be fully considered and analysed in its EIA. See point 1.6 above.

Ground Conditions and Contamination

On site and offsite controlled waters, including underlying aquifers and surface waters

The impact during **Operation** should be scoped into the assessment. To Applicant must describe measures to mitigate the risk of potential pesticides, herbicides and other local contaminants entering the shallow aquifers and polluting local abstraction wells. The contaminant pathway being the hundreds, if not thousands, of piles installed across a very large area and these pathways being open for 40 years.

Health

Healthcare capacity has been "Scoped Out" during all 3 phases of the development. The report should consider a worst-case scenario. There will be a large increase in construction workers during the construction phase. The report does not specify numbers but, with an average of around 4 GP appointments per head per year, this could mean 20 appointments per worker over a 5 years construction and decommissioning period. Workers may seek appointments closer to home but this would not be the case for emergencies which would be likely with a large construction population

performing manual work. The local health care services are already overwhelmed and therefore this area must be scoped in.

Landscape Impact

Changes to National Landscape Character: NCA 68: Needwood and South Derbyshire Claylands NCA 69: Trent Valley Washlands

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. The cumulative effects of wider industrial development, including solar farms, is now having a notable impact on these two areas within the Dove Valley basin. The national landscape character impact should therefore be considered as in many ways it is exactly the same as the regional one at the level of the NCA 68 and NCA 69. The key point is to consider the cumulative impact of developments, close to and along the A50 and A38 road corridors. These are already numerous.

Visual Impact

Lighting assessment

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. The CBPC has had a large number of complaints about inappropriate and problematic lighting surrounding the Dove Valley Park Industrial Estate both in terms of the impact on residents and on wildlife - with respect to night-time hunting birds and mammals. The assessment refers to structures that range in height from 3 to 12m. The impact of illumination placed at such heights, even if lit for only a few seconds during the night-time could be very impactful on the local area. More broadly the implications during the extended Construction and Decommissioning phases could be very notable if high intensity task lighting is in use, after dark. Similar considerations are likely to be relevant across the entire area (Sites A to E) that are being considered for development.

Lighting during operation

The impact during **Operation** should be scoped into the assessment, given the arguments immediately above.

Changes to views and visual amenity of people at their place of work

The impact during **Operation** should be scoped into the assessment. The Applicant's comments in this section fail to recognise that a material number of residents work from home and that this population should be duly considered.

Changes to views and visual amenity of people engaged in outdoor sport or recreation which does not depend upon the appreciation of views of the landscape

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. It is not entirely clear what the Applicant means in this section given the double negative in the phrase "No people engaged in outdoor sport or recreation which do not depend upon the appreciation of views of the landscape have been identified within or immediately adjacent to the Site boundary, so it is considered that the Proposed Development is not likely to give rise to significant effects on their views and visual amenity. Effects on these receptors are therefore proposed to be scoped out". The Applicant should not be permitted to hide behind poorly drafted statements. Visual amenity is a very significant consideration for the large number of walkers, runners, cyclists and horse riders using the roads, footpaths and bridleways around Church

Broughton and Barton Blount. Football players and spectators at the Church Broughton playing field next to the school should also be included. Similar considerations are likely to be relevant across the entire area (Sites A to E) that are being considered for development. Over and above this, the presence of large blocks of solar panels at notable elevations is considered to be a “high magnitude of change” for any group that may be “less sensitive to change in views and visual amenity”.

Noise and Vibration

Temporary noise changes during decommissioning

The impact during **Decommissioning** should be scoped into the assessment. The Applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full.

Requirement for an Additional Receptor / Effect

The impact during **Operation** of increased wind noise and ‘whistling’, together with ‘rattling’, as the panels’ fixtures and fittings work loose over time, should be analysed and included in the Applicant’s EIA. Noises of this sort can have a significant effect on neighbouring properties.

Socio-Economics

Permanent employment

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. There will be an impact on agricultural jobs given the amount of agricultural land that is being proposed for this scheme. This should be considered. Wider employment should also be considered, including the impact on hospitality. The presence of a large solar farm is very likely to discourage people from visiting the area to use local footpaths and bridleways, or to base themselves in the area for visits to the Peak District National Estate, as occurs today.

Transport and Access

Changes in traffic flows and non motorised user delay amenity on: People at home / work, sensitive and or vulnerable groups / locations and collision clusters and routes with road safety concerns.

The impact during **Operation** should be scoped into the assessment. It is clear that a small number of potentially narrow entry and exit routes into the proposed development area will be in use for 40 years. A number of these are likely to be close to existing housing and the resulting cumulative impact on people, including those in vulnerable groups could be very significant.

This comment applies to the whole of the Proposed development area. In the case of Site B it is important that properties along Ashbourne Road, Longford Lane and along the entrance driveway to Barton Hall are reviewed in detail.

Water Environment and Flood Risk

The National Planning Policy Framework (NPPF) requires a sequential risk-based approach to be taken for all planning applications in areas known to be at risk now or in future from any form of flooding. The Sequential and Exception Tests should be applied in order to steer development to land at lowest risk of flooding from any source. This has been completely missed out of the Scoping Report. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Site B and the other sites must be assessed individually and reasonably available alternative sites at lower risk of flooding from all sources must be considered. Having applied the Sequential Test, if it is not possible for development to be located in areas with a lower risk of flooding, the Exception Test will need to be applied.

Given the detailed commentary on the Applicant's Section 19, large parts of which are challenged (see below), Sewer Flood Risk and Foul Water Capacity must be "Scoped In" for Construction, Operation and Decommissioning.

3. Topics to be Scoped Out

The following points are made with regard to the Applicant's proposal to scope areas out of the EIA :

20.2.2 The planning system does not include statutory provisions relating to protection from electric, magnetic, and electromagnetic fields ('EMFs'); however, the Department for Energy and Climate Change ('DECC') guidance (2012) advises that the International Commission on Non-Ionizing Radiation Protection ('ICNIRP', 1998) guidelines for occupational and public exposure should be applied. These guidelines confirm that overhead power lines, underground cables, and substations operating at or below 132kV are not capable of exceeding the recommended exposure limits at publicly accessible locations. ICNIRP's 2020 guidelines are now extant and supersede the 1998 guidelines. They should be used to determine whether EMF radiation must be considered, or not.

The subject of protection from electric, magnetic, and electromagnetic fields should not be "Scoped Out". The local community needs to know what effects pylons, underground cables and large fields of solar panels and associated equipment will have on local residents and employees of local businesses. They need to know what the recommended exposure limits are and what the actual exposure will be to sensitive receptors, particularly adjacent to people's houses, farms, businesses and along footpaths and bridleways.

20.3 Lighting

Lighting in all of the **Construction, Operation and Decommissioning** phases is definitely an issue that should be included in the EIA. The CBPC has had numerous community issues with lighting at the nearby Dove Valley Park Industrial Estate. It is clear from our discussions that there aren't any properly established "relevant best practice measures". Lighting schemes and locations, lux levels, positioning facing away from residential properties, permitted height of lighting, allowable operational hours after dark etc should all be defined.

20.4 Major Accidents and Disasters

Major accidents and disasters are defined as incidents that overwhelm the local healthcare resource. Without liaising with the local health care resources this cannot be "Scoped Out" of the report. Local healthcare is already overwhelmed. Preservation of life, quality of life and prevention of injury must be paramount. A worst case scenario must be considered and not dismissed.

There are a number of important reasons why Major Accidents and Disasters should be included as a dedicated chapter in the EIA :

- Church Broughton is now regularly cut off by flood waters during winter months. All of its swift access routes to the South, East and West via the A50 become impassable during that time, as the flood map below shows.



The map in Appendix 1 of the Scoping Report demonstrates the problem.

- The narrow roads in the area make it more likely that a traffic accident, including HGVs accessing the proposed development, could make some routes impassable for an extended period of time. As already discussed, the combined Construction and Decommissioning period is 5 years, a very significant amount of time.
- The presence of a large construction project increases the risk of a major accident and it may not be possible for the emergency services to respond adequately, particularly if the local roads are flooded or otherwise blocked.
- There are known issues with increased fire risk, both from general construction work and from Battery Energy Storage Systems (BESS) with the additional risks of toxic chemical leaks and widespread inhalational injury. The body of evidence with respect to problematic BESS fires is growing. The National Fire Chiefs Council (NFCC) has updated its guidance on the development and planning of grid-scale battery energy storage systems (BESS) in February 2026.
- It is also noted elsewhere that the Applicant's proposed approach to Glint and Glare is not adequate. This could contribute to Road related accidents.
- On pollution control the Applicant asserts that "Should a spillage occur, it would be of a scale that would not meet the definition of a major accident or disaster and would be managed through the implementation of appropriate mitigation measures and management plans". This is not supported by any analysis and is considered inadequate.

A dedicated chapter on Major Accidents and Disasters should be included in the EIA.

20.5 Materials and Waste

It is clear from reading the proposed EIA Scope that the Applicant is not paying sufficient attention to waste management or the Decommissioning phase. An "Outline" Construction Environmental Management Plan (CEMP) and an Outline Site Waste Management Plan (SWMP) produced later in the planning process is not sufficient to cover a project that will use, and ultimately retire, many thousands of tonnes of materials.

20.8 Wind Microclimate, Daylight, Sunlight and Overshadowing

The Applicant's claim that "there are no sensitive neighbouring receptors that could be affected by changes to wind microclimate, daylight, sunlight or overshadowing" is refuted. No supporting

evidence for this claim is included. The proposed site is very close to a number of residential properties and these effects are likely. It is easy to see how these can occur. The geometry of tall, large area solar panels is not unlike a series of “baffles” that direct air flow in wind tunnels, chimney and similar air and fluid management systems. This area should be properly analysed and documented.

4. Cumulative Effects Assessment

The Applicant does not define the zone of interest for cumulative effects. This should be clearly stated to allow full assessment (clause 21.1.3).

The Applicant makes the following statement under Cumulative Schemes 21.4.5 “To take decision as to whether to include prospective list in Scoping Report or for agreement separately, as is a mixed bag as to whether projects agree list at scoping or ES.”

This language and grammar within this point is non-sensical and it cannot be interpreted to allow the Applicant’s arguments to be accepted and a comment to be made.

5. Specific points taken from the main sections (Sections 1 to 19) of the proposed Scope.

The comments that follow highlight specific points from within the main body of the report that are problematic or fall short of what is required from the EIA.

2.4.26 Landscaping and green infrastructure. Several inaccurate claims are made. Local Public Rights of Way (PROWs) will not be enhanced. Exactly the opposite will occur, given the wide open, pastoral landscapes and “long views” that exist today. Native hedgerows and woodland planting will not be enhanced by additional screening that will mask or obliterate ancient hedgerow and tree silhouettes. In practice grazing of pasture will not be possible as farmers would be liable for any damage to the infrastructure, and will not take this financial risk. Additionally, rotating solar panels are being considered which will entirely remove the possibility for livestock grazing between panels, as animals can become trapped and crushed.

3.2.1 The description of Site B is misleading. “The landscape is gently undulating and largely open, with long views across the surrounding countryside and limited built development”. The village of Church Broughton is only 45 metres from the closest point of the proposed development. It had approximately 591 residents in the 2021 census. Numerous homes are directly adjacent to the development and some would be surrounded on 3 sides by the proposal. It is not reasonable to describe the village as “limited built development”.

3.5.12 The link between the scheduled monument at Barton Blount (with a Grade 2* listed building, three Grade 2 listed buildings and a medieval clay village settlement remains) and Church Broughton (with a Grade 1 listed Church, Grade 2 listed cottages, ridge and furrow fields and a further medieval village settlement and route) is not mentioned. The two areas lie less than half a mile apart and have been linked for many centuries. The proposal would place solar PV on the intervening land and remove this long standing cultural and heritage connectivity.

3.5.17 states the “Topography is gently undulating and low lying, indicating lower susceptibility to visual prominence”. This is inaccurate and contradicts clause 3.2.1, as discussed above. Whilst the land is not particularly high, it is higher than a lot of its surroundings and there are indeed “long views”, as the picture below shows.



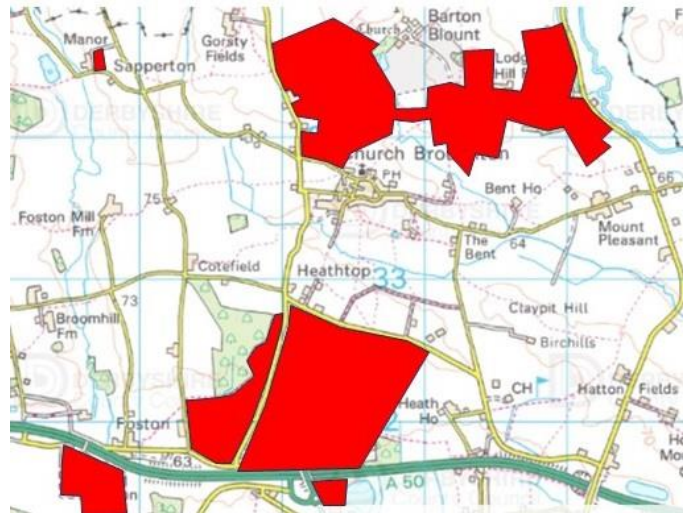
The field in the near foreground is proposed for development and would be filled with solar panels. Footpath 7 runs through it. The “long view” shows St Michaels Church and Church Broughton.

The Applicant’s assertion about Site B in clause 3.5.18 is challenged. This reads “All land within the Site is classified as ALC Grade 3b (“moderate”), representing moderate agricultural sensitivity”. There are no soil samples that support this conclusion. The quality of the land must be determined by field survey. NPS-EN3 states agricultural land classification should be used. The latter states the land is Grade 3 and it is not formally classified any further.

6.8.5 “The potential wider effects on the land based rural economy and food security are not likely to be significant” is challenged. As discussed above (with respect to clause 2.4.26) it is very unclear what agriculture would be able to continue in practice in the long term. Food security is a wider national issue with the UK producing 78% of its own food in 1984. This had dropped significantly to only 60% in 2024.

Clause 7.5.10 deals with sources of Air pollution. It appears to rule out any large industrial sources within the study area which are likely to impact the Proposed Development, but does not comment on other (i.e. “non large”) industrial sources. The CBPC is seeking that the Dove Valley Park Industrial Estate and the proposed plasterboard recycling facility that is currently going through Derbyshire County Council’s planning approval process for a location on Woodyard Lane just to the South of Church Broughton to be included in a background assessment of current and future sources of particulate and wider air pollution. If approved, this plasterboard recycling facility will be an extra source of notable air pollution that the Applicant’s solar proposal will contribute to incrementally. The current Dove Valley Park Industrial Estate development and proposed plasterboard development on Woodyard Lane development are directly South West of the village i.e. in line with the main prevailing wind direction. Church Broughton and its primary school (for 4-11 years old) would be ‘sandwiched’ directly between the current industrial developments and this proposed development

(see the picture below). The resulting combined effects of pollutants should be considered and, in particular, in the Construction and Decommissioning phases.



The industrialisation that will surround Church Broughton if this proposal proceeds.

Clause 7.8.1 deals with Impacts that are proposed to be “Scoped out” of the assessment of Air Quality. The clause includes a statement that “Operational phase effects associated with accidental major fire incidents related to BESS infrastructure as a Battery Safety Management Plan will be provided”. This appears to be poorly located in the wrong section, given the wording of the statement. This statement should not be accepted. Fire risks (and thus air quality concerns) associated with BESS should be scoped into the EIA.

Clause 7.8.1 also includes a further statement that “Decommissioning phase effects are not considered to significant differ from the construction phase effects that will be assessed, and it is proposed to scope this phase of development out”. As with many other areas of this proposal, Decommissioning is being under-emphasised inappropriately. It should be analysed as an independent activity to Construction. Indeed clause 7.9.1 explicitly scopes “any required demolition” into the Construction phase analysis of Air Quality. Similarly, demolition activities should be included in Decommissioning.

Clause 7.9.1 should require quantitative assessment of dust effects not simply a qualitative assessment.

Clause 8.9.2 seeks to Scope Decommissioning impact on archaeological assets out of the EIA. This is inappropriate and it should be included. Particularly given that the next clause 8.9.3 states that “the impacts relating to the Construction and Operation of the Proposed Development have the potential to cause significant effects”.

Clause 9.8.1, yet again, seeks to inappropriately exclude Decommissioning from the Scope of Archaeological impact. Decommissioning should be included as “In Scope”.

Table 10.1 is titled “Summary of Matters Proposed to be Scoped In and Out of the GHG”. It seeks to scope out a number of sources of Greenhouse Gases from the analysis required by the EIA. Given that the rationale for the solar farm is primarily to reduce greenhouse gases from electricity generation, it is entirely unreasonable not to fully analyse the GHGs created in producing it in the

first place. They should all be included to ensure one of the underlying rationales for the scheme is properly analysed and presented.

Table 10.2 is titled “Summary of Matters Proposed to be Scoped In and Out of the Climate Change Resilience Assessment”. Its commentary outlines, for example, the potential for the proposed Development to lead to fluvial or pluvial flooding at the Site. The “Off Site” implications may also be significant. This analysis should refer to both “On Site” and “Off Site” implications for all categories in this Table. The Decommissioning phase should also be analysed, as this will be an important phase of the Project.

The logic included in clause 11.6.6 on the proposed ecology surveys for the Cable Corridors Options is flawed. It reads “Surveys within the CCO have not commenced; however, recognising that the installation of the cable route will require thin lengths, be temporary and likely phased, survey effort will be proportionate”. It is not the width of any underground trench (or overhead pylons) that should define the area of the surveys in the CCO. It is the area that will be impacted by Construction and Decommissioning traffic that is much wider, and is actually very large in terms of affected acreage. The full extent of the CCOs should be included in the Ecology surveys. Furthermore, the Scoping Report is contradictory with regard to CCOs – in some sections it states pylons or underground cables are to be used. In others it suggests it will be underground cables (see clause 13.8.3), hence only a narrow cable corridor needs be considered.

Clause 11.6.15 reads “No trees listed on the Ancient and Veteran Tree Inventory were identified within the Castle Way Sites, with one located adjacent to the western boundary of Site C. A further 15 ancient or veteran trees were identified within the CCO.” In addition to the Woodlands Trust (WT) Inventory list, any trees in the Local Authority Areas that are subject to Tree Preservation Orders (TPOs) should be recorded, analysed and suitably protected. TPOs are likely to be an equally useful, if not more important, source of data than the WT register. They must be included.

The assertion in Clause 11.6.18 is challenged. It reads “The future baseline for ecology is expected to remain as the current existing baseline in the absence of the Proposed Development proceeding as it is likely the current management of the draft Order Limits as farmland will be maintained and continue. However, there is uncertainty that if the landscape and current practices remain, then this could intensify impacts from agricultural pressures thus contributing to further declines of UK biodiversity.”. There is no logic as to why the situation may worsen. It is just as likely to improve.

Table 11.2 titled “Ecology Scoping Summary” and clause 11.9.1 seeks to Scope Out – Bats – Roosting, Reptiles, Badgers, and Fish. This is despite a number of statements being made on how they would be protected and considered. This is not appropriate. This wildlife should remain “Scoped In” and suitable commitments made about welfare and care.

Clause 12.3.2 on Glint and Glare is very limited and narrow in the engagement it proposes. It reads “Following the impact assessment of potential Glint and Glare impacts, engagement may be carried out as part of the EIA with relevant stakeholders, including but not limited to:

- LPAs;
- National Highways;
- Network Rail; and
- Local aerodromes.”

This clause only refers to “may be carried out”, and the list of consultees is very narrow. It should be much broader in nature and include residential and business properties within at least 500m of the Proposed development and the Ramblers Association and British Horse Society on behalf of Footpath and Bridleway users. Residential properties should be considered in particular given the Scoping Report acknowledges that “typical receptors include residential dwellings”. To lend further weight to the consideration as to why Footpath and Bridleway users should be engaged, consider the following scenario. If all other considerations around Right of Way use are suitably executed, except for glint and glare, and a Right of Way is, in fact, unusable on a sunny day because of reflected light, then an important community asset would be lost for much of the year.



The field that Footpath 7 passes through is proposed for development



The field that Footpath 9 passes through is proposed for development

Following the same logic, clause 12.5.1 must include Walkers, Horse Riders and Cyclists within the Sensitive Receptors being considered.

Table 12.1 on Glint and Glare is titled “Issues Scoped Out of the Assessment”. It seeks to scope Road Users out of analysis within the EIA. This is entirely inappropriate, given road safety and wider considerations. They must be retained in scope.

Clause 12.11.1 on Glint and Glare reads “The assessment will be limited to desk-based modelling. No site survey is initially proposed”. This approach is excessively narrow and unreasonable for such an important area. A site survey must be included to suitably analyse impact. The Glint and Glare assessment needs to consider both summer (when the sun is high) and winter conditions (when the

sun is low and there are no leaves on the trees or hedges), taking into account the variation in the sun's full horizontal and vertical range in both seasons.

A sub-clause within Clause 12.11.2 on Glint and Glare is flawed. It reads "The geometric model shall assume panels within the entirety of the indicated areas of the parameter plan. In actual practice, rows and arrays of solar panels will include spacing between panels to decrease the effects of shadowing upon neighbouring panels. Therefore, the model assumes a highly conservative number of panels and presents a worst case geometric result". It is flawed because gaps and spaces between panels can allow reflected light to travel to locations that would otherwise be blocked by an assumed homogenous block of continuous panels. This assumption is overly simplistic. The actual site layout, supported by a site survey should be the basis for this analysis. Indeed, Clause 12.11.3 in the report actually includes an argument for why this is required. It reads ""The algorithm does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules variable height of the PV array, and support structures may impact actual glare results."

Clause 12.11.3 on Glint and Glare contains a long list of "assumptions and limitations associated with the ForgeSolar glint and glare model". However, it does not document how these limitations will be dealt with to ensure that the results in the final EIA will be accurate and reliable. This is notable shortcoming and cannot be accepted within the Scoping Report.

Clause 13.2.10 on Ground Conditions and Contamination reads "The NPPF also outlines that post remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990.". Given local knowledge, the Applicant is strongly guided to ensure that it has made all due enquiries and received written representations from the current Site B landowners with respect to historic trade waste disposal within Site B with respect to the statements currently included in clause 13.6.5.

The assertion in clause 13.9.1 is challenged. It reads "Once the Proposed Development is designed and constructed incorporating the embedded mitigation, the passive operational nature of the Solar Development Sites indicates limited impact on the ground conditions. The operational impacts within the Solar Development Sites on ground conditions are scoped out." The presence of large solar panels is likely to create rainwater run-off "rivulets" on the sloping ground across the Proposed Development. These are likely to coalesce to change local drainage and wider run-off. The Operational Impact on Ground conditions should not be scoped out for this reason.

With regard to the wider Health section (section 14) the report quotes key planning document sections but does not mention NPS-EN1 (2026) section 5.12. This reads that "excessive noise can have wide ranging impacts on the quality of human life and health such as annoyance, sleep disturbance, cardiovascular disease and mental ill health". This is of high relevance during a 5 years Construction and Decommissioning phase and should be considered.

Clause 14.6.3 states "Through the implementation of these measures, potential adverse effects on health and wellbeing would be minimised and reduced to a level that is not significant". This is an aspirational statement that the Applicant cannot support.

Clause 14.8.1 states "the effects of the proposed development will not be assessed". As discussed elsewhere this has to be "Scoped In" and assessed – see section 3 above.

Section 14.9 does not actually state how the health assessment will be carried out. Table 14.3 "Matrix of significant effects" does not have any specific criteria and is inadequate for its proposed purpose. Clause 14.9.4 states that "professional judgement will be used to evaluate the significance

of potential health effects”. This is inadequate and this needs to be revised. It is noted that Icen Projects are not experts in the field of Health and Care.

Section 15.2 makes no reference to the Church Broughton Community Led Plan (issued in 2016, revised in 2021). It does, however, reference other local plans.

Clause 15.5.5 (Visual Amenity) should explicitly list Barton Blount Hall and Estate as a Residential Receptor for Site B, given its visual amenity importance with the landscape around Church Broughton. This change should also appear in Table 15.2. In addition St Michael’s Church and its associated Churchyard is very close to the boundary of the proposed development (circa 50m) and has a view over the proposed development where it would dominate the view. This should be considered as a specific receptor especially for funerals, mourners and others visiting the cemetery area.

The section on Land Use, Infrastructure and Settlement (section 15.6.5 onwards) should include a section that documents that the area within a 15-20km of Willington includes an estimated 2500 acres of land that is designated as “Made Ground” and “Artificial Deposits” as defined by the National Geological Survey. It should also record that South Derbyshire District Council has 38 sites with 99 hectares of land registered as “Brownfield”. These facts are significant in describing current and historic Land Use and in assessing the impact of the scheme.

The section on Vegetation Patterns (particularly 15.6.9.) should document that many of Site A and Site B’s hedgerows are ancient in nature and are shown to be present both before and after the 1764 Enclosure award. Given the field boundaries included in the 1626 map created for the First Earle of Devon by William Senior a number can be assumed to have existed both before and after 1626. Without this context the importance of hedgerows is likely to be under estimated.

The section on Public Right of Ways (15.6.12) fails to list a number of affected footpaths for Site B including Church Broughton footpaths 9,10,12 and 13. The amenity of footpaths slightly outside the proposed development area will also be affected and should be considered. They include Church Broughton footpaths 6 and 33.

Clause 15.5.5 should include recreational receptors users (including cyclists, walkers, runners, horse riders) who are using “On road” routes. It should not limit them as only “Off road” users. Sites A and B have many quiet rural roads which are used by large numbers of people exercising “On road” from the local area and coming out of the more built-up areas, like Derby, Hilton and Hatton.

Section 15.6.16 should be worded as “Traffic movement along main, **and particularly more minor**, routes and operational activity associated with infrastructure can reduce perceived **and actual** tranquillity in certain locations. Without this change this clause is misrepresenting the point that should be made.

Clause 15.6.7 says that the landscape already contains notable infrastructure associated with the energy industry including overhead power lines. This is certainly not the case in Site B. It also applies to several other proposed development Sites, as a simple review of an OS map reveals.

15.7.4 states “trees and hedgerows will be retained as far as possible”. No explanation is given as to how any removals or losses this will be analysed and determined. This must be defined, with appropriate decision-making criteria specified.

Table 15.3 states lighting during Construction and Decommissioning will be “Scoped Out”. This must be “Scoped In” given the substantive, 5 years period involved.

Clause 15.11.3 says the 15 years assessment will assume summer conditions for visual assessment. This should be performed winter, given the impact of vegetation reduction in the colder months.

Clause 16.4.1 states that the study area for the noise assessment will be performed 300m from the boundary of the development. This is ambiguous and it is unclear what it will mean for the many receptors that are very near to the proposed development. This clause and the study area must be defined in more detail to allow the impact of noise to be properly assessed. This approach is insufficient as wind direction will also be a contributing factor, so the nearest property may not experience as much noise as a property further away if the prevailing wind is in the direction of the latter.

Section 15.8.3 states “The decommissioning phase has the potential to result in significant adverse landscape and visual effects, similar to but of no greater magnitude than the construction phase”. The CBPC has made comments throughout this response to CWE’s Scoping Report that the Decommissioning phase will be under analysed and presented if the Report’s proposed “Out of Scope” elements were accepted. This statement shows why it needs to be analysed in full.

Clause 16.1.3 states that “Consideration will also be given to the potential effect on areas of tranquillity, if relevant to the draft Order Limits”. The logic for how these areas are being determined should be documented as should the manner in which they will be analysed.

Elements of Table 16.1 Planning Policy (Noise) of LPAs are not formatted properly and the text cannot be read. It has not been possible to review this section completely as a result.

Clause 16.6.1 reads “Current baseline noise conditions of the study area will be established through extended baseline surveys, undertaken over 5-days covering the weekday and weekend period. The monitoring locations will be agreed with the EHO of the relevant LPA(s)”. This is an important area, and the Applicant is proposing to substantially under analyse it. The Applicant should commit to complete multiple 5 days monitoring periods across different weather conditions with prevailing winds in the 4 different cardinal positions and with periods both inside and outside the main school holiday periods to ensure that results are not skewed by, for example, relying solely on one 5 days period in August when the summer holidays are likely to suppress both school and industrial road transport levels.

Part of clause 16.10.12 reads “The magnitude of noise or vibration is dependent on what is being assessed (construction works, road traffic noise, plant). Professional judgement and experience will be drawn upon to assess the scale and significance.” It appears entirely unreasonable to only use “judgement and experience” to assess this area, and not to apply a quantitative methodology. This is particularly the case given high noise techniques such as piling will be in use. A current, prime example for the Church Broughton community is the use of audible warning sounds being used by farm vehicles when reversing. Early summer grass harvesting is continuing well past dusk (at 10pm in June) and is clearly affecting people’s sleeping arrangements.

Clause 16.11.4 reads “There are no existing sources of vibration proximate to the study area. On this basis vibration measurements will not be conducted and is taken as zero for all areas, which is considered to be representative of baseline conditions”. It seems highly unlikely that the Applicant can make such a broad, sweeping statement as this with any degree of certainty and without any indication of how this assumption is supported. A zero starting point shouldn’t be permitted for these studies and a baseline condition should be properly determined.

Clause 18.10.11 states that an increase in traffic of <30% is “negligible”. This is challenged. The surrounding roads on Site B are quiet rural roads with very minimal HGV traffic. Absolute traffic volume increases and the type of vehicles to be involved should be assessed. An increase of, for example, 5 HGVs per day would be significant. The parameters determined are not a reasonable assessment for the impact they cause in this section and require revision. 25 to 50 journeys are declared of “minor” significance. This is a range not a value. 25 large vehicle movements/day would be very significant on local roads. Even Ashbourne Road, which is considered to be the largest vehicle access route into the area is unsuitable for HGVs (see the pictures below). There is a significant under categorisation of Impact in this area. The transport section also does not discuss the impact on roads when its wet. Mud on roads can be a significant risk to driving and has led to accidents and death. This needs to be taken into consideration.



The meaning of Clause 19.4.6. is not clear. In some instances, the sources and impacts of flooding or water supply may be greater than 1-2km. The geographical extent should extend to the full extent of the impacts of any flooding and water resources issues and not be limited to an arbitrary radius.

Clause 19.5.3 does not include the current government Planning Practice Guidance on Flood Risk and Coastal Change (produced by the Environment Agency). This should be included.

Clause 19.5.5 states that there is a small pond in the West of Site B. There is another small pond in the South West of Site B. There is also the Decoy Pond on the West side of Barton Hall which is directly adjoining the propose site. These should be explicitly covered in an analysis of Site B. Site B

receptors should also include an ordinary watercourse (a tributary of Bent Brook) and the Limbersitch Brook (a receptor downstream of Bent Brook that floods extensively).

Clauses 19.6.5 does not accurately describe the severity of local flooding. This happens on several occasions per year in Site B. The topography of the land does not just fall from West to East but also North to South with rainfall run-off coming from fields in Site B onto its local the roads and also moving further South. This isolates the village of Church Broughton every year and impacts the school which has to close. This then further impacts parents at work who have to collect children when an emerging “access risk” is communicated. This needs comprehensive assessment and inclusion. Also within clause 19.6.5 Site B is shown to lie in Flood Zone 1 on the Flood Map for Planning as the ordinary watercourses within the site have not been modelled at the upstream extents of their catchments. The surface water flood maps indicate that Site B is expected to have areas of land in Flood Zones 2 and 3. Hydrological assessment and hydraulic modelling is required to assess the extent of the Flood Zones within Site B. This must be included in the Flood Risk Assessment.

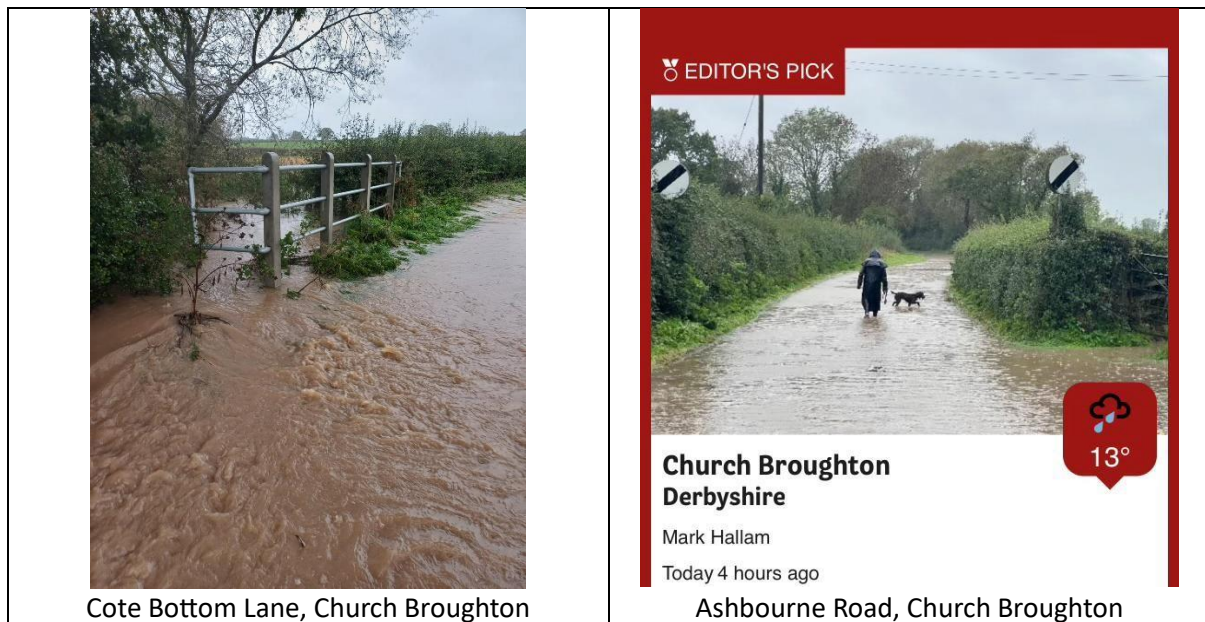
Within clauses 19.6.14 and 15 there are a number of areas at high, medium and low risk of surface water flooding within site B, not just small pockets, which become more extensive in the years between 2040 and 2060. There are also significant high risk surface water events (not just low and medium events) associated with the ordinary watercourses and also areas of high risk of surface water flooding on the east and west sides of Site B.

The assertion in clause 19.6.43 is challenged. It reads “Solar Development Sites A–E: As largely greenfield sites, they are expected to have minimal existing sewer infrastructure; sewer flood risk is therefore negligible”. Site B includes Church Broughton, which has a school and pub and is of notable size. This type of flood risk cannot be dismissed for a low-lying village simply by making a statement that Site B is “largely a greenfield site”. It misses the point that a detailed analysis is required, given the extent of flooding that the village has seen in recent years (see the pictures below). This is particularly the case given that clause 19.6.42 states that “The SDDC SFRA does not provide historical sewer flood incident data” and, on page 392, the Applicant states :

“Sewer Flood Risk / Foul Water Infrastructure Capacity:

- Increased foul and surface water discharge may exceed sewer capacity. Risk of sewer flooding during storm events if not properly managed.”

Sewer Flood risk must be analysed.



The section titled “Proposed CCO – Baseline Review” (from clause 19.6.43 and page 322 onwards) lists a series of coloured cable routes but makes not recommendations for any sort of analytical review of them. This section of the EIA Scoping Report is therefore deficient as there is no meaningful content to comment on.

Clause 19.6.46 states that most areas on the pale blue cable route are at Very Low surface water flood risk, with small Low–High risk pockets. This is incorrect as the lower lying areas on the cable route floods several times a year from the ordinary watercourses and from rainfall unable to discharge into the watercourses or infiltrate into the clay soil, leaving large areas of standing water for several days which are much more extensive than shown on the surface water flood maps. Please see later comment about the need for input of local knowledge into any Flood Risk Assessment (FRA) and not just relying on a desk study.

Within Clause 19.7.1 (Design, Mitigation and Enhancement Measures) Infiltration Sustainable Drainage Features (SuDS) will not be feasible in areas with heavy clay soils, including Site B. The only form of SuDS that could effectively be used to restrict surface water runoff are large retention basins. These would potentially use up large areas of the sites and would not be possible in Flood Zone 3 (such as on Site E and areas of Site B) or where there is already surface water flooding.

Bullet point 1 states that “The Proposed Development will be designed to be resilient to projected future changes to the climate affecting rainfall and flood risk”. This will need to be confirmed by continuous, long-term (whole project life) monitoring and analysis so that the SuDS system can be maintained and potentially improved. The Applicant must make this commitment to monitoring, maintenance and improvement, given the points already made about the area around Church Broughton flooding extensively on an annual basis.

Bullet point 3 states that “The inclusion of SuDS would restrict and control the rate of surface water runoff from the Proposed Development...”. This should be amended to be broader and state that “The inclusion of SuDS **will be required to** restrict and control the rate of surface water runoff from the Proposed Development **to green field runoff rates and volumes...**”.

Bullet point 5 states that “Hydrological Flood Modelling of nearby and intersecting watercourses **can** be undertaken to determine the actual fluvial and surface water flood risks present at the Sites”. This should be broadened to state that Hydrological Modelling **will** be undertaken. Importantly, Local landowners and flood wardens should also be consulted about the actual flood risks and flooding mechanisms in their area. The FRA should not just rely on theoretical models and desk studies. This is really important given that Site B has known, significant flood issues.

Section 19.8 titled “Description of Potential Likely Significant Effects” (from page 327 onwards) lists a whole series of adverse flood water related outcomes that the Scoping Report appears to be accepting as “Likely Significant Effects”. The whole premise of this section is challenged, as it is wholly inappropriate to hard code these outcomes into a Scoping Report. The intent should be the exact opposite – namely to state that the proposal will be structured to ensure that these do not occur. This clause also refers to loss of floodplain during construction and operation of the development. However, the risks from floating debris catching on the forest of panel supports or other infrastructure which could obstruct flows and significantly increase flood water levels has not been mentioned. The combined dangers of electricity and flood water have not been considered. Access to the sites for emergency work during times of flooding has not been considered. This should be assessed for all sites, but particularly for Site E which is located almost entirely in Flood Zones 3a and 3b (the functional flood plain).

Clause 19.9.2 (Impacts Scoped out of Assessment) states that “Where parcels are solely located within a Flood Zone 1, fluvial flood risk has been scoped out”. This is not acceptable for Site B as it will have areas of Flood Zones 2 and 3 that are not shown on the Flood Map for Planning due to the upstream location of the ordinary watercourses. An assessment of the actual Flood Zones within Site B needs to be undertaken. The Flood Zones are expected to be broadly similar to the surface water flooding areas shown on the Surface Water Flood Maps along the watercourses and are therefore not insignificant. This will need to be done to properly inform the Sequential Test and Exception Tests.

The omission in Clause 19.9.4, that seeks to “Scope Out” surface water quality is not appropriate as contaminants from the construction/development will affect surface water quality which will in turn affect water quality in the local watercourses.

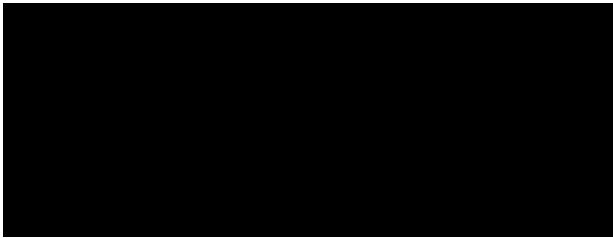
Section 19.9 titled “Impacts Scoped Out of the Assessment” (from clause 19.9.1 and page 330 onwards) has, for the reasons described above, far too many areas “Scoped Out”. The Applicant is not taking a sufficiently prudent approach to this area.

Clause 19.11.6 finishes with the recommendation that “..... it is recommended that groundwater flood risk is monitored as part of the EIA”. The CBPC wholly supports this recommendation and would like it to include the active consideration of community evidence of where flooding has occurred in recent years as part of the EIA. It is important that this recommendation is extended to be explicit about the period of time that such monitoring should take place within the EIA period and believe that it needs to be across a number of years to be statistically meaningful.

Conclusion

The length of this commentary, and the very large number of points that have been raised, highlights why the proposed Scope of the EIA must be extended to cover all the omissions highlighted. The identified deficiencies must be corrected and these major areas of impact properly analysed if the Applicant's EIA is to become a meaningful assessment of the proposed development.

Yours sincerely,



Church Broughton Parish Councillor

(Submitted on behalf of the Church Broughton Parish Council)

Dalbury Lees Parish Council

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Response to the Castle Way Energy EIA Scoping Consultation 17/6/2026 EN0110037

Dalbury Lees Parish Council submits the following comments concerning the scope and level of detail of the upcoming Environmental Statement.

The Council recognises that this consultation concerns the environmental parameters that must be assessed and presented, rather than whether development consent should ultimately be granted. Our comments should therefore be understood as formal requests regarding the scope of the Environmental Impact Assessment.

Dalbury Lees Parish Council fully supports the concerns and requests raised by neighbouring parish councils, South Derbyshire District Council, other relevant local authorities, and local interested parties. Where those bodies have requested that environmental matters be retained within, or added to, the scope of the assessment, we strongly support that position.

We require that the following matters be fully assessed:

1. Construction, operation and decommissioning

Construction, operation and decommissioning should be assessed as separate phases across all relevant environmental topics.

Potential effects should not be excluded merely because they are described as temporary or short term. Construction and decommissioning may each continue for up to approximately 30 months, representing a potentially significant cumulative period of disturbance.

The Environmental Statement should therefore assess the effects of both construction and decommissioning on:

- agricultural land and soils;
- air quality;
- archaeology and heritage;
- ecology and biodiversity;
- greenhouse-gas emissions;
- landscape and visual amenity;
- lighting, glint and glare;
- noise and vibration;
- traffic and transport;
- public rights of way;
- residential amenity; and
- the water environment and flood risk.

The likely methods, duration, environmental effects and restoration requirements associated with decommissioning should be properly assessed now rather than deferred to a later stage.

2. Cumulative and combined effects

The Environmental Statement should assess the cumulative and combined effects of the whole proposed development, including:

- the separate solar-generation areas;
- battery energy storage systems;
- substations, inverters and other electrical infrastructure;
- construction compounds and access works;
- underground and overhead grid connections;
- the different cable routes converging on Willington;
- other approved, proposed or reasonably foreseeable solar, energy and major developments in the area; and
- overlapping construction programmes and transport routes.

The dispersed nature of the development means that assessing individual parcels or components in isolation could understate its overall environmental effects.

3. Ecology and biodiversity

The proposed approach to ecology and biodiversity should be broadened. Bats, including roosting bats, reptiles, badgers, fish, irreplaceable habitats and other relevant species and habitats should not be scoped out without robust evidence.

The assessment should include:

- habitat loss, degradation and fragmentation;
- cumulative loss of ecological networks;
- effects on established wildlife routes;
- the permeability and effect of security fencing;
- displacement of animals towards roads or settlements;
- effects on birds and bats;
- the effects of lighting, noise and human activity;
- effects from access tracks, cable trenches and other infrastructure;
- the effect of proposed screening and planting on existing habitats;
- the ecological condition of land throughout operation; and
- the feasibility and effectiveness of habitat restoration following decommissioning.

These matters should be considered during construction, operation and decommissioning.

4. Landscape, visual effects, lighting, glint and glare

The Environmental Statement should assess the effect of the development as a whole on local landscape character, tranquillity and visual amenity.

This should include the effects of:

- solar arrays;
- battery storage units;
- substations and inverter stations;
- pylons and other grid infrastructure;
- underground cable works;
- security fencing;

- CCTV equipment;
- access tracks and compounds; and
- construction, operational and security lighting.

Views from homes, workplaces, roads, settlements and public rights of way should be assessed. Walkers, cyclists, equestrians and other recreational users should be treated as sensitive receptors for landscape, visual, lighting and glint-and-glare effects.

The glint-and-glare assessment should also consider potential effects on horses, road users, railway operations and aviation receptors where relevant.

5. Heritage and archaeology

The assessment should address direct effects on heritage and archaeological assets, together with effects on their settings and on the wider cultural significance of the landscape.

It should consider how panels, fencing, lighting, CCTV, battery storage, substations, pylons and cable routes may affect the way historic buildings, structures and landscapes are experienced.

Potential archaeological effects from construction compounds, foundations, access tracks, ground disturbance and cable trenches should be assessed during both construction and decommissioning.

6. Water environment, drainage, flooding and climate resilience

The Environmental Statement should provide a comprehensive assessment of all sources of present and future flood risk.

It should include:

- existing local flooding and drainage conditions;
- surface-water and groundwater effects;
- changes to infiltration and overland flow routes;
- the effects of panels, access tracks, compounds and compacted ground on runoff;
- downstream effects on homes, businesses, roads and settlements;
- cumulative effects arising from the separate development areas;
- effects during construction, operation and decommissioning;
- changes in water availability; and
- future rainfall, storms, wind and other climate-change effects.

The assessment should explain how the sequential risk-based approach has influenced the location of the development and its more vulnerable components.

7. Transport, access and highway effects

The transport assessment should cover the whole construction programme and the combined effects of all development areas and grid-connection works.

It should assess:

- anticipated HGV and staff movements;
- the timing and routing of construction traffic;
- the suitability and capacity of narrow rural roads;
- bends, junctions, passing places and collision-risk locations;

- the ability of routes to accommodate two-way HGV traffic;
- effects on homes, businesses and sensitive locations;
- impacts on pedestrians, cyclists, equestrians and other vulnerable road users;
- multiple site entrances and construction compounds;
- operational and decommissioning traffic;
- temporary traffic regulation and possible one-way arrangements;
- emergency access;
- disruption associated with cable installation; and
- road damage, reinstatement standards and the timing of reinstatement.

The assessment should consider the possibility of simultaneous construction activity across different parts of the development.

8. Public rights of way

All affected footpaths, bridleways, and recreational routes must be identified. The assessment should evaluate how temporary or permanent diversions, combined with the physical enclosure of these routes by security fencing, will impact construction safety and result in a loss of local tranquillity.

Specifically, the Environmental Statement must address:

- Long-term effects on general accessibility and visual amenity.
- Glint and glare risks specifically affecting horse riders, cyclists, and walkers.
- The cumulative impact of placing panels, CCTV, and cable infrastructure adjacent to historic recreational routes.

9. Noise, vibration, air quality and residential amenity

The Environmental Statement should establish appropriate baseline conditions and assess:

- construction dust and vehicle emissions;
- emissions associated with earthworks and haul roads;
- piling, road construction and cable installation;
- construction and decommissioning noise and vibration;
- operational noise from battery storage, transformers, inverters and associated equipment;
- lighting and glint-and-glare effects on nearby homes;
- changes to views and outlook;
- sleep disturbance and other amenity effects; and
- combined effects on human health and wellbeing.

Operational effects should not be excluded solely on the assumption that mitigation will prevent significant effects. The proposed mitigation and its likely effectiveness should itself be assessed.

10. Agricultural land and soils

The Environmental Statement should assess:

- the agricultural classification and quality of the affected land;
- the extent and distribution of best and most versatile agricultural land;
- cumulative loss of productive farmland;
- existing agricultural use and food-production capacity;
- soil stripping, storage, movement and reinstatement;
- soil compaction, erosion, contamination and drainage;
- effects from foundations, access tracks and cable trenches;
- the extent to which agricultural activity could continue during operation; and
- whether the land can realistically be restored to an appropriate agricultural condition following decommissioning.

Construction and decommissioning effects should be included throughout the agricultural-land and soils assessment.

11. Major accidents, battery safety and emergency response

The Environmental Statement should contain a robust assessment of major accidents and disasters, particularly in relation to battery energy storage systems and associated electrical infrastructure.

This should assess:

- battery fire and thermal runaway;
- smoke and airborne pollutants;
- contaminated firefighting water;
- potential releases to soils, groundwater and watercourses;
- effects on nearby residents, roads and habitats;
- emergency-service access;
- firefighting water supplies;
- appropriate separation distances;
- evacuation or road-closure implications; and
- cumulative risks where battery and electrical infrastructure are concentrated.

The assessment should be informed by consultation with the relevant fire and rescue service and other emergency responders.

12. Aviation, railway and road safety

The Council supports the request that aviation safety be included within the assessment. This should cover any relevant glint-and-glare, lighting, obstacle, communication or operational effects on nearby airfields and aviation activity.

Potential effects on railway operations and road safety should also remain within scope throughout construction, operation and decommissioning.

13. Greenhouse-gas and whole-life environmental effects

Greenhouse-gas emissions should be assessed on a whole-life basis, including:

- manufacture and transportation of equipment;
- concrete, aggregate and other construction materials;

- construction traffic;
- groundworks and land-use change;
- operation and maintenance;
- replacement of equipment;
- decommissioning;
- reuse, recycling, treatment or disposal of equipment and batteries.

Construction and decommissioning emissions should not be excluded while operational effects are assessed.

14. Reasonable alternatives and assessment of the whole project

The Environmental Statement should clearly define and assess the whole project, including all solar-generation areas, battery storage, substations, grid connections, cable corridors, access works and associated infrastructure.

It should provide a meaningful assessment of reasonable alternatives, including:

- alternative site layouts;
- alternative locations for individual components;
- alternative cable and grid-connection routes;
- alternative technologies;
- opportunities to reduce the geographical spread of the development;
- use of less environmentally sensitive land; and
- measures capable of avoiding effects rather than relying solely on mitigation.

The assessment of alternatives should compare their likely environmental effects and explain how environmental considerations influenced the chosen design.

Conclusion

Dalbury Lees Parish Council supports the requests made by neighbouring parish councils, local authorities and interested parties for a comprehensive Environmental Statement.

Given the scale, dispersed nature and long construction and decommissioning periods associated with the proposal, the Council asks that potentially significant environmental matters are not scoped out prematurely on the basis that effects are temporary, can be mitigated or relate only to decommissioning.

The Council requests that the matters identified above are incorporated into the Scoping Opinion and addressed with an appropriate level of detail in the Environmental Statement accompanying any future application.

Signed



Clerk to the Council

Wednesday 15th July 2026

Telephone:

Ask for: Richard Sandbach

Email: r[REDACTED]@Derbyshire.gov.uk

Our ref:

Date:

Dear Sir/Madam,

EN0110037 Castle Way Energy EIA scoping consultation

The Castle Way Energy scheme consists of approximately 300 mW of ground mounted solar generation, 200 mW of Battery Energy Storage Systems (BESS), inverters, transformers and cable connections, both between PV sites and linking PV sites to the 400 kV substation at the former Willington power station. The majority of the area encompassed in the draft order limits lies within South Derbyshire District. The total area of the draft order limits amounts to approximately 1700 ha extending over an area a little over 14 km east to west (Foston to Willington) and 8 km north to south (Barton Blount to Clay Mills). There are two small sections outside SDDC, one in the north between Sutton on the Hill and Church Broughton, where a 22 ha section of cable routing corridor crosses into Derbyshire Dales District, and a second, 27.6 ha at Clay Mills, where the photovoltaic generating panels extent into East Staffordshire on the south side of the River Dove adjacent to the A38. The total area comprising the PV generating stations accounts for approximately 383.4 ha, grid connection infrastructure 18.7 ha and cable routing corridors 1301.4 ha. The extent of the site is not fixed and the final design remains under development and may be subject to change.

The proposal has been identified as a 'Schedule 2' development in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Therefore, a scoping opinion has been requested, to establish whether the proposed scope of the Environmental Statement adequately considers the issues likely to arise as a result of the proposal and correctly identifies those matters not considered necessary to assess further. The adequacy and comprehensive nature of the scoping report is to be considered below.

The draft Order Limits indicate that the proposal consists of 6 distinct PV sites connected by extensive cable corridors, ultimately converging on the 400 kV sub-station at the former Willington power station. The site at Aston Heath, Sudbury (site A) in the west is nearly 2km from the nearest other site at Church Broughton (site B), itself nearly 3km from the sites at Dalbury (site C) and Hilton (site D). The Hilton site (D) is a further 3.5 km from the site at Clay Mills (site E). The distance between the Hilton (site D) and Etwall, the southern limit of site C, is again, over 3 km. While the proposal does exceed the 100 mW threshold for consideration as an NSIP, the spatial separation of the PV sites would suggest that it is in reality, 6, much smaller PV sites spread across a wide area of South Derbyshire and connected by a series of underground cable routes. If these sites were to be considered

individually, they would not meet the threshold for consideration as an NSIP and it is considered that their spatial separation indicates that they do not form part of a single, cohesive and spatially associated site.

The remainder of the report will be considered on the assumption that PINs accept that the proposal does describe a single PV and BESS site meeting the threshold for an NSIP.

The scoping report is divided into 22 sections and a number of appendices. Each section considering elements of the proposal to be expanded in the Environmental Statement. The sections comprise:

- Introduction
- The proposed development
- Description of site and surroundings
- Alternatives and design evolution
- EIA methodology
- Agriculture and soils
- Air quality
- Archaeology
- Built heritage
- Climate change and greenhouse gases
- Ecology and biodiversity
- Glint and glare
- Ground conditions and contamination
- Health
- Landscape and visual impact
- Noise and vibration
- Socio-economics
- Transport and access
- Water environment and flood risk
- Topics to be scoped out
- Cumulative effects assessment
- Conclusion
- Appendices

The opening sections of the report cover the topics of: the proposed development, description of site and surroundings, alternatives and design evolution and EIA methodology. These are considered descriptive and informative, they are required in the Environmental Statement.

The potential impacts of the proposal on agricultural land, particularly on that classified as 'best and most versatile', are of considerable importance and are fundamental to considerations of the appropriateness of the proposed land use.

It is proposed that the impacts of construction and decommissioning are scoped out. This is not appropriate as the long-term impacts of actions at both construction and decommissioning phases will impact the potential for future agricultural use of the land and its classification. Similarly, the impacts of decommissioning on the potential for farm businesses to fully utilise the land may be significant, impacting drainage, soil compaction and potentially legacies due to cable ducting and ground anchors. Construction, operation and decommissioning must be scoped in for all considerations relating to the rural economy, agricultural use and land classification.

The air quality section suggests that vehicle and plant emissions and dust arising during decommissioning will be scoped out as these will be considered in the construction Traffic Management Plan. Decommissioning emissions to air are as important as those arising from construction and, while considered in the Construction and Decommissioning Traffic Management Plans (CTMP & DTMP), leaving consideration until to drafting of the and CTMP and DTMP is likely to prevent open discussion and consideration during further stages of engagement. Transparent and accountable consideration of the air quality impacts of the proposal should start with the Environmental Statement (ES), therefore decommissioning should be scoped in.

While it is accepted that the scale and impact of operational phase traffic will be small, this should be acknowledged in the ES.

Matters relating to the impacts of accidents and emergencies associated with the BESS are a considerable public and regulatory concern and must be considered throughout the process. While it is accepted and recommended, that this should be a matter for a specific Battery Safety Management Plan and a Fire Emissions Assessment, it is also recommended that the potential environmental impacts of battery safety be scoped in and included in the ES.

Due to the scale of the site and its spatial distribution, influenced by extensive cable route corridors, the impacts of the proposals on archaeology are a major concern and may affect a wide geographical area. The proposed site is potentially rich in archaeology ranging from palaeolithic to the present. While the operational phase of the development is unlikely to have an additional impact on archaeology, both construction, and to a lesser extent, decommissioning have the potential for significant impacts of sites and features, both known and as yet unknown, of great importance. Archaeology must be scoped in for the construction and decommissioning phases of the development. Again, these matters will be covered in the Decommissioning Environmental Management Plan but should be included in the earlier phases of engagement.

The impacts of the proposal on built heritage assets, both designated and non-designated should be included in scope for all three development phases but should not be limited to those within 2 km of the site. This distance should be derived from and informed by the detailed landscape and visual impact assessment. Further, the impacts of construction and decommissioning phases must include traffic routing, particularly for large and indivisible loads.

The scoping proposals for the consideration of greenhouse gas emissions are accepted as is the proposed scope of climate change consideration.

Ecology and biodiversity are important considerations which may be fundamentally impacted by a large solar proposal, particularly one which includes such extensive cable routing requirements. The scoping report places the impacts on nationally designated sites for nature conservation as out of scope and states that locally designated sites greater than 200 m from the order limits will be considered scoped out. While it is accepted that mitigation will form part of a later management plan, it is felt that the potential for, and scale of impact must be assessed in the ES. Both locally and nationally designated sites for nature conservation should be included as in scope.

Breeding and non-breeding birds should be in scoped for all three phases of the proposal as the impacts of decommissioning are likely to impacts bird communities that have

become established during the operational phase. Ground nesting birds are potentially impacted during all three phases and must be considered throughout. Similarly, the impacts on bats must be included during all three phases. Although feeding bats use field boundaries and other linear features, which are proposed to be retained, the disturbance caused during construction, operation and decommissioning has the potential to be detrimental. While roosting bats do favour veteran trees, single examples of mature trees in hedge lines may also be important as places of shelter although not necessarily as maternity roosts. The disturbance caused by works adjacent to roosts and the operations such as fencing and security cameras or lighting must be retained as in scope.

The presence of and impacts upon amphibians should remain in scope for all three phases of the development. Amphibians do not necessarily rely upon ponds for over wintering and the potential for habitats created within the development site to be used for over wintering, and therefore impacts of decommissioning, must be in scope. The same considerations apply to reptiles, these too should remain in scope for all three phases of development.

Badgers are protected by law and have extensive ranges, the fact that a mitigation plan is considered necessary suggests that impacts are possible and consideration should be in scope. The same applies to fish (and other aquatic life), if it is required to be included in the Environmental Management Plan, there should be consideration in the ES and it should be in scope. The impacts of all three phases on the development on badgers and aquatic life, including fish, should be within scope.

Glint and glare must be considered in scope and considered for local receptors, recreational users of the local rights of way network and in relation to road traffic. It is accepted that the impacts on air traffic are of significant importance for safety, other elements of glint and glare are also important for local road safety and amenity. All aspects of glint and glare should be in scope.

The potential impacts of solar sites on ground conditions are of particular concern. All three phases of the development have the potential to impact upon ground conditions. It is accepted that decommissioning poses fewer concerns regarding the impacts of unforeseen contamination which may be encountered during construction. However, both operational and decommissioning phases may impact upon ground conditions due to cable routing and surface water drainage, these are of concern when dealing with best and most versatile agricultural land where reinstatement to agricultural use may require the thorough removal of both, and careful management of the soils. As the proposal includes the provision of BESS there are concerns relating to accident and fire safety, both of which may have long lasting impacts on soil and ground conditions. It is therefore considered that ground condition and contamination are included in scope for all three phases of the proposal.

The scoping assessment relating impacts on health is considered to be appropriate. No changes to the proposed scope are recommended.

The development of a 300 mW solar generating station has the potential for a considerable visual, and therefore landscape related impact. All three phases of the proposal should be in scope and examined in detail in the ES, and this must include changes to landscape character brought about by the generating sites and the potential changes arising from the cable routing. While it is understood that the majority of the routing is intended to the underground, there is also a potential for shorter, above ground routing. Above ground has longer term landscape impacts, but these are not absent when undergrounding is proposed. The loss of hedges, hedgerow trees and walls can take several years to a

decade to be fully returned to the pre-development condition. All elements of landscape impact should therefore be in scope.

The report identifies visual impacts as in scope, with the exception of lighting assessment, changes in view from places of work and changes of view in terms of general amenity and recreation. While changes in view, visual impacts, might be of relatively short duration within the routing corridors, the visual impacts of a large expanse of PV arrays, fences, lighting, access tracks and CCTV masts, in place for approximately 40 years, may be considered to last for a generation. The visual impacts of such a proposal, covering such a large expanse of land, can only realistically be assessed through a detailed visual impact assessment, and this must form part of the Environmental Statement, taking full account of the impacts of construction, operation, decommissioning, and the final decommissioned condition of the site. All of these elements should be in scope.

While visual and landscape impacts are identified as within scope, it is considered that the 2 km zone of influence is insufficient and its extent should be informed by a formal assessment. The visual impact of large PV schemes may not be immediately apparent near to the site while more distant views may be negatively impacted. For this reason, the extent of the zone of visual impact, including an assessment of its extent, must be in scope.

Noise and vibration generated during the operational phase of the development is included in the assessment and its inclusion within scope is welcomed. Noise and vibration during construction and decommissioning also needs to be considered in scope. Assessment of noise and vibration must extend along both cable routing corridors and all traffic access routes, particularly those with potential for large indivisible loads.

It is accepted that noise and vibration may be scoped out for the operational phase. However, both construction and decommissioning should include noise and vibration as in scope.

It is known that there is some noise generation from inverters and transformers, but this is at a low level, is unlikely to be significant and can be mitigated through careful siting and design.

Construction traffic has the potential for the generation of significant local noise and vibration, particularly large indivisible loads that may be associated with BESS and transformers. The impacts of construction and decommissioning traffic should therefore be in scope for the PV generating sites, cable routes and along the access corridors.

The assessment of scoping for socio-economic impacts clearly identifies that very few if any, full time, local employment will be directly created as a result of the proposal. There will however be opportunities for local employment during the construction and decommissioning phases. The scoping for socio-economic effects is considered appropriate.

Traffic and transport flows during the construction and decommissioning phases of the development are considered within scope and are also to some extent considered in the noise and vibration scoping. However, the potential impacts of large indivisible loads have been omitted from the scoping and must be included in terms of impact on traffic flows and highway infrastructure, during both construction and decommissioning.

The water environment and flooding is within scope for the construction, operational and

decommissioning phases. The assessment includes temporary and permanent losses of flood storage, obstructions, alterations of flow and downstream risks during all three phases and for surface water and fluvial events. Other matters associated with construction, operation and decommissioning have also been scoped in. These include changes to surface water run-off, increased run off from PV panels and impermeable surfaces, silting, erosion and contamination, including from BESS accidents and emergencies.

One element omitted is the impact of piling and the installation of PV tables on existing field drains and other land drainage infrastructure in-situ and contributing to the current agricultural land classification. This matter has been debated in relation to previous PV sites. The impacts of construction upon land drains, and the methodologies employed for the restoration of land drains during decommissioning and mechanisms, including financial mechanisms, to ensure the restoration of land to previous agricultural classification are important matters that must be considered within scope.

Yours sincerely,

A large black rectangular box redacting the signature of the Principal Planner.

Principal Planner, Strategic Planning

RE: EN0110037 Castle Way Energy - EIA Scoping and Consultation

From Dale, Chris [REDACTED]@derbyshiredales.gov.uk>
Date Tue 14/07/2026 10:29
To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>
Cc Dinnen, Rosie [REDACTED]@derbyshiredales.gov.uk>

 1 attachment (792 KB)

EN0110037 Castle Way - Letter to stat cons.pdf;

You don't often get email from [REDACTED]@derbyshiredales.gov.uk. [Learn why this is important](#)

Dear Joseph

Thank you for consulting Derbyshire Dales District Council in relation to the EIA Scoping for the above referenced project.

The Council confirms that potential noise impacts to residential receptors within Derbyshire Dales District should be considered within the ES, particularly during the construction phase. The Council also confirms that the Development's potential impact on the settings of the National Trust property Sudbury Hall (Grade I), its associated listed buildings, Sudbury Hall Registered Park and Garden, and Sudbury Conservation Area should be scoped in. Potential impacts to highways within Derbyshire Dales, particularly during the construction phase of the development, should also be scoped into the ES.

Regards

Chris Dale
Development Manager



Town Hall | Matlock | Derbyshire, DE4 3NN
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www.derbyshiredales.gov.uk | [newsletter](#) | [map](#)



From: Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>
Sent: 17 June 2026 14:08
Subject: EN0110037 Castle Way Energy - EIA Scoping and Consultation

Warning External.

Dear Sir/Madam

Please see attached correspondence on the proposed Castle Way Energy.

The Applicant for the Proposed Development intends to make an application for Development Consent under the Planning Act 2008. The Applicant has sought a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **15 July 2026**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Kind regards

Joseph Jones



The Planning
Inspectorate

Joseph Jones
Environmental Advisor
The Planning Inspectorate



The Planning Inspectorate



planninginspectorate.gov.uk

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DPC:76616c646f72

EGGINTON PARISH COUNCIL

Environmental Services

Infrastructure Decisions and Applications Service

Planning Inspectorate

c/o QUADIENT

69 Buckingham Avenue

Slough

SL1 4PN

By email: CastleWayEnergy@planninginspectorate.gov.uk

PINS reference: EN0110037

13 July 2026

Dear Sir or Madam,

Egginton Parish Council submits this response to the Scoping Report submitted by Brockwell Energy for the proposed Castle Way Energy development, as requested in your email (Reference: EN0110037) of the 17 June 2026.

EXECUTIVE SUMMARY

Overview of Response

Egginton Parish Council (EPC) objects strongly to any approach in the Castle Way Energy Scoping Report that scopes out, narrows, or defers critical local environmental impacts. The proposed development is not a standard, routine solar installation. It is a highly complex, multi-site project spanning several local planning authority areas.

The Council is deeply concerned by the applicant's generic approach. Subsuming Site E (Egginton and Stretton) into a broad project-wide categorisation ignores severe local constraints. The Planning Inspectorate must require BSSL Derbyshire 1 Ltd to assess Site E as a distinct, exceptionally sensitive parcel. The subsequent Environmental Statement (ES) must evaluate all key impacts at parcel level before any development consent is considered.

Principal Environmental Concerns

1. Water Environment and Severe Flood Risk

- **Functional Floodplain:** Site E sits almost entirely within Environment Agency (EA) Flood Zone 3, much falling under Flood Zone 3b (functional floodplain).
- **Inaccurate Baseline Data:** The Scoping Report drastically understates actual flood levels by referencing a depth of only 300 mm. Local experience and photo evidence prove the area floods to considerable depths and high velocities multiple times per year, leaving local roads impassable for up to a week in every flood event.
- **Critical Local Receptors:** Runoff from 3.8-metre-high solar panels will accelerate water movement into the River Dove, threatening local homes, two Severn Trent Water infrastructure plants, and the A38 strategic highway.
- **Structural Risk to Heritage:** Increased floodwater pressure and floating debris caught on panel structures create a realistic danger of collapse for Monks Bridge, a fragile, Scheduled Sandstone Monument.

2. Aviation Safeguarding, Glint, and Glare

- **Omitted Airfields:** The Scoping Report completely fails to mention or evaluate the project's proximity to regional aviation facilities.
- **Direct Airfield Interface:** Site E shares a direct boundary with Derby Airfield (EGBD)—the only licensed airfield in Derbyshire and a top-tier asset in the UK's Strategic Airfields Network. The western boundary also falls under the Controlled Airspace of East Midlands Airport (EGNX).
- **Severe Visual Flight Risks:** Derby Airfield operates low-altitude visual flight training circuits directly over the site parcels. Glint and glare from panels and infrastructure pose severe safety risks to pilots on final approach thresholds. High pylon transmission lines and electromagnetic interference also threaten aircraft radio and safety.

3. Archaeology, Built Heritage, and Historic Landscape

- **Archaeological Treasure Trove:** Site E contains a dense concentration of undisturbed heritage, including over 23 archaeological features (such as Iron Age, Bronze Age, and Roman enclosures) and 16 distinct heritage assets.
- **Landscape Industrialisation:** The proposed development would replace ancient, grazing water meadows and visible medieval ridge-and-furrow terrain with an incongruous industrial footprint of panels, sub-stations, security fencing and cameras. These meadows form the rural setting for the heritage core of the Church and its Rectory in Egginton.
- **Omitted Assets:** Crucial historical assets—including the Grade II listed Village Pinfold and the unique crinkle-crankle wall bounding the Grade I listed St Wilfrid's Church—were inappropriately scoped out and must be scoped back in.

4. Ecology, Biodiversity, and Local Health

- **Riparian Corridor Disruption:** Site E interfaces directly with the protected River Dove wildlife corridor. Construction pollution and habitat fragmentation threaten protected species like otters, water voles, and rare aquatic flora and fauna.
- **Farmland Bird Displacement:** Rows of solar panels will cause direct habitat loss for ground-nesting birds of conservation concern, such as the Skylark, and will disrupt the open hunting dynamics of regional birds of prey.
- **Unexamined Health and Microclimate Shifts:** The Council objects to blanket exemptions for Electric, Magnetic, and Electromagnetic Fields (EMF), lighting, and microclimate impacts. High-voltage cables routing close to residential borders, light spill affecting A38 drivers, residential receptors and nocturnal wildlife, and altered valley airflow patterns must all be rigorously assessed.

Required Technical Parameters for the Scoping Opinion

The Parish Council formally requests that the Planning Inspectorate incorporates the following mandatory requirements into its final Scoping Opinion:

- **Site E-Specific Assessments:** Direct the applicant to produce standalone, parcel-level Flood Risk, Drainage, Transport, Glint and Glare, Archaeological and Heritage Assessments for Site E, rather than relying on generalised project-wide conclusions.

- **Sequential and Exception Testing:** Enforce a strict risk-based approach to steer arrays, inverters, and battery storage infrastructure entirely out of Flood Zones 2 and 3.
- **Up-to-Date Modelling:** Reject reliance on outdated 2008 flood data. Require hydraulic and hydrological modelling to use current data that accounts for recent severe weather events like Storm Babet.
- **Aerodrome-Specific Methodology:** Mandate a specialised glint and glare assessment tailored to low-altitude pilot eye receptors, utilising CAP 738 safeguarding standards in direct consultation with Derby Airfield and East Midlands Airport.
- **Cumulative Constraints Plan:** Require a single, comprehensive plan mapping flood zones, airfield approach surfaces, heritage impact and settings, and ecological corridors onto one document to define clear, multi-layered "no-build zones".
- **Decommissioning Scope:** Keep the construction and decommissioning phases fully scoped in across all chapters to assess the long-term impact of heavy machinery and soil compaction on wet floodplain soils and fragile archaeology and heritage; including also EA flood defences and residential receptors and businesses.

1. INTRODUCTION

- 1.1. We comment on the proposed scope and level of detail, of the information proposed to be provided in the Environmental Statement (ES) relating to the proposed development. We have identified critical information and local baseline data that we consider must be provided in the ES, with particular emphasis on Site E (Egginton and Stretton). Our response ensures the deep-seated local concerns are fully contextualised, while also including comments that apply to other sites within the proposed development.
- 1.2. Our response has been informed by many residents, farmers, road users, walkers and cyclists, who use the area, and understand their local environment, who have made representations to EPC. Our comments are, therefore, well informed and based on local experience and knowledge.
- 1.3. Our principal concern is that Site E is described in the Scoping Report to be entirely within Environment Agency (EA) Flood Zone 2 and 3, it is almost entirely within EA Flood Zone 3, the EA's highest risk category mapped for planning purposes, representing land with a high probability of river flooding.
- 1.4. The scoping report identifies Site E as containing and adjoining a concentration of nationally and locally important constraints, including the River Dove corridor, Flood Zone 3b land, Scheduled Monuments, listed buildings, SSSIs, Local Wildlife Sites (LWS), priority habitat, Public Rights of Way and strategic highway infrastructure. The Council considers Site E to be a highly constrained floodplain, heritage and ecological landscape, not a routine solar parcel, and asks that the Environmental Statement assess it on that basis.

- 1.5. It should also be noted that:
- a) Site E is largely subsumed into the same broad parcel categorisation (A–E) used elsewhere in the report, and several material risks are scoped out at parcel level on grounds that do not hold once Site E is examined on its own terms.
 - b) Several surveys have not been undertaken in relation to Site E that have already been undertaken at other sites, and some risks have already been scoped out of Site E that have not been surveyed.
- 1.6. The Council objects to any approach that scopes out, narrows, defers or treats as capable of generic management those matters that are central to the environmental acceptability of Site E, including Flood risk, water resources, surface-water quality, sewer flooding, heritage harm, archaeology, landscape and visual effects, ecology, glint and glare, aerodrome safeguarding, Public Rights of Way, construction and decommissioning traffic, emergency access, and the A38 trunk road must all remain within the scope of the ES. Where the Scoping Report proposes to rely on later management plans, outline commitments or generalised mitigation, the Council considers that approach inadequate unless the underlying effects are first assessed at parcel level for Site E.
- 1.7. The Council therefore asks the Planning Inspectorate to require the ES to assess Site E as a distinct and exceptionally sensitive parcel, not merely as one part of a wider scheme. Site E should be subject to a cumulative constraints assessment which brings together flood risk, drainage, heritage, archaeology, ecology, landscape, Public Rights of Way, glint and glare, aerodrome safeguarding, construction traffic, decommissioning effects, emergency access and the A38.
- 1.8. A general comment on process that Egginton PC wishes the Planning Inspectorate to consider is that although the Applicant is promoting Castle Way Energy as a Nationally Significant Infrastructure Project (NSIP) to be authorised by Development Consent Order (DCO) under the Planning Act 2008, there are serious questions as to whether the form and scale of this scheme are well-suited to the NSIP regime, given that it is in effect a bundle of medium-scale solar schemes and cable corridors scattered across several local planning authority areas; each site having its own distinct characteristics and constraints; this is not in the spirit of the legislation.
- 1.9. It should be noted that in the Scoping Report there is misspelling of our village name Egginton; incorrectly spelled 'Eggington'. This could affect searches and may lead to confusion and misrepresentation because there is a village in Bedfordshire spelt Eggington.
- 1.10. It is also noted that the application is being brought forward by BSSL Derbyshire 1 Ltd as a subsidiary vehicle of Brockwell Energy Limited, backed by institutional investment partners including Pioneer Point Partners. Given the owners' public commitments to robust Environmental, Social, and Governance (ESG) standards, we fully expect Brockwell Energy to hold its upcoming Environmental Impact Assessment (ES) to the highest possible technical and statutory standards.
- 1.11. To ensure the final Environmental Statement (ES) is legally robust and fully accounts for the unique constraints of the River Dove valley, the Council request that the following technical parameters and local environmental receptors are explicitly "scoped in" and modelled as set out below.
- 1.12. Our comments are presented below in order of environmental significance to Site E, as understood by Egginton PC.

2. WATER ENVIRONMENT AND FLOOD RISK (Scoping Report Chapter 19)

Baseline Information and Comments on the Scoping Report

- 2.1. The Council's strongest objection concerns any attempt to understate or scope out flood-related effects on Site E. The Scoping Report identifies that Site E is within EA Flood Zones 2 and 3, associated with the floodplain of the nearby River Dove, Hilton and Egginton Brooks, 'Main River' watercourses. In reality, the site is predominantly within Flood Zones 3a and 3b, the EA's highest risk categories mapped for planning purposes. It is intersected by the River Dove, with widespread surface-water flood risk and formal flood defences nearby. This alone requires a full, site-specific Flood Risk Assessment, hydrological assessment, hydraulic modelling, drainage strategy, climate-change assessment and emergency access assessment. These matters are not secondary design issues; they go to whether development on Site E is environmentally acceptable at all.
- 2.2. The Council considers that the following matters must be expressly scoped into the ES for Site E: fluvial flooding from the River Dove, Hilton Brook, Egginton Brook and associated ordinary watercourses; surface-water flooding; groundwater flooding; sewer flooding; floodplain storage; flood-defence performance; effects on Monks Bridge and associated designated heritage Flood Bridges; emergency access during flood events; obstruction by floating debris; interaction between floodwater and electrical infrastructure; potential impact on Severn Trent Water assets; and the risk of flooding or disruption to the A38 strategic highway as well as local residential and business receptors (see Annex A).
- 2.3. In the Council's view, these issues cannot be left to outline drainage measures or a later Construction Environmental Management Plan. The ES must demonstrate, before consent is sought, how the proposed panels, piles, access tracks, fencing, compounds, BESS infrastructure, substations, cabling and construction routes would affect flood storage, flow paths, velocities, water quality, scour, debris movement and access during flood conditions.
- 2.4. The PC sets out below comments and considerations from residents to provide context to its submission and information that should be provided and inform the Environmental Impact Assessment (ES).
- 2.5. The scoping report significantly underplays the scale and depth of flooding and incorrectly references a flood level of 300 mm. Flooding arises in the area and specifically in Site E, to considerable depth and velocity several times every year and the area remains in flood for a week at a time, cutting off our access roads - specifically Church Road and Etwall Road which are impassable by vehicles (see figures below). This is due to fluvial flooding, a high winter water table and drainage problems for flood waters as the River Dove, the Hilton and Egginton Brooks and other minor watercourses which surround and flow through Egginton cannot drain into the River Trent in peak flood. Site E could not be accessed from Church Road at such a time. Water backs up and inundates the entire area.



Figure 2.1: Church Road Egginton under flood - proposed access to site showing extent of flood at Egginton Church Road Sewage Pumping Station (SPS)



Figure 2.2: Site E from Egginton Flood Defence Bank

- 2.6. During a flood event, it is difficult for emergency vehicles to access the village area except via Ash Grove Lane in Egginton and impossible to access Monks Bridge via the slip road off the A38 by any vehicle, should the need arise in an emergency.
- 2.7. This area is strategically sensitive as it represents one of the principal holding and drainage points for flood waters in the Lower River Dove catchment. Floodwater drainage is via Monks Bridge. The area of Site E acts effectively as a “storage reservoir” for the entire catchment. Monks Bridge is a pinch point for floodwaters. This is a fragile scheduled sandstone monument (dating from c1257, with later additions) and there is a real risk that it could not withstand the onslaught of increased water pressure from flooding. It could be at significant risk of collapse. The siting of solar panels directly adjacent to this bridge not only undermines the heritage value of this Grade II listed structure but could place enormous strain on the structure during a flood event through volume and immediacy of runoff. Collapse of this bridge is a real consideration and could be calamitous for the area and for our heritage. We have experienced bridge failure twice in Egginton in the 1970s, both Egginton Brook Bridge and Saltersford Bridge on the Hilton Road collapsed during flood events. This risk is not covered in the scoping report. Bridge collapse and a flood emergency management plan for the whole of Site E should be included in the Scoping Report.
- 2.8. In the year 2000, over 2,000 houses in the Lower River Dove catchment, Nestle factory Tutbury and other businesses were flooded. There is a body of (dated) photographic evidence to support this.
- 2.9. In 2011, Halcrow produced a flood model for the lower River Dove to inform the building and engineering of the new and existing flood defences for Egginton and other communities of the lower River Dove. Completed in 2013. Regrettably, not all properties and farmland could be protected, and these are still at very high risk, including Site E, as referenced in Annex A by local resident and business owner Tom Meyer.
- 2.10. The Halcrow hydraulic flood model is not included in the scoping document and should be included to inform flood risk. The designed height of the flood-defence banks gives an indication of flood level calculations. Accurate and recent flood data should be used to inform the Scoping document; these are currently incomplete and flood impacts for and from Site E should include impacts on surrounding communities, flood defences, heritage assets, roads and public footpaths.
- 2.11. This proposed large solar development (with access roads, raised haul roads, security fencing, large 3.8-meter-high solar panels, construction compounds) was never part of the Halcrow hydraulic model. The run-off from large solar panels of 3.8m will be speeded up and the panels will face south, in effect channelling water runoff directly into the River Dove. It will take up important greenfield/drainage land and cannot be mitigated through any workable detention ponds, swales or sustainable drainage systems (SuDS) as almost the entire area of Site E and beyond is subject to frequent and high levels of flooding; it lies in FZs 3a and 3b.
- 2.12. In the year 2000, our biggest ever flood, an Environment Agency (EA) report indicated that the A38 flooded. It is at risk along with the Severn Trent Water (STW) drinking water abstraction works (located within Site E) and the Severn Trent pumping stations, particularly that on Church Road, Egginton, which floods every year and are already inaccessible at peak floods.
- 2.13. The Toyota Motor Manufacturing UK Car Factory, located near Site E, channels effluent through the Church Road pumping station. Sewers are scoped out of the report, and it is imperative that they are included.

- 2.14. The flooding of the A38 as a strategic highway should be considered and modelled for impacts on traffic and should include potential logistics considerations for the EMIP (East Midlands Intermodal Park) Freeport site in Egginton. This is a planned 173-hectare Strategic Rail Freight Interchange (SRFI) located at Egginton Common, which sits directly adjacent to the Toyota Burnaston plant and the A50/A38 Interchange.



Figure 2.3: Site E from the A38 looking west - flood of 2022 showing the STW abstraction plant



Figure 2.4: Canal aqueduct 21 Feb 2022 flood water over arch level



Figure 2.5: Monks Bridge Complex showing 21 Feb 2022 flood water up to top of arch

- 2.15. The removal of the Dovecliff Weir at Egginton (on the Derbyshire / Staffordshire border) completed in October 2021 by the EA has removed an important filter to catch debris arriving from upstream in times of flooding.
- 2.16. During a flood event, should a single solar panel, fence or associated debris become dislodged and block an arch of the Monks Bridge (a protected, Scheduled Monument spanning the River Dove, connecting Stretton in Staffordshire to Egginton in Derbyshire) (only three arches function), it could cause a flooding catastrophe, flooding the A38, Severn Trent Water (STW) infrastructure, local properties and the village of Egginton. Its effect is very likely to be felt further upstream due to the strategic importance of this area, which is effectively a retention reservoir for the whole catchment area.
- 2.17. Emergency services would have difficulty accessing the area until the floodwaters receded, which could take days.
- 2.18. The raising of solar panels so that floodwater passes beneath as required by the EA, would make them especially vulnerable to storm battering and damage, increasing the risk of this scenario. The scheme poses a real risk to public safety. The scoping report appears to screen this out and any such related emergency. This should be addressed within the ES and be modelled.
- 2.19. Egginton also has considerable drainage problems as outfalls are to flooded rivers and do not function during a flood event. This is made worse by a very high-water table which routinely causes flooding inside the village flood defence banks and has historically threatened properties along Main Street and Duck Street in Egginton from flooding. The development would add to stress on ground conditions and groundwater. Driving spikes into the ground in Site E will unpredictably alter groundwater patterns. The scoping report does not properly consider this. These impacts should be modelled and defined in the ES.
- 2.20. A comprehensive drainage strategy is important at an early stage, as solar farms can increase concentration of surface water and intensify erosion between rows of panels and flow channels can increase peak rates and runoff volume.
- 2.21. It should be noted that our flood banks have no foundations but are merely earth embankments built to withstand a 1 in 100-year flood event and without freeboard. They were designed to work alongside unimpeded water meadows. Percolation is a risk and a reality. The ES must consider impacts on the functioning of our flood defences, including the effects of climate change.
- 2.22. The Drain, which runs from Egginton Hall Lake, through Site E into Egginton Brook, is an ordinary watercourse which is a feature of the heritage cluster of buildings and their woodland settings - the Church of St Wilfrid's and the adjacent Old Rectory. This ordinary watercourse which borders the application site, enters and leaves the flood defences. It will almost certainly be impacted by drainage and runoff from solar panels and associated structures and during the construction phase, as will our flood defences in this location.
- 2.23. A public footpath is located here and runs through the churchyard and woodland, and over the proposed Site E, towards Monks Bridge. Forest Schools regularly take place here.
- 2.24. The impact on the Drain of this development should be subject to sensitive, detailed modelling and drainage detail. Should there be an increase in flood risk or increased ground water, it is very likely to have an adverse impact on the important heritage structures (Grade I and II) and their Egginton Church Wood Local Wildlife Site (LWS) setting of trees, landscape, walls and fences and could pose a risk to public safety and nuisance, particularly to children and walkers.

- 2.25. The Church Wood LWS and associated area, although on the dry side of the flood defences, is already vulnerable to flooding due to a high-water table and an inlet point flap valve to the flood defence which closes sluggishly in a flood event. It is all in very low-lying Flood Zone 3 land.
- 2.26. The ES should include details of how drainage is to be managed in this very sensitive location. Such details should include possible additional drainage around the toe of the flood banks and the possibility of re-routing part of the ordinary watercourse to reduce flood risk and impact on adjacent farmland, gardens and heritage. This would be an area for inclusion for biodiversity enhancement which is not currently referred to in the scoping document or published biodiversity plans or maps.
- 2.27. The cumulative effects of greenfield take up from this development in Sites A, B, C and D and its associated cable corridors should be understood and modelled for downstream impact and impact on flood levels. Several of the upstream development areas are sited in Flood Zone 3 land.

Comments on Chapter 19 of the Scoping Report

- 2.28. The National Planning Policy Framework (NPPF) requires a sequential risk-based approach to be taken for all planning applications in areas known to be at risk now or in future from any form of flooding. The Sequential and Exception Tests should be applied to steer development to land at lowest risk of flooding from any source. This has been completely missed out of the Scoping Report. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 2.29. The sites must be assessed individually and reasonably available alternative sites at lower risk of flooding from all sources must be considered. Having applied the Sequential Test, if it is not possible for development to be in areas with a lower risk of flooding, the Exception Test will need to be applied.
- 2.30. The following should also be noted and included:
- The EA commissioned Halcrow model to inform the construction of flood defences;
 - South Derbyshire District Council (SDDC) emerging Local Plans Part 1 & 2;
 - Egginton Brook river level gauge data;
 - River Dove level gauge data collected at Marston on Dove;
 - Derbyshire County Council (DCC) River Dove Catchment Storm Babet report;
 - SDDC flooding news, February 2026; and
 - Minutes from SDDC flood liaison meetings relevant to the lower River Dove catchment.

Comments on Specific Paragraphs of Chapter 19

- 2.31. The following inaccuracies or areas of clarification should be noted in the paragraphs listed below relating to Chapter 19, Water Environment and Flooding:
- 19.2.3 states; “The managing LLFA for the Solar Development Sites A-D is SDDC, for Solar Development Site E the LLFA is SCC...”. That is incorrect; the LLFA for Sites A-D is DCC; for Site E, part is DCC and part is SCC.
 - 19.4.5: The opening sentence is incorrect; the Lead Local Flood Authorities (LLFA’s) for site E are DCC and SCC.

- 19.4.6: The meaning of this paragraph is not clear. In some instances, the sources and impacts of flooding or water supply may be greater than 1-2km. The geographical extent should extend to the full extent of the impacts of any flooding and water resources issues and not be limited to an arbitrary radius. While a standard 2km radius is often used as a baseline for gathering local historical data or mapping minor watercourses, flood impacts are determined by hydrological boundaries (catchments and topographies) rather than strict arbitrary distances. Altering natural drainage paths, increasing surface runoff, or reducing floodplain storage can displace water and cause significant environmental or structural impacts many kilometres downstream as in Site E.
- 19.4.8: The draft Order Limits associated with Site E is mischaracterised. It is a rural location characterised by ancient grazing water meadows and is the setting for the villages of Egginton and Stretton, some 5 miles from Burton-on-Trent. Located adjacent to Site E are two significant Seven Trent Water (STW) infrastructure facilities – a drinking water abstraction plant on the River Dove and a sewerage pumping station (Church Road, Egginton). The site is bounded by a strategic highway (A38) and is intersected by the adopted River Dove, several ordinary watercourses and waterbody features including Local Wildlife Site (LWS) including the River Dove (Egginton/ Stretton Section) a Regionally registered Wildlife Corridor / Candidate and the Clay Mills Junction Ditches, a Candidate LWS with a series of ancient boundary hedgerows and drainage dykes near the Clay Mills treatment zone which forms the southwestern boundary of the Site E envelope and serves as a major foraging corridor for local bat species and several Sites of Special Scientific Interest (SSSI); including the Old River Dove, Marston on Dove SSSI, located just slightly upstream/north-east of Site E, near Marston-on-Dove and south of Rolleston-on-Dove which captures a cut-off meander of the River Dove. Natural England monitors it strictly to maintain its favourable ecological status. Because Site E features 3.8-metre-high panels on both sides of the active River Dove channel, the old riverbed's delicate standing-water ecosystem and rare aquatic flora are highly sensitive to surface water run-off changes and so is the Hilton Gravel Pits SSSI located a few miles north of Site E, just outside the nearby village of Hilton. This is a premier wetland SSSI (also managed as a Derbyshire Wildlife Trust Nature Reserve) renowned for its diverse populations of dragonflies, amphibians, and breeding birds. Environmental surveyors monitor it closely regarding any localised shifts in the flight paths and breeding zones of regional waterfowl.
- 19.4.10: Further mischaracterisation; there are no urban towns or motorways.
- 19.5.3: This list should include the current government Planning Practice Guidance on Flood Risk and Coastal Change (produced by the Environment Agency).
- 19.5.5: Site E receptors should also include Hilton Brook, two ordinary watercourses (the Drain and a tributary of Hilton Brook), a lake, flood defences for Egginton village, numerous heritage assets and two STW facilities (drinking water abstraction and sewerage). Vulnerable residential dwellings must be included.
- 19.6.8: This section mischaracterises Site E. The Site is almost entirely within EA Flood Zone 3, associated with the flood plains of the intersecting River Dove, Egginton Brook, Hilton Brook and its tributaries, and the Drain. These are all tributaries of the River Trent and hydrological assessment, and hydraulic modelling is required to assess the effects of the solar development at Site E and should be included in the Flood Risk Assessment.

- 19.6.20: This section understates the high risk of surface water flooding within Site E which is likely to become more extensive in the 2040-2060 period. There are significant high risk surface water flooding events associated with the adopted and ordinary watercourses in which the flood depths greatly exceed the 300mm described in this section.
- 19.6.26: Ground water risk assessment must be supplemented with up-to-date groundwater data. The SDDC 2008 groundwater map and records are significantly out of date.
- 19.6.37: The data relied upon in this section's assessment of Site E appears to be out of date, and the Council respectfully asks that the classification of groundwater flood risk as medium be reconsidered. Local evidence indicates that groundwater flood risk is high.
- 19.6.41: The Council considers that the potential risk of reservoir failure should be assessed in relation to Site E, notwithstanding the regulatory safeguards provided by the Reservoirs Act 1975. The EA should also recognise that there is a second designated reservoir on Egginton Common. In addition, the ES should assess potential additional flooding associated with the Trent and Mersey Canal.
- 19.6.42: It is stated that the South Derbyshire District Council (SDDC) Strategic Flood Risk Assessment (SFRA) does not provide historical sewer flood incident data. When evaluating a large-scale project like Castle Way Energy, the developer cannot just look at river levels. Under the National Planning Policy Framework (NPPF) and the SDDC SFRA mandates, a site-specific Flood Risk Assessment (FRA) must explicitly appraise all sources of flood risk, including the local sewer network. We request this should be required given its local infrastructure on Church Road Egginton which takes the discharge from the Toyota Manufacturing site.
- 19.6.43: Site E is very close to STW Church Road pumping station and sewer flood risk must be included.
- 19.6.66: This is a mischaracterisation for land close to and within Site E which is at high risk of surface water flooding.
- 19.7.1: The Council considers that the approach to SuDS should be revised to reflect the floodplain conditions at Site E. Infiltration-based SuDS are unlikely to be feasible within Flood Zone 3 or in areas already affected by surface-water flooding. Where SuDS are proposed, the Environmental Statement should demonstrate that they are technically deliverable, appropriately located and capable of managing surface-water run-off without reducing floodplain capacity or increasing flood risk elsewhere.
 - Bullet point 3 should be strengthened. Rather than stating that SuDS "would restrict and control" surface-water run-off, it should require SuDS to restrict and control both the rate and volume of surface-water run-off from the Proposed Development to greenfield rates and volumes.
 - Bullet point 5 should also be amended. Hydrological and hydraulic modelling of nearby and intersecting watercourses should be a firm requirement, not an optional exercise, to determine the actual fluvial and surface-water flood risks affecting the Sites.
 - The Flood Risk Assessment should also be informed by consultation with local landowners and flood wardens, whose knowledge of actual flood mechanisms, access constraints and historic flood behaviour is essential. The assessment should not rely solely on theoretical modelling or desk-based data.

- 19.8.1: The Scoping Report refers to loss of floodplain during construction and operation of the development. However, the risks from floating debris catching on the forest of panel supports or other infrastructure which could obstruct flows and significantly increase flood water levels has not been mentioned.
- The combined dangers of electricity and flood water have not been considered. Access to the sites for emergency work during times of flooding has not been considered. This should be assessed for all sites, but particularly for Site E which is located almost entirely in Flood Zones 3a and 3b (the functional floodplain).
- 19.9.2: The Scoping Report states that; "Where parcels are solely located within a Flood Zone 1, fluvial flood risk has been scoped out". This is not acceptable as some sites have other areas of higher flood zones adjacent to them or in them.
- 19.9.3: States that; For parcels which largely have a very low risk of flooding surface water flood risk has been scoped out". This is incorrect for Site E which has a very high risk of surface water flooding; we therefore request it is scoped in for Site E.
- 19.9.5: Site E is close to STW Church Road, Egginton Sewerage Pumping Station and sewers must be scoped in as risk of flooding from sewers is a tangible environmental consideration in this location. In addition, if sewerage and water facilities are to be provided within the Sites (at any stage of development), flood risk from sewers should not be scoped out.
- Table 19.1: Water Resources and Flood Risk Topics to be Scoped In/Out:
 - The potential effects on surface water / water quality should also cover contaminant run off to STW drinking water abstraction plant / SSSI / LWS (Site E).
 - The sewer flood risk needs to be scoped in for all sites if there is any foul water runoff.
 - All sites (particularly Site E) need surface water flood risk to be scoped in for increased runoff from impermeable surfaces and increased runoff affecting water quality during operation of the development.
 - The potential effects of increased run off affecting receiving water on surface water / water quality should be scoped in for Site E.
 - All sites (particularly Site E) need to be scoped in for any increase in sewer flooding where sewerage facilities are used during operation of the development.
 - During decommissioning, the surface water flood risk from compaction of the soil needs to be included for all sites (particularly Site E).
- 19.10: As noted at the start of these comments, the Sequential and Exception Tests need to be applied to all sites to ensure that development is steered to areas at lowest risk of flooding from all sources. There is no mention of applying the Sequential Test to the proposed development in the Scoping Report. This is a basic requirement of the National Planning Policy Framework (NPPF) and the Environment Agency's Flood Risk and Coast Change Planning Practice Guidance.
- 19.10.1: The identification of sensitive receptors within the vicinity of the draft Order limits needs to be wide enough to ensure that it covers all affected areas of flood risk upstream and downstream of the site, and all areas impacted by changes in water resources (such as change in groundwater levels).

- 19.11.3: Flood risk assessment in these rural areas requires input from local people with local knowledge (including photos) about existing flood risks and causes, existing infrastructure affecting flood risk and flood patterns, not just a desk study (see Annex A).

Concluding Remarks on Chapter 19 Water Environment and Flood Risk

2.32. The Scoping Opinion should require the ES to:

- Produce a Site E-specific Flood Risk Assessment in accordance with the NPPF, PPG Flood Risk and Coastal Change, and the latest EA climate change allowances for the River Trent basin and the Lower River Dove catchment using current data and not place over reliance on the 2008 SFRA data set which predates more than 17 years of additional fluvial events in this catchment including Storm Babet.
- Prepare a drainage strategy to cover construction, operation and decommissioning. The strategy should include, inter alia, the mapping of overland flow paths, culvert capacities, drainage ditches and ordinary water courses across Site E, and model the interaction of the proposed layout (panels, piles, access tracks, BESS pads, compounds, fencing and any flood-compensation storage) with the floodplain and the EA flood defences.
- Apply the Sequential and Exception Tests at parcel level, demonstrating that arrays, inverters, BESS and other built infrastructure have been steered away from Flood Zone 3 (and FZ2) by design, not merely managed at construction-method-statement stage.
- Confirm that floodplain compensation (if any), will be assessed within Site E rather than offset against unrelated parcels elsewhere.
- Prepare a flood emergency management plan is required for Site E, which includes alternative access arrangements for the Site and the possibility of bridge collapse and flooding of the A38 trunk road.

3. ARCHAEOLOGY, BUILT HERITAGE AND THE HISTORIC LANDSCAPE (Chapters 8, 9 & 15)

Baseline Information

- 3.1. The Council welcomes the fact that several heritage assets are recognised in the Scoping Report, but it objects to any selective or inconsistent treatment of Site E's heritage receptors.
- 3.2. Site E contains and adjoins a concentration of designated and non-designated heritage assets whose significance is inseparable from the open floodplain, water-meadow and river-crossing landscape. The EA must therefore assess both direct archaeological effects and indirect effects on setting, views, historic landscape character, tranquility and appreciation of significance
- 3.3. It is uniquely rich in sensitive and fragile heritage and archaeology, containing internationally significant scheduled monuments, a possible Saxon Hall and Grades I and II listed buildings. There are more than 23 important archaeological features and 16 heritage assets. It is an archaeological treasure trove; undisturbed for centuries. It should be comprehensively explored before any development. The village pound (pinfold) is scoped out and should be scoped in along with the crinkle-crankle wall bounding St Wilfrid's Church, see Table 1.
- 3.4. Their significance is not limited to their fabric; it includes their relationship with the River Dove, the floodplain, historic routes, surviving ridge and furrow, water meadows, public footpaths and the

wider rural setting of Egginton; a landscape currently without any large scale industrial built infrastructure.

Name	Heritage Category	Grade	Entry Number	Location
Monks Bridge See also DERBYSHIRE 15	Scheduling		1003809	Egginton, South Derbyshire, Derbyshire
Monks Bridge See also STAFFORDSHIRE 261	Scheduling		1007077	Egginton, South Derbyshire, Derbyshire
Whitehouse Farmhouse	Listing	II	1040052	WHITEHOUSE FARMHOUSE, MAIN STREET, Egginton, South Derbyshire, Derbyshire
Benby House Farmhouse (known as the Old Rectory) including crinkle-crankle wall	Listing	II	1096521	BENBY HOUSE FARMHOUSE, CHURCH ROAD, Egginton, South Derbyshire, Derbyshire
Canal Bridge at OS 279 279	Listing	II	1096522	CANAL BRIDGE AT OS 279 279, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
High Bridge House	Listing	II	1096523	HIGH BRIDGE HOUSE, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
Monks Flood North Bridge	Listing	II	1096524	MONKS FLOOD NORTH BRIDGE, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
Canal Aqueduct at SK 268 269	Listing	II	1096525	Canal Aqueduct at SK 268 269, Off Derby Road, Egginton, South Derbyshire, Derbyshire
Manor Farmhouse	Listing	II	1096526	MANOR FARMHOUSE, 44, FISHPOND LANE, Egginton, South Derbyshire, Derbyshire
Pinfold Or Pound	Listing	II	1096527	PINFOLD OR POUND, MAIN STREET, Egginton, South Derbyshire, Derbyshire
Footbridge (On Former Egginton Estate at SK 264277)	Listing	II*	1140125	FOOTBRIDGE (ON FORMER EGGINGTON ESTATE AT SK 264277), Egginton, South Derbyshire, Derbyshire
Church of St Wilfrid	Listing	I	1334567	CHURCH OF ST WILFRID, CHURCH ROAD, Egginton, South Derbyshire, Derbyshire
High Bridge	Listing	II	1334568	HIGH BRIDGE, DERBY ROAD, Egginton, HIGH HARGATE, South Derbyshire, Derbyshire
Monks Flood Bridge	Listing	II	1334569	MONKS FLOOD BRIDGE, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
Park Hill	Listing	II	1372020	PARK HILL, HILTON ROAD, Egginton, South Derbyshire, Derbyshire
Dovecliffe (known as Dovecliff Hall Hotel) including curtilage listed buildings	Listing	II	1038464	DOVECLIFFE, Stretton, East Staffordshire, Staffordshire

Table 1: Relevant local heritage assets

- 3.5. In addition to the assets in Table 1, appropriate consideration must be given to the Trent and Mersey canal conservation corridor.
- 3.6. The Council also requests that decommissioning is scoped in for heritage and archaeology. Decommissioning would involve renewed access, removal, excavation, ground disturbance, heavy vehicles and restoration works, and could cause effects comparable to construction, particularly in wet floodplain soils and in proximity to archaeological remains.

Specific Comments on the Scoping Report

- 3.7. Specific comments relating to archaeology in relation to Site E include:
- Site E is uniquely rich in sensitive and fragile heritage and archaeology, see para 3.3 above.
 - The site contains a possible Iron Age settlement, characterised by Iron Age and Roman enclosures, ring ditches and linear crop marks dating back to the Bronze Age. The field boundaries date back to the Iron Age and Roman times. Areas of post Medieval Ridge and Furrow are still clearly visible and characterise the terrain throughout Site E, around the villages of Egginton and Stretton, providing an historical and agrarian setting for these ancient communities.

- In Site E, undisturbed ancient water meadows, that have been grazed by cattle for centuries, frame the village of Egginton, providing an important context for the heritage cluster of St Wilfrid's Church (Grade I) and the Old Rectory (Grade II) (formally Benby Farmhouse) with its remarkable crinkle-crankle wall; all enjoyed by the visiting public from public footpaths and surrounding roads.
- Other archaeological and heritage assets, including the ridge and furrow and built heritage, are enjoyed by the public from unimpeded viewpoints, public footpaths, cycleways and highways, including the A38 dual carriageway, which is on the line of the Roman Road, Rykneld Street, and from the Trent and Mersey Canal conservation corridor.
- The construction and operation of a large-scale industrial solar farm would replace this pastoral wetland setting with an incongruous form of development comprising solar panels, fencing, pylons and associated infrastructure. In combination with the potential for increased surface-water run-off and altered flood flows, the development could cause irreversible harm to heritage and archaeological assets. The full cumulative impact of the development across Site E should therefore be comprehensively assessed and expressly scoped into the Environmental Statement.
- Adjacent to Monks Bridge is the Trent and Mersey Canal Conservation Corridor and the James Brindley Aqueduct (Grade II). This is a remarkably tight cluster of heritage assets, including Canal Bridge, High Bridge, High Bridge House, Monks Flood North Bridge, Monks Flood Bridge and Monks Bridge. Part of the proposed development area forms the foreground for this tight designated heritage cluster and the specific impacts on these heritage assets should be evaluated for cumulative impact and harm.
- Section 8.7 discusses mitigation but fails to describe HARM and LOSS.
- Decommissioning activities have been scoped out and should be scoped in, including site restoration when life of the development ends or when the farm stops generating. There should be a requirement for an up-front decommissioning bond.

3.8. It should be noted that:

- There are discrepancies, confusion and omissions in the Scoping Report within the chapters on archaeology, heritage and landscape in terms of assets for assessment. Assets listed in Table 1 and in para 3.5 above should be comprehensively assessed for impacts, including visual, structural and landscape setting.
- Egginton village has a small but coherent tight knit historic core including the Church of St Wilfrid (Grade I) and the Old Rectory (Grade II) whose settings extend into the riparian and agricultural landscape that Site E proposes to occupy. The Scoping Report does not properly identify these designated assets at parcel level for Site E, nor does it set out how their settings will be characterised.

3.9. The Scoping Opinion should require the ES to:

- Include all heritage and scheduled monuments with full Stage 1–4 GPA3 setting assessment in each case;
- Reconcile any discrepancies between the chapters on archaeology, heritage and landscape;

- Identify all designated and non-designated heritage assets within Egginton, including the Church of St Wilfrid and the Egginton listed-building cluster, and within Stretton, including the Dovecliff Hall Hotel, Grade II listed and associated curtilage listed buildings, at parcel level for Site E, with a Site E-specific setting assessment;
- Address heritage and floodplain constraints jointly, recognising that the fields most at risk of fluvial and surface-water flooding are also the fields that frame the medieval bridges and heritage assets and contribute to their significance.

4. Glint and Glare (Chapter 12)

Baseline Information

- 4.1. The baseline environment for the development reflects a largely flat, agricultural environment in a flood plain with a multi-tiered aviation context which ranges from distant regional commercial hubs to immediate bordering general aviation facilities.
- 4.2. The baseline environment for the development predominantly comprises a gently undulating, agricultural landscape intersecting regional flood risk zones, set within a complex, multi-tiered aviation framework. This operational context ranges from the overarching regional airspace requirements of East Midlands Airport (EMA) to localised, immediate interface constraints with adjacent general aviation facilities, notably Derby Airfield.
- 4.3. There is no reference within the scoping report to either airport.
- 4.4. East Midlands Airport (EGNX) lies approximately 10.5 nautical miles south-east and is the relevant safeguarded major aerodrome. It serves as the primary regional international and cargo hub. The project falls broadly under EMA's wider Controlled Airspace (CTA).
- 4.5. Derby Airfield (EGBD) represents a highly sensitive, localised baseline feature, located in very close proximity to Site E. Situated as a small, grass-strip licensed aerodrome within the parish of Egginton (Site E) but also near to Hilton (Site D), it is sandwiched between two power line links of the proposed development.
- 4.6. It is licensed by the UK Regulator, the Civil Aviation Authority (CAA), a requirement for any type of commercial aviation activity which is predicated on aircraft safety.

- 4.7. Derby Airfield is the only licensed aerodrome in Derbyshire and came about after landmark Department of the Environment decision following a four-week public inquiry in 1991.



Figure 4.1: Derby Airfield (EGBD)

- 4.8. Derby Airfield is therefore fully in line with HM Govt planning rules and stated policy; “to make the UK the best place in the world for general aviation.” There is no aviation without Aerodromes.
- 4.9. It is in the top classification of the UK’s Strategic Airfields Network (SAN). This study was established by the All-Party Parliamentary Group – General Aviation (APPG-GA) and is technically an Airport granted under the Airports Act 1986 and is therefore a “statutory undertaker.” This status grants powers to take action to prevent any activity that is prejudicial to the safe operation of the Airport.
- 4.10. The commercial activity at Derby is flying training and therefore must be a consultee and included in the ES.
- 4.11. In relation to Derby Airfield the ‘agent of change’ principle in planning should be applied which requires that any new development must not impair a pre-existing business. Derby Airfield has been operating and growing since 1991. The Castle Way Energy proposals represent a series of clear safety problems and hence business activity. Derby Airfield is one of the largest land use orientated employers in the locality.
- 4.12. Derby Airfield, East Midlands Airport where relevant, the Civil Aviation Authority and appropriate safeguarding consultees should be consulted as part of the ES. This assessment should consider worst-case panel orientation, tracker technology, bifacial panels, panel coating, reflection from BESS and inverter infrastructure, cumulative glare, pilot-eye receptors and any necessary no-build or setback zones.

Impact on Derby Airfield

- 4.13. Because the airfield operates active flight training circuits and low-altitude light aircraft approaches over these exact land parcels, its active runways and operational airspace create a constrained visual baseline. This proximity legally mandates a specialised Glint and Glare impact assessment within the ES to evaluate potential solar reflection safety risks to pilots on their final approach thresholds.

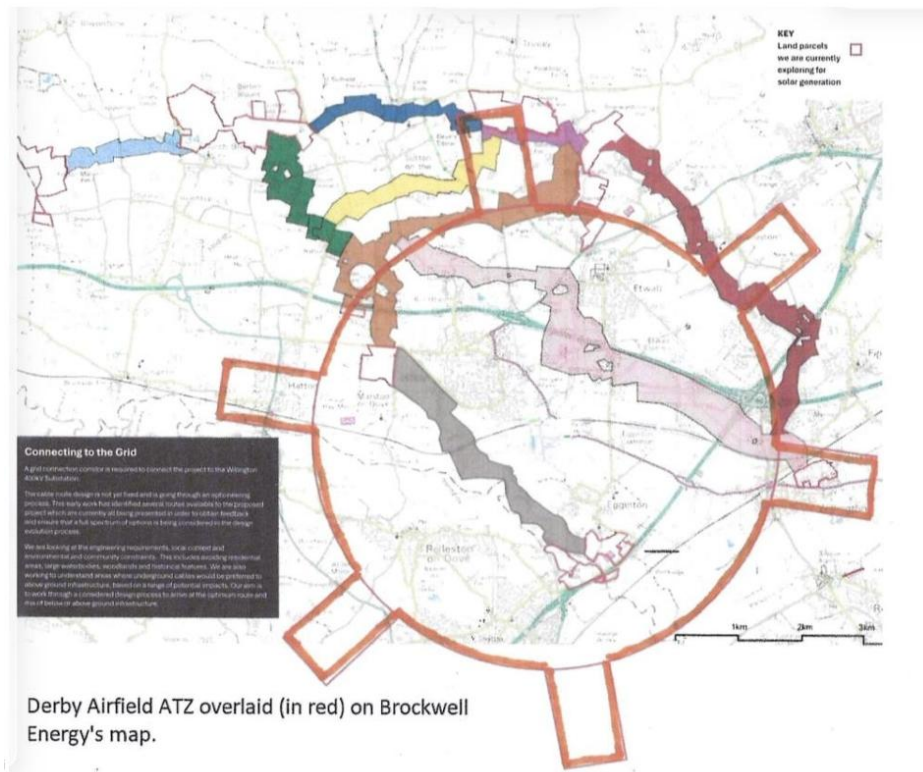


Figure 4.2: Derby Airfield (EGBD) showing impact of development on the Aerodrome Traffic Zone (ATZ)

- 4.14. A large-scale solar array immediately adjacent to a licensed grass aerodrome is not a routine glint-and-glare receptor case: the airfield operates visual-flight-rules circuits at low altitude directly over the parcel; aircraft are constrained in their ability to manoeuvre around reflective sources during base-leg and final approach; and the proximity falls within the consultation distance for aerodrome safeguarding under the DfT/CAA Safeguarding of Aerodromes – ODPM Circular 1/2003 regime and CAP 738 – Safeguarding of Aerodromes.

Safety Concerns for Derby Airfield

- 4.15. The ES must consider the following impacts on safety for Derby Airfield:

- Transmission lines:** Height, voltage and routing. Fundamental safety problem for aircraft. The indicated routes for the proposed 400kV lines on 30 – 40m high pylons pass down on both sides of the aerodrome. See above map showing the extent of the Aerodrome Traffic Zone and the extensions for the runways resulting in the Flight Restricted Zone.
- Glint and glare:** this causes interference with pilot's vision at critical phases during approach and landing. This problem is specific to the location of every proposed Site A to E, orientation of the panels, runway in use (wind direction and weather dependent) and time of day. Comprehensive, specific and inclusive evaluation is vital to safety of aircraft. All air traffic at Derby Airfield is flown under Visual Flight Rules (VFR).
- Electromagnetic interference:** Possible interference with aircraft radio, navigation and electronic conspicuity equipment. Potential aircraft safety problem.
- Reduction of safe emergency contingency landing areas:** Practice of Engine Failure After Take Off (EFATO) is a mandatory part of the internationally recognised pilot training syllabus. Panel

arrays, BESS installations, pylons and particularly, high tension cables are obvious hazards local to an active, training aerodrome. This causes a safety problem.

- e) *Flooding impacts:* Flooding for Derby Airfield is already problematical and has been getting worse in recent years. Standing water is an obvious hazard for aircraft operations but even after flood water has dissipated, the ground is softened for many days leading to the curtailment of business for safety reasons. Drainage and flood modelling of the proposed development is required for impacts at all stages, construction, operation and decommissioning.
- f) *Access routes:* The construction, maintenance, repair and decommissioning of the transmission lines and the solar farms require a multiplicity of suitably hard haul and access roads for heavy vehicles and equipment. This can cause visibility impairment by dust. The pylons require substantial concrete foundations. Crane operators must by law obtain permission from Derby Airfield to operate within the Aerodrome Traffic Zone. Aircraft safety problem.

Deficiency: Aerodrome and Glint/Glare Scoping

4.16. The Scoping Report's generic glint-and-glare methodology, which relies on standard Solar Glare Hazard Analysis Tool outputs against highway and dwelling receptors, does not address:

- The licensed aerodrome at Derby Airfield (EGBD) and its circuits;
- The visual flight paths used by general-aviation aircraft transiting between EGBD and EGNX;
- Pilot-eye reflection during landing and take-off, including the effect of dual-axis tracker arrays and bifacial panels under the Rochdale Envelope; and
- Cumulative reflection from BESS enclosure surfaces, inverter housing and security infrastructure in addition to panels.

Requested Scope Requirements

4.17. The Scoping Opinion should require the ES to:

- Consult Derby Airfield (EGBD) and East Midlands Airport (EGNX) safeguarding officers and the CAA at scoping stage, not only at application stage, and record their responses;
- Apply a glint-and-glare assessment to Site E using aerodrome-receptor methodology consistent with CAP 738 and the CAA's aerodrome safeguarding guidance, not only the standard ground-receptor SGHAT approach;
- Define within the Rochdale Envelope a worst-case tracker tilt angle, panel coating, and BESS enclosure finish, so that aerodrome impacts cannot be re-opened by post-consent design changes; and
- Treat aerodrome safeguarding as a parcel-level design constraint for Site E, with avoidance (red-line contraction or layout setback) tested before any reliance on operational mitigation such as panel coatings or screening.

5. TRANSPORT AND ACCESS (Chapter 18)

Baseline

- 5.1. The local transport and access baseline for the development is defined by a high-capacity strategic road network (A38, A50) feeding into a sensitive rural road network, with local access largely dependent on narrow country lanes. The baseline incorporates existing traffic pressures from industrial sites, cumulative impacts from energy infrastructure near the Willington Substation, and a dense network of public rights of way (PRoW) prone to severance.
- 5.2. The proposed Site E sits either side of the A38 (Rykneld Street) trunk road, a nationally important strategic highway, which cuts directly through this section of the development:
 - *The East Side (Derbyshire)*: This parcel sits on the Egginton side of the highway, covering the low-lying agricultural fields and ancient water meadows stretching back towards the village.
 - *The West Side (Staffordshire)*: This parcel sits on the Stretton and Clay Mills side of the highway.
- 5.3. Locating solar development on both sides of a major trunk road introduces specific problems that must be addressed as part of the ES and should not be scoped out:
 - *Solar Glare for Drivers*: Having panels facing the road from both left and right means that as the sun moves throughout the day, drivers on the A38 could face dangerous, blinding reflections (glint and glare) in both the northbound and southbound lanes.
 - *Severing the Landscape*: The A38 already splits the geographic border between Derbyshire and Staffordshire. Wrapping solar farms on either side completely industrialises the rural "green gateway" that commuters see when driving between Burton and Derby.
 - *Grid Cabling Hazards*: Because the panels are split by a major national highway, the developer will have to dig massive trenches underneath the A38 or install high-voltage overhead lines to link the two sides together before routing the power to Willington.
 - *Flood Risk*: Any risk of flood impact on the A38 should be addressed and scoped into the ES.
 - *Construction disruption*: abnormal-load conflict or emergency-access constraint affecting the A38 should be scoped into the ES.
- 5.4. The local transport network surrounding Site E stretches across the county and parish boundaries, directly intersecting the road network of Stretton (East Staffordshire) just across the River Dove. Because Site E spans land parcels on both sides of the river, the Stretton network introduces a critical secondary layer of local routing constraints.
- 5.5. The local road network within and immediately surrounding Egginton village is a classic rural network, characterised by narrow geometries, historic pinch points, and a complete lack of strategic capacity. It is structurally designed for light village and agricultural traffic, making it highly sensitive to external pressures and is subject to flooding.
- 5.6. The network is defined by three distinct layers:
 - a) The Village Spine: Main Street / Church Road:
 - *The Corridor*: This is the central spine road that runs directly through the historic core of Egginton from north to south and includes a school, church and village playing field.

- *The Constraints:* It is a narrow, winding single carriageway bordered tightly by residential properties, historic frontages, and parked cars. It features sharp, blind bends—particularly near the church—and lacks continuous pavement infrastructure. It is entirely unsuited for heavy commercial vehicles or HGV routing.

b) Rural Access Links: Blacksmiths Lane and Fishpond Lane:

- *The Corridor:* Tertiary lanes which feed off the main spine, looping around the southern and western perimeters of the village toward the agricultural fields and the River Dove corridor.
- *The Constraints:* These are exceptionally narrow, single-lane tracks, often with soft verges and no street lighting. They are primarily used by residents, walkers, and light agricultural machinery. Any influx of construction or industrial traffic here would cause immediate physical road damage and gridlock.

c) Peripheral Boundary Distributors: The A5132 and A38:

- *The A5132 (Carriers Road / The Castle Way):* This road runs just north of the village boundary, acting as the primary buffer road. While it is wider than the village lanes, it remains a single carriageway with no pedestrian footpaths on its southern side. It serves as the main conduit connecting Egginton's northern lanes to the wider region.
- *The A38 Trunk Road:* This major dual carriageway runs immediately along the eastern edge of the Egginton parish boundary. While it provides high-capacity strategic access, its local slip roads and junctions (such as the turn-offs for Egginton/Stretton/Willington) are notorious local pinch points during peak commuting hours.

5.7. The Council objects to any scoping approach that treats transport and access as a generic project-wide issue. Site E is affected by the A38 trunk road, local lanes with limited capacity, flood-prone access routes, heritage-sensitive crossings and emergency access constraints. The Environmental Statement should assess Site E construction, operation and decommissioning traffic separately, including abnormal loads, HGV movements, staff trips, route suitability, road safety, junction capacity, cumulative construction traffic and interaction with flood events.

Deficiency: A38 Treatment in The Transport Chapter

5.8. The Scoping Report's transport baseline should include:

- Identification of the A38 / A50 / A516 junction complex around Egginton, Hilton and Etwall as a parcel-specific constraint for Site E construction and decommissioning traffic;
- Setting out abnormal-load routes for solar modules, BESS containers, transformers and piling rigs from the strategic road network onto local rural lanes in and around Egginton, Stretton, Hilton, Hatton and Marston on Dove;
- Addressing the cumulative impact of Site E construction overlapping with construction at Site D (Hilton/Marston on Dove), where the same A38 junctions and local lanes would carry traffic for both parcels at the same time; and
- Demonstrating engagement with National Highways as a statutory consultee on access to and from the A38, in line with DfT Circular 01/2022.

Requested Scope Requirements

5.9. The Scoping Opinion should require the ES to:

- Provide a Site E-specific Transport Assessment (TA), including abnormal-load routing studies onto and off the A38, junction capacity assessment at the relevant A38 junctions, and accommodation works where required;
- Identify and assess every local rural lane to be used by construction or decommissioning traffic for Site E (including Hilton Road, Church Road, in both Egginton and Stretton, Etwall Road, the lanes through Stretton, and Monk's Bridge access road), with a clear receptor list and intervisibility with housing, sensitive receptors such as schools and heritage assets;
- Assess cumulative construction traffic across Site D and Site E rather than treating them as sequential or independent; and
- Confirm engagement with National Highways, Derbyshire and Staffordshire County Councils at scoping stage and incorporate any access constraints they identify into the Rochdale Envelope before red-line confirmation.

6. ECOLOGY AND BIODIVERSITY (Chapter 11); LANDSCAPE AND VISUAL IMPACT (Chapter 15)

Baseline

- 6.1. The Dove Valley is a protected wildlife corridor and landscape designation. It follows the River Dove across Staffordshire and Derbyshire and includes.
- *The Lower Dove Valley (Burton-upon-Trent to Egginton)*: The valley floor acts as a strategic green wildlife corridor and is monitored by the Transforming the Trent & Dove Valley project. Local nature hubs include the Old River Dove (a Site of Special Scientific Interest at Marston-on-Dove), Willington Wetlands and the Drakelow Nature Reserve.
- 6.2. The scoping report identifies Hilton Gravel Pits SSSI, Old River Dove SSSI, River Dove Local Wildlife Site (LWS) and several other LWS within 5 km of the scheme. The ecology chapter does not, however, articulate specific impact pathways between Site E and those designations, despite the parcel lying directly within the Dove Valley corridor that links them.
- 6.3. Site E forms part of the River Dove ecological corridor and includes or adjoins sensitive habitats including floodplain grazing marsh, the River Dove LWS, Egginton Church Wood LWS and the wider functional landscape associated with Hilton Gravel Pits SSSI and Old River Dove SSSI. The Council considers that ecological assessment should not be limited to habitat accounting or a narrow Biodiversity Net Gain (BNG) boundary. The ES must assess ecological function, hydrological dependency, species movement, water quality, disturbance, lighting, fencing, reflectance and construction/decommissioning effects.
- 6.4. The Council is particularly concerned that solar panels, fencing, access tracks and associated infrastructure could fragment floodplain habitat, alter grazing-marsh character, affect waterbird movement, affect bats, otters, water voles, breeding and wintering birds, and increase pollution risk to watercourses during flood events. These matters should be scoped in and surveyed at appropriate seasonal periods and assessed on a precautionary basis.

Impacts in Relation to Ecology and Biodiversity

- 6.5. In relation to Ecology and Biodiversity, the impacts on Site E (Egginton and Stretton) are highly sensitive due to its location along the River Dove riparian corridor and its intersection with a functional floodplain.
- 6.6. The primary ecological and biodiversity impacts and risks for Site E are structured around four critical areas.
- a) Disruptions to the Riparian Corridor and Aquatic Habitats:
 - *River Dove Connectivity*: Site E directly interfaces with the River Dove corridor. Construction runoff, soil compaction, and accidental fuel spillages during the installation of panels present a high risk of siltation and pollution entering the river ecosystem, which could severely degrade water quality;
 - *Impacts on Protected Species*: The river and its intersecting wet ditches are known for high-potential habitats for protected species, including Otters (*Lutra lutra*) and Water Voles (*Arvicola amphibius*). Construction noise, vibration, and the physical presence of security fencing risk disrupting their foraging routes and severing habitat connectivity.
 - b) High Displacement Risk for Farmland Birds:
 - *Ground-Nesting Birds*: The large, open agricultural parcels of Site E currently provide breeding and nesting grounds for notable farmland bird species of conservation concern, particularly the Skylark (*Alauda arvensis*). Transitioning these open fields into rows of solar panels will cause direct habitat fragmentation, forcing these species to abandon their traditional nesting territories.
 - *The "Raptor Triangle"*: Local parish records highlight that this open landscape sits within a vital regional hunting corridor for birds of prey, including Kestrels, Hobbies, Barn Owls, and Red Kites. The dense coverage of panels will physically alter their open-ground hunting dynamics.
 - *Hedgerow Fragmentation and Wildlife Corridors*
 - *Physical Breeches*: Installing the solar arrays, perimeter security fencing, and new gravel internal maintenance roads will require physical breeches and clearings within the existing mature network of ancient native hedgerows.
 - *Bat Foraging*: These hedgerows serve as critical linear commuting and foraging features for local bat populations. Fragmenting these corridors disrupts their echolocation paths and separates roosting sites from their feeding grounds.

Omissions in the Scoping Report Relating to Ecology and Biodiversity

- 6.7. The Scoping Report for Site E (Egginton/Stretton) contains significant omissions regarding River Dove riparian impacts, raptor hunting corridors, and specialised micro-habitats. Furthermore, the developer proposes to "scope out" crucial field studies, including wintering bird surveys, aquatic invertebrate sampling, continuous bat activity tracking, and comprehensive, non-eDNA-dependent, amphibian surveys.

Requested Scope Requirements

6.8. The Scoping Opinion should require the ES to:

- Define explicit impact pathways between Site E and each of Hilton Gravel Pits SSSI, Old River Dove SSSI and River Dove LWS, addressing runoff quantity and quality, hydrological regime, polarised-light "lake effect" reflectance on waterbird flight lines, and habitat-connectivity changes;
- Treat any functional linkages between Site E and Hilton Gravel Pits SSSI (including waterbird commuting between the SSSI, the gravel-pit complex and the wider Dove floodplain) as a parcel-level constraint, not a generic landscape-level statement;
- Undertake the Chartered Institute of Ecology and Environmental Management (CIEEM) 2024-standard Ecological Impact Assessment (EclA) surveys across Site E and along any cable corridor crossing the river Dove or Egginton Brook, including otters, water voles, bats, breeding and wintering waterbirds, and farmland priority species;
- Undertake an etymological assessment of lepidopterology (moths and butterflies) and odonatology (dragonflies) to include the potential impact on the unique flora and habitat in Site E which supports rare insect species such as hairy dragonfly (*brachytron pratense*);
- Assess BNG with all habitats within the Site E Order limits realistically at risk of direct or indirect effect included in the baseline, rather than allowing the BNG boundary to be narrowed for accounting purposes;
- Assess the effects on the full range of wildlife including roosting bats, reptiles, badgers and fish. The River Dove is highly protected, and the lower Dove receives special protection for aquatic life. Wild brown trout and grayling live in this stretch of the Dove along with many other species. The scoping should include suitable commitments to be made about welfare, care and precautions to avoid contamination or pollution;
- Conform to the South Derbyshire District Council statement of an ecological emergency declared in 2023. That statement recognised the essential role that nature plays and provided a statement of intent, to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees, and to resist the destruction of such habitats through a considered and sustainable local planning policy. Site E is within this local authority area, and all development should conform to this statement and be subject to a full assessment of the impact on the ecological environment from a shift from traditional long established farming practices to the industrialised environment being proposed;

Rural Landscape, Visual Amenity and Public Rights of Way

6.9. The Council objects to any approach that treats Site E as visually ordinary or capable of mitigation through screening alone. Site E is an open, low-lying rural landscape of water meadows, floodplain pasture, historic field patterns, ridge and furrow, ancient hedgerows, occasional veteran trees, fringed by woodlands, watercourses and views toward the heritage core of Egginton. The introduction of 3.8m solar panels, fencing, access tracks, cameras, compounds, substations, BESS infrastructure and construction traffic would fundamentally change the experience of this rural landscape.

6.10. Public Rights of Way through and around Site E are not incidental receptors. They are how residents and visitors experience the Dove valley, the churchyard, the woodland setting, the

floodplain, Monks Bridge and the historic landscape. The ES must include a route-by-route assessment of Public Rights of Way, including temporary construction effects, permanent operational effects, decommissioning effects, safety during flood conditions, amenity, views, access continuity and cumulative effects with other parcels and cable corridors.

7. HEALTH (Chapter 14)

Baseline

7.1. It is noted that Chapter 14.0 includes a dedicated assessment for Health which sets out a range of health impacts and their associated mitigation frameworks, including:

- a) *Air Quality*: Potential dust and particulate matter (PM_{10} and $PM_{2.5}$) during grid groundworks.
- b) *Noise and Vibration*: Construction-phase noise impacts from small-scale piling machines and delivery vehicles.
- c) *Glint and Glare*: Visual distraction or safety risks stemming from the solar array reflections.
- d) *Electromagnetic Fields (EMF)*: Generated by electrical infrastructure (though this specific matter is earmarked to be scoped out of deep assessment in Section 20.2 due to standard low-risk profiles).

Impacts to be Scoped out of the ES

- 7.2. While we recognise the national importance of renewable energy infrastructure, we object to the proposals in Chapter 20.0 to scope out Electric, Magnetic and Electromagnetic Fields (EMF), Lighting, and Wind Microclimate, Daylight, Sunlight and Overshadowing as they relate specifically to Solar Development Site E.
- 7.3. Site E possesses a unique and highly sensitive geographic profile. It is split into distinct parcels surrounding the densely populated settlement edges of Stretton, Rolleston on Dove, and Egginton, runs immediately adjacent to the high-speed A38 Derby Road strategic transport corridor, and directly interfaces with the River Dove corridor. Due to these acute local sensitivities, a blanket scoping-out of these aspects is inappropriate, and a detailed, localised assessment must be scoped into the final Environmental Statement (ES).

Justification for Scoping in Impacts

- a) *Electric, Magnetic, and Electromagnetic Fields (EMF)*: The Scoping Report suggests that EMF impacts can be entirely dismissed across the board. However, Site E is uniquely fragmented and highly constrained, forcing infrastructure close to residential boundaries and heavily utilised public rights of way (PRoWs), see email from a resident at Annex B.
 - *Proximity to Residents and Schools*: The parcels comprising Site E, closely border established residential neighbourhoods and community spaces. Without detailed EMF baseline modelling, the community has no empirical assurance regarding cumulative exposure, particularly where high-voltage internal cabling or inverter groupings may concentrate near boundary lines (see Annex B).
 - *Public Rights of Way (PRoWs)*: Site E contains heavily used local footpaths and green infrastructure corridors. It is vital that localised EMF modelling is undertaken to assess the impact on recreational users, horse riders, and vulnerable individuals (such as those with active medical implants) who pass directly over or adjacent to undergrounded high-voltage collection circuits (see Annex B).

- b) *Lighting Impacts*: excludes lighting at Site E from the EIA based on the assumption that security illumination will be minimal. The Parish Council strongly asserts that the unique location of Site E renders this approach flawed. Site E is fringed with residential receptors.
- *A38 Road Safety Risks*: Site E wraps directly around the A38 Derby Road corridor which is elevated and the site will be highly visible. Any sudden illumination from motion-activated, unshielded security lights, or bright emergency maintenance lighting during hours of darkness presents a severe risk of sudden driver glare and distraction on a high-speed dual carriageway. This risk to public safety requires formal assessment and cannot be left to post-consent management plans.
 - *Ecology of the River Dove Valley*: Site E directly interfaces with the River Dove corridor. This river valley acts as a critical dark-sky ecological corridor for nocturnal wildlife, including protected bat species and waterbirds. Even intermittent or motion-triggered artificial lighting could disrupt wildlife corridors and sever the ecological continuity of the valley.
- c) *Wind Microclimate, Daylight, and Overshadowing*: the scoping report dismisses localised microclimate changes due to the ground-mounted nature of solar panels. We challenge this exclusion specifically regarding the unique topography and flood patterns of Site E.
- *River Dove Microclimate and Floodplain Interaction*: Site E spans a gently undulating river valley landscape divided by the River Dove. The placement of thousands of solar arrays changes the roughness of the land. This alteration has the potential to modify micro-wind currents and natural air drainage patterns across the valley floor, which could inadvertently alter frost-pocket formations or localised humidity levels over adjacent agricultural fields and domestic gardens.
 - *Overshadowing and Land Thermal Profiling*: Because the panels stand up to 3.8 meters in height, their extensive coverage will significantly alter the amount of daylight reaching the ground, changing the thermal dynamics and moisture-retention properties of the soil adjacent to the river ecosystem. The local community requires scientific confirmation that these microclimate shifts will not negatively affect neighbouring land usage or riverside biodiversity.

Requested Actions

- The EIA must include localised EMF modelling specifically for the Site E parcels, mapping the precise peak field strengths at residential boundaries and along intersecting PRowWs.
- Lighting must be scoped in for Site E. A formal Light Spill and Glare Impact Assessment must be conducted to evaluate the visual effects of temporary, emergency, and motion-activated security lighting on both A38 motorists and the sensitive River Dove ecosystem.
- The ES must include a microclimate localised sensitivity study evaluating how the massive spatial footprint of panels up to 3.8m tall will affect airflow, wind shielding, and ground daylighting in the immediate vicinity of the River Dove valley properties.

8. CUMULATIVE AND PARCEL-SPECIFIC CONSTRAINTS PLAN (Chapter 21)

- 8.1. The Scoping Report does not provide a Site E-specific cumulative constraints plan showing how flood risk, water, aerodrome safeguarding, heritage, landscape, ecology, soils and access constraints will be considered together when the Rochdale Envelope is defined.

- 8.2. For Site E, that omission is material. The parcel sits at the intersection of a designated floodplain, a licensed aerodrome circuit, a strategic trunk road, Scheduled Monuments, numerous heritage assets and a Dove-valley designated-site corridor. A scheme that is "broadly acceptable" against any one of those constraints in isolation could be acceptable but unacceptable when all six are mapped on a single plan.
- 8.3. The Scoping Opinion should require the ES to produce, for Site E, a single cumulative constraints plan at an appropriate scale, drawing together:
- Flood Zones 2 and 3, modelled surface-water flow paths and proposed floodplain compensation.
 - Derby Airfield (EGBD) circuit and approach surfaces, and any safeguarding consultation responses.
 - A38 access and abnormal-load routing, including on local roads in both Egginton and Stretton.
 - Scheduled Monument footprints, listed-building clusters and their assessed settings; including the effects of vibration on foundations.
 - Ecological designations and connectivity corridors; and
 - The proposed Rochdale Envelope layout, with explicit no-build zones derived from each of the above.

9. REASONABLE ALTERNATIVES FOR SITE E (Chapter 4)

- 9.1. The alternatives section of the Scoping Report does not identify Site E as a uniquely constrained parcel, nor does it indicate that its exclusion, severe contraction, or redesign around the Dove floodplain, Derby Airfield circuit and medieval bridges or heritage assets have been considered as a reasonable alternative.
- 9.2. Given the constraints set out above, a no-development or peripheral-development-only option for Site E is plainly a reasonable alternative that should be assessed transparently in the ES. The Scoping Opinion should require that this is addressed expressly.

10. CLOSING STATEMENT

- 10.1. In summary, the Scoping Report does not provide an adequate framework for assessing the likely significant effects of the Proposed Development at Site E. The parcel is a textbook example of where avoidance under the mitigation hierarchy should drive red-line and layout decisions, not where mitigation by management plan can substitute for site-specific assessment.
- 10.2. Unless the matters identified above are addressed expressly in the Scoping Opinion, there is a real risk that the subsequent ES will under-assess flood risk, aerodrome safeguarding, A38 / local road access, heritage harm and loss and ecological effects at Site E and will instead present a Rochdale Envelope wide enough to accommodate worst-case effects that were never properly tested.

Yours faithfully,

Ms Nicola Lawton
Chair Egginton Parish Council

[REDACTED]
[REDACTED]

NOTE:

Declaration on the Use of Artificial Intelligence (AI)

In accordance with the Planning Inspectorate's guidance on casework / evidence, Egginton Parish Council declares that generative AI tools such as ChatGPT / Microsoft Copilot / Perplexity were used to assisting to prepare these.

The AI tool was utilised to extract key themes from the applicant's scoping report and help format our council's written feedback.

The final text and all local or policy facts have been fully reviewed and verified by the Parish Council and local experts. The Council takes full professional responsibility for the accuracy and integrity of these comments.

Annex A: Email to Egginton Parish Council from a village resident - Thomas Meyer

My property lies immediately adjacent to Site E and within the River Dove floodplain system. I understand that Egginton Parish Council has serious concerns about this proposal, and I would like to offer my own case and evidence as direct local support for resisting the development of Site E.

The applicant's own EIA Scoping Report identifies Site E as land around Stretton, Rolleston on Dove, Egginton and the A38 Derby Road corridor. It also confirms that Site E is closely associated with the River Dove, with the River Dove intersecting the parcels, and that the site is affected by significant flood risk, including Flood Zone 3 / Flood Zone 3b functional floodplain and widespread surface water flood risk. The report also states that flood risk, surface water, groundwater, drainage and cumulative effects will need detailed assessment through the Environmental Statement, Flood Risk Assessment and Drainage Strategy.

My property has flooded previously, most recently in 2019 and 2022. This is not a theoretical or general concern; it is direct evidence that properties in this immediate area are already vulnerable to flooding. Any alteration to the River Dove floodplain, flood storage capacity, flow routes, surface water behaviour or groundwater conditions could have a direct and material impact on my property.

In addition, The Lodge is not only our home. We also operate a boarding kennels and are associated with the Greyhound Trust from this location. Any increase in flood risk would therefore not only affect our residence, but could also place animals, staff, customers and visitors at risk.

I believe my case could be highly relevant to the Parish Council's objection because it provides a clear example of an existing property and local business that has already experienced flooding and could be directly affected by any changes to Site E.

I am particularly concerned that development within Site E could result in:

- Loss or displacement of floodplain storage*
- Obstruction or redirection of River Dove flood flows*
- Increased surface water runoff from access tracks, foundations, compounds and infrastructure*
- Soil compaction during construction reducing infiltration*
- Changes to groundwater behaviour in a low-lying floodplain*
- Increased flood depth or velocity affecting nearby homes, including mine*
- Risk to the safe operation of our boarding kennels and Greyhound Trust activities*
- Risk to animals housed on site during flood events*
- Disruption to emergency access, evacuation and business continuity*

Given that the applicant's own scoping material identifies Site E as a highly sensitive floodplain location, I would support the Parish Council in arguing that Site E is an inappropriate location for this development unless the applicant can prove, beyond reasonable doubt, that there will be no increase in flood risk to existing residents, businesses, animals, staff, customers or visitors.

I would be grateful if the Parish Council could consider using my case as part of its formal objection to the proposal. In particular, I believe the Parish Council could refer to:

- 1. The documented flooding of my property in 2019 and 2022.*
- 2. The proximity of The Lodge to Site E.*
- 3. The fact that Site E lies within the River Dove floodplain system.*
- 4. The applicant's own acknowledgement that Site E is affected by significant flood risk.*
- 5. The increased risk to a local business, boarding kennels, Greyhound Trust activities, staff, customers, visitors and animals in our care.*

6. The need for the Environment Agency, Planning Inspectorate and relevant authorities to apply strict scrutiny to the Flood Risk Assessment, hydraulic modelling, drainage strategy and floodplain compensation proposals.

I fully understand the importance of renewable energy, but this must not come at the expense of increasing flood risk to existing residents, local businesses or animals in our care. The River Dove floodplain already performs a critical flood storage and conveyance function, and any development within Site E should be treated with extreme caution.

I would be happy to speak with the Parish Council, provide further details of the previous flooding at my property, or assist in any way that may help support the Parish Council's objection to this proposal.

Please keep me informed of any Parish Council discussions, meetings or submissions relating to Castle Way Energy and Site E.

Yours faithfully,

Thomas Meyer

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Annex B: Emails to Egginton Parish Council from a village resident – Ian Russell

From: Ian Russell
Date: 8 July 2026 at 12:41:41 GMT
To: XXXX
Subject: Re: Egginton Parish Council- response to PINS CASTLEWAY APPLICATION

"I am concerned about the project because to me with a background in project management within the energy industry it seems very diffuse. It's almost if they have firstly consulted with farmers who will rent the land and anyone who has accepted their rental circa £1200/ acre/ anum then have designed the project around that.

To deliver NSIP status they have connected these sub 100mw projects together and aggregated them by the use of 400kv lines and cables with a single point of connection at Willington 400kv substation -they have then called it an NSIP. It is not it is a collection of < 100mw schemes cobbled together to deliver an NSIP aggregate. This is not in the spirit of the legislation.

For me the risk and nuisance does not stack up. The health effects from the 400kv lines are well understood by the ENA, the cancer trust and the world health organisation. I think the risk is necessary if properly managed for the shipping of power south from northern wind farms because there is no choice as wind resources are concentrated in the North, but I am failing to see the benefit of this when solar farms could be situated nearer the point of power demand I.e. further south!!!! Avoiding the transmission risk and infrastructure all together.

For the developers it's all about money. The project will be at the high end of £800/ kw installed and with the unnecessary interconnection at 400kv will probably stand them at £300m. The last auction for solar on CFD is at £65/Mwhr so even allowing for just an 11% utilisation it will fetch in £25m /year which is a big number. Even if the finance charges are £80m (reasonable) then it will make them £200m-£400m over the project life. So it's attractive for developers.

Not so attractive for the folk it impacts, in my previous career I met parents of children who had suffered childhood unusual cancers. They attributed these conditions and loss to the impact of overhead lines. As an industry, at that time, we couldn't disprove the link. Statistically it is real.

After writing to my MP I attended a webinar by the developers it was high on spin but short on substance. I asked 8 questions via the webinar not one was answered! Maybe it was in the too difficult box for them. I truly believe this project will cause harm. It will certainly help people into starvation somewhere in the world. Closer to home there is a real risk it will cause childhood cancers. No one knows what effect the HV harmonics generated by the inverters had as no studies have ever been done. They discounted the risk in their proposal. As well as the risk to mental health and wellbeing of the population affected by transformer buzzing, fan noise etc which is all low frequency and not attenuated by distance.

So this is why I was so concerned. A good project not so diffuse with minimal HV connections and therefore a reduced risk of the childhood cancer risk that poses would be better. It struck me they are mal using NSIP legislation here. I am sure a judicial review would see this. It is not a good project it is diffuse and badly conceived. The driving factor is who will rent the land to them and that has driven the design with the (unnecessary) attendant HV connections. My daughter and some friends get approached weekly for their land for these projects. It is not a good choice to turn good crops into energy. Especially since the future seems to be delivering a world where feeding 8 billion people will be a priority."

From: Ian Russell
Date: 8 July 2026 at 13:05:51 GMT+1
To: XXXX
Subject: Solar farm

Maybe we should ask the developers a simple question.

"With the known link between childhood cancers and low frequency EMFs generated by power lines and substations and given the fact that children raised within 200m of a power line are 3 times as likely to develop cancers as a result and the fact that the corridors identified for the construction of your HV power grid traverse urban area's. What is your estimate of the number of children that will be killed due to this project?"

There is a known link which cannot be disproven and no studies have been done re the health effects of the harmonic frequency generated EMFs from inverters so what studies can they point to to say there is not a link. All the evidence is that there is. The harmonic EMF health effects have not been studied in any depth if at all- I can't find any info.

Many journalists have investigated normal 50hz EMFs including Paul Brodeur, who also proved the link between Asbestos and mesothelioma. Its an inconvenient truth for HV grid operators.

Children need to be raised as far away from this risk as possible because if not it can affect them.

The pylons will be enormous, some on the Willington- Chesterfield 400kv line extension are scheduled to be 66m high!! and because our project is going to be on 8m stilts that means our towers will have to be at least 58m high and possibly higher. This means more folk potentially affected by the EMFs.

Ian

Planning Inspectorate
[CastleWayEnergy@planninginspectorat
e.gov.uk]

Reference: OR-0006434/01
Customer reference: EN0110037

15 July 2026

Dear Sir/Madam

EIA SCOPING CONSULTATION FOR THE CASTLE WAY ENERGY PROJECT

Thank you for your consultation on the Scoping Report, submitted under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, in support of the Application by BSSL Derbyshire 1 Ltd (the Applicant) for an Order granting Development Consent (DCO) for Castle Way Energy. This consultation was received on 17 June 2026.

We have reviewed the Main Report and Appendices, and can provide the following advice in relation to matters within our remit.

We must take issue with the scope of the Environmental Impact Assessment (EIA) as currently defined and would recommend further issues are scoped in to meet the requirements of the EIA regulations.

Further detailed comments are provided within the following appendices:

- Appendix A – Comments on the scope of the EIA
- Appendix B – General advice on the proposals and EIA content
- Appendix C – Additional advice for the Applicant

Please note this response does not represent our final view in relation to any future DCO, or any environmental permit applications made to us. Our final views will be based on all relevant information including applications and guidance available at the time of submission.

We trust this advice is useful.

Yours faithfully,

Chloe Snowball
Planning Specialist – National Infrastructure Team
Email: Nlteam@environment-agency.gov.uk

Appendix A – Comments on the scope of the EIA

Groundwater & Contaminated Land

Document Reference(s): EIA Scoping Report, Main Text, Section 13.4.2	
Issue	An insufficient buffer of 250m has been used around the Scoping Boundary.
Impact	Risk of groundwater receptors being negatively impacted by the Proposed Development if an insufficient buffer is used.
Solution	Utilise a 1km scoping distance for ground condition and contamination sources and receptors.
Additional narrative/explanation Due to the presence of multiple aquifers and fault systems underneath the boundary, there is potential for wider impacts than the 250m buffer would account for. For instance, the site is within 500m of a principal aquifer, but the report fails to mention this due to the insufficient buffer distance.	

Document Reference(s): EIA Scoping Report, Main Text, Section 19	
Issue	The effects on groundwater from non-contaminative effects has not been scoped in.
Impact	Impacts on important receptors will be missed.
Solution	Scope in effects on groundwater including but not limited to: Water Framework Directive (WFD) groundwater bodies, abstractions, and groundwater flow.
Additional narrative/explanation The scoping report has not mentioned the impact on groundwater bodies or groundwater flow which is important as there are indicators of very shallow groundwater in hydrological connection with surface waters. The draft Order Limits are upon or in the vicinity of the following WFD groundwater bodies: • Dove - Mercia Mudstone • Lower Trent Erewash - Secondary Combined • Tame Anker Mease - Secondary Combined • Tame Anker Mease - PT Sandstone Burton There are also two groundwater dependent terrestrial ecosystems (GWDTEs) which have not been considered: • Hilton Gravel Pits Site of Special Scientific Interest (SSSI) • Old River Dove, Marston on Dove SSSI Impacts of abstractors has not been considered. The Applicant should note that there are licenced abstractions within the vicinity of the Proposed Development, and there may also be unlicenced private water supplies present.	

Document Reference(s): EIA Scoping Report, Main Text, Table 19.1	
Issue	Table 19.1 which summarises impacts proposed to be scoped into the assessment for Water Resources and Flood Risk Topics, does not include heat as a pollutant.

Impact	Risks to groundwater and groundwater dependent receptors has not and will not be assessed.
Solution	Specifically scope in heat as a groundwater pollutant into the EIA and ensure there is an assessment of the effect of heat released from cables.
Additional narrative/explanation Heat as a groundwater pollutant was introduced in 2023 via the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023 SI No.2023/651: ““pollutant”, in relation to England, means any— 1. substance, 2. heat, or 3. biological entity or micro-organism, which is liable to cause pollution;” We are mindful that work is being carried out in this area in relation to heating of groundwater from Ground Source Heating and Cooling (GSHC) systems but there is currently no guidance relating to the potential thermal implications of high voltage buried electricity cables. The Environment Agency’s Chief Scientist’s Group has published a report for GSHC systems (Environmental Impacts of Temperature Changes from Ground Source Heating and Cooling Systems). In this study, a ‘thermal plume’ was defined as the region around a GSHC system that experiences a 1 degree C temperature change or greater. While the study is not directly applicable to thermal emission from underground cables, an equivalent benchmark could be considered when assessing heat pollution from underground HV cables. The Chief Scientist’s Group states that the environmental factors with the greatest influence on thermal plume development include groundwater flow and bulk thermal conductivity. It identifies that impacts may occur by direct (temperature change) and indirect (e.g. changes in water chemistry) means. At this stage we require the potential thermal implications of buried cables, in relation to risks to groundwater, to be considered further via desk-based assessment. This is especially a concern with the GWDTEs and areas of shallow groundwater.	

Fisheries

Document Reference(s): EIA Scoping Report, Main Text, Table 11.2	
Issue	The significance of the proposals on fish has not been suitably addressed. Fish have been scoped out of the EIA on the basis that the embedded outline Construction Environment Management Plan (CEMP) will include best practice measures to ensure no adverse impacts to aquatic habitats.
Impact	Risk of mitigation being unsuitable and impacts may still persist. We would argue that it is not possible to fully assess impact-pathways to fish receptors in order to design mitigation, without a thorough understanding of the fish baseline on site. There are number of impact-pathways from solar farms which are likely to impact fish species which need to be assessed in the EIA. Notably, where there are permanent and temporary crossings of watercourses, which are likely during involved in-channel works.
Solution	Fish should be scoped into the EIA, unless further evidence and information on the design suggest otherwise. To inform mitigation and to conclude

	whether there will be an impact to fish species, we consider that fish presence/absence surveys should be conducted on waterbodies with the site where suitable fish habitat is present.
Additional narrative/explanation Whilst it is good to see that mitigation will be included in the outline CEMP to protect fish, we cannot agree to this until we have sight of the details. Moreover, without a thorough understanding of the fish assemblage and population on site, effective mitigation can't be designed. A full understanding of the impact-pathway-receptor model for the development must be undertaken.	

Document Reference(s): EIA Scoping Report, Main Text, Section 11.6.8	
Issue	Omission of the Humber Estuary Special Area of Conservation (SAC) from the scope of the EIA.
Impact	Risk of failing to assess potential impact-pathways that could affect lamprey species that could be present in the River Dove and associated tributaries within the draft Order Limits, particularly during construction where in-channel works are proposed.
Solution	Scope in the Humber Estuary SAC. The Habitat Regulations Assessment (HRA) should also include the Humber Estuary SAC at Stage 1 of the assessment.
Additional narrative/explanation River lamprey and sea lamprey form part of the Humber Estuary SAC designation. The Humber Estuary SAC is downstream of the River Dover and is hydrologically connected via the River Trent. Lamprey species that could be present in the River Dove and associated tributaries will likely be functionally connected to the Humber Estuary SAC, as both river lamprey and sea lamprey are diadromous species, migrating through the Humber Estuary to freshwater habitats for spawning.	

Geomorphology

Document Reference(s): EIA Scoping Report, Main Text, Section 19.5	
Issue	Not all sensitive receptors have been identified. This includes Main Rivers/WFD waterbodies, notably the River Dove and its tributaries.
Impact	Not identifying the true range of sensitive receptors may lead to unforeseen damage to those sensitive receptors and possible deterioration in WFD status of waterbodies, possibly resulting in hydromorphic harm.
Solution	Ensure risks to all sensitive receptors are adequately assessed as part of the EIA.
Additional narrative/explanation The Applicant should also produce a WFD Screening/Scoping assessment. Further information on this is included in Appendix B of our response.	

Flood Risk and Modelling

Document Reference(s): EIA Scoping Report, Main Text, Sections 19.9.2 and 19.6.6	
Issue	Fluvial flood risk has been scoped out for Site B despite evidence gaps in the available flood risk data.
Impact	Flood risk impacts to and from the Proposed Development could be underestimated.

Solution	Scope in fluvial flood risk for Site B for the construction, operation, and decommissioning phases of the development.
Additional narrative/explanation Section 19.9.2 notes that where development parcels are solely located within Flood Zone 1, fluvial flood risk has been scoped out. As such fluvial flood risk has been scoped out for the construction, operation, and decommissioning phases for Sites A and B. With respect to Site A, the Flood Map for Planning shows this site is within Flood Zone 1. Based on an inspection of the Detailed River Network there do not appear to be any watercourses which cross this site. Additionally, the recently published Surface Water Spatial Planning dataset (May 2026) shows very limited surface water risk within Site A. In terms of Site B, the site is largely within Flood Zone 1. The Bent Brook Ordinary Watercourse flows through the middle of the site but has no associated Flood Zone mapping due to the small size of its respective catchment. This does not mean that there is no fluvial flood risk associated with this watercourse, it just means that there is an evidence gap. The Surface Water Spatial Planning dataset does show areas of potential fluvial flood risk associated with the Bent Brook that encroach into the site boundary, and the Applicant should be cognisant of this when undertaking their assessment. On this basis, we believe it is premature to scope out fluvial flood risk for Site B for the construction, operation, and decommissioning phases until there is more evidence with regards to fluvial flood risk. Section 19.6.6 notes that Solar Development C falls within Flood Zones 2 and 3. For information there is a small section of Ordinary Watercourse at 424820, 334620 that has no associated Flood Zone mapping due to the small size of its respective catchment. Flood risk from this watercourse should be considered within the Flood Risk Assessment (FRA). For information the Surface Water Spatial Planning product was published on the 28 May 2026. This dataset may be of interest and includes a depth dataset for the Upper allowance for climate change for the 2070s epoch (2061 to 2125). The depth data is in 300-millimetre (mm) increments. This dataset can be downloaded from the Defra Data Services Platform here: https://environment.data.gov.uk/dataset/cf8d4e8f-99b6-4e5d-bf56-7f80e93d0931.	

Water Quality

Document Reference(s): EIA Scoping Report, Main Text, Table 19.1	
Issue	Operational water quality has only been scoped in for some of the land parcels but not others.
Impact	Risk of the Proposed Development causing possible pollution incidents where water quality has not been assessed.
Solution	Scope in water quality for all land parcels, particularly A, D, C and the National Grid Willington 400 kV substation.

Document Reference(s): EIA Scoping Report, Main Text, Table 19.1	
Issue	Table 19.1 which summarises scoping decisions fails to recognise the potential effect of foul water on surface water quality during all phases of the Proposed Development.
Impact	Risk of increasing the nutrient level of and contaminating the receiving water environment if foul waste is not managed correctly. Any foul waste generated will need to be contained, and then either connected to a sewer, tankered away, or treated and discharged under permit.
Solution	Scope in the risk that foul water poses to surface waters for all phases until containment and disposal methods are finalised. A foul water disposal strategy should also be produced.
Additional narrative/explanation If sewage will be discharged to public sewer, the local water company must be consulted to ensure that adequate sewer capacity is available, and no adverse effects will occur because of the connection. If treatment and discharge at the site is required, there will need to be a consideration of any potential impacts of this discharge and confirmation will need to be provided that a water discharge activity permit will be sought. If road transport to an offsite disposal facility is required, then there should be regard for this within the waste management procedures.	

Document Reference(s): EIA Scoping Report, Main Text, Tables 19.1 and 20.1	
Issue	The water quality risks from fire are not included in the proposed scope of the EIA in relation to Water Resources and Flood Risk. Table 20.1 suggests that fire will be considered in the outline Battery Safety Management Plan (BSMP) and BESS Fire Emissions Assessment which will accompany the DCO application.
Impact	Risk of the Proposed Development causing a deterioration in water quality if the firewater and other chemicals from the BESS (from fire suppression or contaminated surface runoff) are allowed to pose an unacceptable risk to water environment receptors by not being contained and removed sufficiently.
Solution	Scope in the risk from firewater and other chemicals associated with the BESS and Substation into the Water Environment and Flood Risk Environmental Statement (ES) chapter. Firewater drainage from the BESS and substations units should be contained within a sealed, impermeable drainage solution, unless the developer can demonstrate an alternative method which provides sufficient mitigation.
Additional narrative/explanation Any measures detailed in the outline BSMP to mitigate any potential impacts have not yet been seen, therefore we lack confidence that certain risks of deteriorating the water quality of the water environment will be sufficiently mitigated against. We will expect the drainage design to be produced following an adequate assessment of risks to groundwater, including a conceptual site model (CSM), and to include suitable provisions to contain water in the event of a fire. We strongly recommend that all BESS sites have fully sealed drainage systems, with penstock valves which activate automatically when a fire breaks out.	

Where gravel is proposed to be used within an impermeable drainage basin, the operator must demonstrate how they will manage accumulation of silt and pollutants within the base of the gravel. Contaminants from a fire event may accumulate in the gravel even if firewater runoff is identified as being suitable for release. These contaminants would then be released into the natural environment over longer periods of time.

The National Fire Chief's Council has published detailed guidance on recommended fire protection measures for BESS sites. We recommend the Applicant refers to this when designing the scheme: [Grid Scale Battery Energy Storage System planning – Guidance for FRS \(nfcc.org.uk\)](https://www.nfcc.org.uk/guidance-for-frs).

Foundation, penetrative works and works programming should be designed to maintain the integrity of this impermeability.

Any penstock valves should have a manual back up as well as automatic trigger. They should also be regularly maintained and tested as part of the Operational Environmental Management Plan (OEMP) and in areas where the runoff will be discharged to a sensitive receptor they should include sentinel monitoring in the event of a pollution incident at the site.

In line with [Planning Practice Guidance](#) (PPG):

- Applicants are encouraged to engage with Local Fire & Rescue Services to ensure issues of siting and location of BESS are dealt with before applications are made. Ideally this should be done before DCO submission.
- Applicants will also need to comply with relevant Building Regulations in [Part B](#). They require Applicants to provide suitable access for the fire service.

Applicants should also refer to guidance published by The Department for Energy Security and Net Zero: [Health and safety in grid scale electrical energy storage systems](#), which provides guidance on a number of topics related to health and safety including on 'Design and planning' that provides guidance on battery technology, site selection, site layout and emergency planning. It also includes a section on 'Decommissioning and end of life', including dealing with batteries that have come to the end of their use in the BESS.

Appendix B – General advice on the proposals and EIA content

Groundwater & Contaminated Land

Document Reference(s): EIA Scoping Report, Main Text, Sections 2.2 to 2.4	
Issue	Maximum depths have not yet been established for several features including Horizontal Directional Drilling (HDD), substation and BESS foundations.
Impact	The potential depth at which construction related impacts on the geological and hydrogeological regimes may occur are not clear.
Solution	The Applicant should provide Maximum Design Scenario indicative depths for trench and trenchless installation methods and pile and other foundation design. They should also supply a foundation works risk assessment for any penetrative works.
Additional narrative/explanation Cable depths should be included in the assessment for the CEMP, and a foundation works risk assessment should risk assess foundation design. Deep foundation, piling and ground improvement methods may create preferential pathways or otherwise result in the mobilisation of contamination or alter groundwater flow paths if not adequately mitigated. Piling and penetrative ground improvement methods should be designed in accordance with CL:AIRE guidance Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention, published March 2025. A Foundation Works Risk Assessment should be produced in areas of sensitive groundwater such as in Secondary A aquifers, Source Protection Zones (SPZs) or where other receptors may be linked. We recognise that at this stage more detailed information may not be available, however we wish to provide this information now to aid future assessments to be carried out. We recommend the Applicant supplies maximum expected depths for all features interacting with the sub surface, such as has been done for the PV panels.	

Document Reference(s): EIA Scoping Report, Main Text, Section 2.4.16	
Issue	HDD will be employed.
Impact	Risk of pollution and disruption of sub surface flows impacting shallow groundwater and surface controlled water if HDD or other trenchless installation methods are not suitably managed.
Solution	HDD crossings should be supported by the development and implementation of a Drilling Fluid Breakout Plan, Hydrogeological Risk Assessment and Water Feature Survey for areas of the development where HDD is proposed to be used.

Document Reference(s): EIA Scoping Report, Main Text, Sections 13.2 and 19.2	
Issue	Omission of references to relevant legislation and guidance within both the Ground Conditions and Contamination and Water Environment and Flood Risk sections of the report.

Impact	Risk of the Proposed Development not being compliant with legislation and/or not following best available practice, therefore increasing risk to the environment.
Solution	The Applicant should refer to and follow all relevant guidance and legislation in further assessments and plans. See below for further details.
Additional narrative/explanation Relevant legislation and guidance includes: • Construction Industry Research and Information Association (CIRIA) report Contaminated Land Risk Assessment (A guide to good practice) C552, 2001 • A new perspective on Land and Soil in Environmental Impact Assessment, IEMA, February 2022 • The Water Supply (Water Quality) (Amendment) Regulations 2018 • Environment Act 2021 • Groundwater (England and Wales) Regulations 2009 • Control of Pollution Act 1974 Hazardous Waste Regulations 2005 (as amended) • Waste (England and Wales) Regulations 2011 • Environment Agency's Approach to Groundwater Protection, February 2018. • Planning Inspectorate Technical Advice for Scoping Solar Development • National Fire Chiefs Council BESS guidance • Environment Agency Pollution Prevention Guidelines • CIRIA C532 Control of Water Pollution from Construction Sites – Guidance for Consultants and Contractors (2001) • Design manual for Roads and Bridges - LA109 - Geology and Soils • Design manual for Roads and Bridges – LA113 – Road drainage and the water environment.	

Document Reference(s): EIA Scoping Report, Main Text, N/A	
Issue	Certain key ground condition and hydrogeological linked features have not been identified.
Impact	Risk and impacts to controlled water receptors could be missed.
Solution	Ensure risks to controlled waters and all receptors are adequately assessed in the Ground Conditions and Contamination ES chapter. Utilise wider scoping and ensure the EIA follows the Land Contamination Risk Management (LCRM) guidance and BS 5930.
Additional narrative/explanation We have identified several features not referenced in the report that may be put at risk or cause increased risks by the Proposed Development. The features we are concerned about include: • Historic Landfills within the order limits • Historic Landfills adjacent and near the order limits • Authorised Landfill Adjacent to order limits • GWDTEs near the site (Old River Dove SSSI) • Former RAF Broughton.	

Fisheries

Document Reference(s): EIA Scoping Report, Main Text, Section 2.5.3	
Issue	The proposed culverting of watercourses.
Impact	Culverting of a watercourse or waterbody that contains fish can impact on lifecycle migration, both locally and more long distance. Culverting also impacts aquatic habitat and fish spawning habitat by decreasing the quality of substrate.
Solution	Culverting watercourses should be avoided at first and where possible they should be replaced by a full open-span span crossing that maintains the natural substrate and allows free fish passage. The developer must share details of where any watercourse crossing will take place and how they will be designed to ensure impacts on fish is negligible.
Additional narrative/explanation Culverts have the potential to fragment habitats and reduce connectivity, making dispersal and commuting for some species difficult. Culverts also put an added pressure on otters during periods of high water-levels, as culverts offer little room for conveyance and put otters at risk of being killed when crossing roads. We would encourage the Applicant to discuss watercourse crossings with the Environment Agency as soon as possible to ensure that they are designed appropriately, as opposed to leaving it until the publication of the ES.	

Document Reference(s): EIA Scoping Report, Main Text, Section 11.2.3	
Issue	The Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 have not been included in the list of legislation relevant to biodiversity.
Impact	The impacts on fish from construction, operation and decommissioning processes have not been fully considered. The legal responsibility of the developer pertaining to this fish specific legislation has not been considered.
Solution	Include both pieces of legislation in the Ecology and Biodiversity ES chapter to be submitted as part of the DCO.
Additional narrative/explanation Parts of The Salmon and Freshwater Fisheries Act 1975 relevant to this type of development and that should be considered, are (but not exhaustive) Part 1, Sections 2 and 4. Parts of The Eels (England and Wales) Regulations 2009 relevant to this type of development and that should be considered, are (but not exhaustive) Part 4.	

Document Reference(s): EIA Scoping Report, Main Text, Section 2.4.16	
Issue	Open-cut techniques will be used to navigate features including watercourses.
Impact	The use of open-cut methods for installing cabling and pipelines carries a risk of destroying fish and aquatic ecology habitats, including those of protected species such as the water vole. Open-cut methods also risk the loss of connectivity, habitat fragmentation, desiccation of spawning gravels, entrainment of fish into pumps, fish mortality and downstream impacts from suspended sediment release.
Solution	Trenchless techniques should be committed to where any watercourses are proposed to be crossed by cabling, particularly where fish are present and/or there is notable aquatic ecology.

Additional narrative/explanation

Installation of cables and pipelines can prevent the free movement of mammals along the river corridor. There is also a risk of entrapment of mammals such as otters within compounds and trenches associated with cable installation. We recommend that the Applicant covers open trenches to prevent wildlife from falling in and place a ramp to enable wildlife to escape. Compounds and trenches should also be securely fenced during construction.

Document Reference(s): EIA Scoping Report, Main Text, Section 11.7.8

Issue	No reference is made to enhancing on-site aquatic environment.
Impact	Potential opportunities for Biodiversity Net Gain (BNG) uplift and enhancement of WFD status may be missed.
Solution	Alongside the requirement to deliver a minimum 10% BNG, the Applicant should seek opportunities to enhance the on-site aquatic environment.

Additional narrative/explanation

This should ideally include measures to improve habitats within existing watercourses and facilitate fish passage. Where crossings of watercourses are required for construction traffic and are currently culverted, these should be removed and replaced with open-span structures.

Reinstatement of bankside habitats along watercourses and ditches should also be considered after completion of works. This could include sowing the bankside habitats with a species rich locally appropriate sward, and erecting fencing to prevent livestock access.

Document Reference(s): EIA Scoping Report, Main Text, Section 11.6.2

Issue	Environment Agency fish survey data has not been used to inform the baseline for the EIA.
Impact	Risk of impact-pathways to receptors not being identified and sufficiently assessed. This is particularly pertinent where the design involves the crossing of watercourses.
Solution	The Applicant should ensure that the desk study includes Environment Agency fish survey data which can be found here: EA Ecology & Fish Data Explorer .

Document Reference(s): EIA Scoping Report, Main Text, Sections 11.4.4, 11.6.5 and 11.6.7

Issue	No consideration of the need for fish surveys to inform the environmental baseline.
Impact	Risk of impact-pathways to receptors not being identified and sufficiently assessed. This is particularly pertinent where the design involves the crossing of watercourses.
Solution	The Applicant must complete fish surveys on any watercourse or waterbody with suitable fish habitat where in channel works are proposed, such as temporary or permanent crossings.

Additional narrative/explanation

Any fish surveys using equipment other than rod and line must have written permission from the Environment Agency under S27(a) of the Salmon and Freshwater Fisheries Act 1975. A full methodology with locations, timings and equipment must be submitted to the Environment Agency as part of the FR2 application. Further information on the application can be found here: [Apply to use fishing instruments other than rod and line in England - GOV.UK](#).

Geomorphology

Document Reference(s): EIA Scoping Report, Main Text, Section 11.3.1

Issue	Limited information has been provided regarding cable route corridors and potential watercourse crossings, either for access or cable routes.
Impact	There is a risk of exhumation of cables occurring as a river moves laterally across the floodplain, if the geomorphic activity of watercourses is not taken into consideration. Vertical incision may also occur, leading to the exposure of cables within the river channel, if the cable has not been buried at sufficient depth during construction. Where rivers are geomorphically active, poorly designed and located river crossings may exacerbate erosive processes and lead to increased scour and possible outflanking of the structures.
Solution	The Applicant should conduct River Corridor Surveys and undertake a geomorphic assessment of the affected watercourses. When deciding on cable route corridors and access pathways, the activity levels of the watercourses proposed to be crossed should be considered. If a watercourse is particularly active/mobile, the Applicant should consider changing routes to avoid these.
Additional narrative/explanation Please note that the Environment Agency has a general policy against the use of culverts where possible (for Main Rivers), with a hierarchical approach to river crossings. Lead Local Flood Authorities (LLFAs) and Internal Drainage Boards (IDBs) (where present) may also have similar approaches. General guiding principles to consider when designing watercourse crossings to avoid negatively affecting geomorphology and natural processes are included in Appendix C of our response.	

Document Reference(s): EIA Scoping Report, Main Text, Section 19.2

Issue	The report does not mention whether the Applicant intends to produce a WFD Screening/Scoping assessment.
Impact	Risk of status deterioration of WFD waterbodies that have not even been recognised, potentially leading to hydromorphic harm and/or infringement of legislation.
Solution	The Applicant should produce a WFD Screening/Scoping report, identifying WFD waterbodies that may be affected by the Proposed Development (e.g. watercourse crossings or works in and/or near channels) and any mitigation actions to, at a minimum, offset the potential effects. Mitigation measures should consider barrier removal and stream restoration (e.g. buffer strips). The WFD assessment should be conducted at the earliest possible time, ideally prior to DCO submission, so that the Environment Agency are given the opportunity to review it.

Additional narrative/explanation

WFD/Water Environment Regulations have only been included in the legislation section and the reference list. No other mention is made of this important piece of legislation.

We recommend that the Applicant engages with the Environment Agency and the Derbyshire County Council Local Nature Recovery Strategy (LNRS) lead to ensure WFD issues on the River Dove and its tributaries are adequately considered, and to see if the Proposed Development can help enhance the WFD status of the waterbodies concerned.

The report also mentions that the site will be returned to its original condition upon decommissioning. As this site sits within the LNRS, opportunities to deliver LNRS should be sought and whilst undertaking BNG, mitigation after decommissioning should look towards delivering identified LNRS actions. This is especially important where the sites sit within Flood Zones, as riparian land management is key to tackling environmental pressures to the surrounding WFD waterbodies.

The cumulative impact assessments should include all watercourses in the WFD assessment.

Flood Risk and Modelling

Document Reference(s): EIA Scoping Report, Main Text, Sections 2.5.3 and 19.5

Issue	Potential watercourse crossings are proposed, including within the cable route corridor where Main Rivers have been noted as potential sensitive receptors, but there is limited design parameter detail at this stage.
Impact	Risk of the Proposed Development increasing flood risk elsewhere and impacting existing flood defence assets if crossings are not designed appropriately.
Solution	Watercourse crossings must be designed to remain operational during times of flooding and not increase flood risk elsewhere. Further detail on proposed type and location of potential main river watercourse crossings should be submitted for comment and discussion at the earliest opportunity.

Additional narrative/explanation

It is noted that there is the potential for the upgrade or construction of crossing points such as bridges or culverts. Any proposed access crossings should be designed so that the soffit level of any bridges or culverts sits above the design flood level with an allowance for freeboard.

The design flood level for permanent crossings in areas of fluvial flood risk would be the 1% (1 in 100) annual exceedance probability (AEP) plus higher central climate change scenario. For temporary crossings as part of the construction phase of the scheme the present day (without climate change) 1% (1 in 100) AEP scenario can be used.

Typically for Essential Infrastructure, the climate change allowance to apply would be the Higher Central allowance and noting the 40-year operational lifetime of the development we would expect the 2080s epoch (2070 to 2125) to be used in the context of fluvial flood risk. We would ask that a freeboard of +600 millimetres is included above the design flood level when determining crossing soffit levels.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Culverting existing watercourses/drainage ditches should be avoided. Where culverting for access is unavoidable, the Applicant should demonstrate that no reasonable alternatives exist and where necessary it will only be in place temporarily for the construction period. This is stated in paragraphs 2.10.79 and 2.10.80 of National Policy Statement for renewable energy infrastructure (EN-3). For further guidance please visit [Flood risk activities: environmental permits - GOV.UK](#).

Section 120 of the PA2008 allows the inclusion of non-planning consents, permits and licences to be included within the DCO, removing the requirement for the Applicant to apply for them separately. This is called 'disapplication'.

Section 150 of the Planning Act 2008 states that for certain types of consents, the Environment Agency must give permission for the legislation to be included in the DCO. These consents are listed in Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, this list includes many of the permits and consents issued by the Environment Agency.

If Applicants are seeking to disapply any of the permitting legislation, they should contact the Environment Agency as early as possible. The Environment Agency will consider requests to disapply on a case-by-case basis. However, when approached, there are some principles the Environment Agency will consider following a disapplication request:

- The activity will have a low environmental risk
- The activity should either be temporary, or it can be agreed as part of the construction phase
- The activity will not require any on-going monitoring or subsequent enforcement of any defined limits
- The activity is unlikely to be classed as High Public Interest or has the potential to generate high public interest. The Environment Agency will decide whether an application is of high public interest on a case-by-case basis. To reach a decision, all relevant information is considered, including:
 - Whether the interest relates to issues regulated under an environmental permit
 - The breadth and scale of interest – for example, the number of different sources such as individuals, interest groups, businesses, local councillors, media and whether there is ongoing engagement from the local MP
 - Whether the interest is, or is likely to be, sustained for a period of time.

The Applicant should provide sufficient information with their request to disapply for the Environment Agency to be able to make the above decisions about the activity. When the Environment Agency have agreed to disapply their legislation they have developed a set of standard Protective Provisions, that are available upon request. It is important for the Applicant to note that the Environment Agency holds the ultimate decision and the right to refuse any request to disapply.

The Applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Works affecting non-main rivers/ordinary watercourse may require the prior consent of the LLFA under the Land Drainage Act 1991. As such, we advise consultation with the LLFA in this regard.

Document Reference(s): EIA Scoping Report, Main Text, Section 19.7.1

Issue	Climate change allowances to be applied in the context of fluvial flood risk are not clear.
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Impact	Flood risk could be underestimated if incorrect climate change allowances are applied.
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Solution	The Applicant must assess the impact of climate change for a Higher Central and Upper scenario in the context of fluvial flood risk.
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Additional narrative/explanation

Section 19.7.1 notes that at this early stage, mitigation is not currently known but the development will be designed to be resilient to projected climate change affecting rainfall and flood risk.

As the Proposed Development would be classed as “Essential Infrastructure”, the climate change allowance to apply in the context of fluvial flood risk would be the Higher Central allowance. A sensitivity test should also be undertaken for a Credible Maximum Scenario (CMS). Typically, the upper climate change allowance is used as a proxy for the CMS in the context of fluvial flood risk. Essential infrastructure should remain operational during the design flood scenario.

The FRA will need to consider the future flood extent of the design flood plus climate change which should be informed by the design life of the development. We would also recommend development be setback from watercourses and any existing flood defence infrastructure, under the design flood extent. This allows for future remediation, replacement, or raising of flood assets in the context of a changing climate and increasing flood risk.

Please see [Flood risk assessments: climate change allowances - GOV.UK](#) for further details on how to establish the design flood event for the development based on the development vulnerability classification.

Document Reference(s): EIA Scoping Report, Main Text, Sections 19.7.1 and 19.11.4

Issue	Outdated modelling datasets.
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Impact	The assessment of flood risk to and from the site could be inaccurate.
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Solution	When using existing hydraulic modelling datasets from the Environment Agency and other third parties, the Applicant must review these in line with guidance on Using Modelling for Flood Risk Assessment available at: Using modelling for flood risk assessments - GOV.UK .
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Additional narrative/explanation

Sections 19.7.1 and 19.11.4 note that flood modelling of nearby and intersecting watercourse can be undertaken to determine the actual flood and surface water flood risk to the sites.

The area of the Proposed Development is quite complex, with several watercourses interacting with each other and areas of notable flood depths and flow. This should be assessed using hydraulic modelling and in particular flood risk to the development and any impacts arising because of the Proposed Development.

If solar panels or other infrastructure such as BESS, transformers, Inverters, and fencing are placed in areas of flood risk, the impact on flood risk elsewhere should be assessed and mitigated for where there are shown to be increases in flood risk to third parties.

The Applicant should be cognisant of the requirements within the Overarching National Policy Statement for Energy (EN-1) and paragraph 5.8.12 which states that there should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site.

Whilst the Environment Agency do hold detailed hydraulic modelling for some watercourses in the vicinity of the Proposed Development such as the River Dove, Hilton Brook, Foston Brook, and Etwall Brook, for some watercourses no detailed hydraulic modelling is available. Furthermore, where the Environment Agency do hold detailed hydraulic models some of the input datasets, analysis, and climate change scaling factors are old and should be reviewed in line with latest guidance.

Any flood risk modelling which is developed or updated to inform the construction and with development proposals should be reviewed by the Environment Agency. It is recommended that modelling methodologies are agreed with the Environment Agency prior to undertaking any detailed modelling work.

Document Reference(s): EIA Scoping Report, Main Text, Section 19

Issue	Site E is within the Functional Floodplain (Flood Zone 3b).
Impact	Flood risk could be increased elsewhere if the development is not appropriately designed.
Solution	Whilst it is possible to place Essential Infrastructure within the Functional Floodplain, it must satisfy the Exception Test and the requirements within the Overarching National Policy Statement for Energy (EN-1). Please see the additional narrative/explanation below for further details.

Additional narrative/explanation

It is noted that Site E lies within the Functional Floodplain (Flood Zone 3b) associated with the River Dove. Flood depths and velocities are likely to be significant in this area, and the Proposed Development has the potential to increase flood risk elsewhere through the loss of floodplain storage, impacts on floodplain conveyance, and an increased risk of debris blockage resulting from infrastructure being located within the active floodplain. In addition, if infrastructure is not appropriately designed to withstand hydraulic loading, flood flows could compromise the structural integrity of development components, such as solar panel support structures. This in turn could exacerbate blockage risk.

The Applicant should demonstrate that the Proposed Development satisfies the Exception Test and complies with paragraph 5.8.12 of the Overarching National Policy Statement for Energy (EN-1).

Quantitative assessment should be undertaken to demonstrate the flood risk impacts to and from the Proposed Development. Typically, this would be achieved using detailed hydraulic modelling.

Document Reference(s): EIA Scoping Report, Main Text, Chapter 19

Issue	Freeboard allowances for the Proposed Development are not clear.
Impact	Flood risk to the Proposed Development could be underestimated, particularly when considering modelling uncertainty and blockage risk.
Solution	The Applicant will need to provide a freeboard allowance of +600mm above design flood levels for the Proposed Development. This should be applied to ensure solar PV panels do not flood during the design flood event as well as other infrastructure such as the BESS, transformers, and inverters.

Document Reference(s): EIA Scoping Report, Main Text, Section 19.6

Issue	The Environment Agency has a flood defence scheme at Egginton, adjacent to the site, which surrounds the whole village and protects it from the River Dove on all sides.
Impact	Risk of the Proposed Development potentially impacting the existing flood defence scheme and causing additional flood risk to nearby properties.
Solution	Constraints would need to be imposed on any solar farm development in this area to ensure the Environment Agency is able to access this essential set of assets, and prevent potential damage to the adjacent flood defences, ordinary watercourse outfalls etc.

Additional narrative/explanation

The Applicant should be aware that fluvial flood risk in this area, and around the village of Egginton, is complex, covered by four separate fluvial models. GOV.UK NaFRA data ([New national flood and coastal erosion risk information - GOV.UK](#)) does not currently use the most appropriate model for its public facing outputs in this area and therefore should not be relied upon.

Waste

Document Reference(s): EIA Scoping Report, Main Text, Section 20.5

Issue	Waste and materials have been scoped out of the EIA on the basis that there are unlikely to be significant environmental effects and various management plans will set out measures to minimise waste generation and promote the reuse and recycling of materials where practicable. However, no detail is provided at this stage regarding mitigation.
Impact	Depending on the type of solar panel and associated batteries installed, they may be considered hazardous waste when the site is decommissioned. Batteries also pose a risk to land and controlled waters due to the potential for chemical leakage and fire water runoff in the event of extinguishing a waste battery fire.
Solution	Consideration should be given to the volume of panels and batteries that would be produced at decommissioning (and throughout the lifetime of the project if they were to become damaged and need to be replaced) and the potential routes for their recovery or disposal. Waste and/or damaged BESS batteries should be stored and managed in a way that means they do not

	pose a contamination risk. Details on this could be provided in the outline BSMP.
Additional narrative/ explanation BESS facilities are not regulated under the Environmental Permitting Regulations (EPR) regime. However, battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs. Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from the site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport. Any temporary holding area for batteries awaiting loading for removal should be suitable to avoid presenting a contamination risk. Stored damaged batteries are susceptible to spontaneous combustion therefore a fire watch may be necessary.	

Biodiversity

Document Reference(s): EIA Scoping Report, Main Text, Section 11.8.2	
Issue	There is no commitment to carrying out Invasive Non-Native Species (INNS) surveys to determine presence, distribution and abundance, nor is there mention of producing INNS or Biosecurity Management Plans.
Impact	Lack of biosecurity planning can lead to the accidental spread of INNS, which is an offence under the Wildlife and Countryside Act 1981. Without an INNS Management Plan, there is also the risk of not appropriately responding to/managing INNS should they be discovered during construction.
Solution	An INNS or Biosecurity Management Plan should be submitted as part of the ES. A pathway-specific risk assessment should be considered, identifying any pathways for spreading during construction, operation and decommissioning. Dedicated INNS surveys should be planned and delivered prior to construction, to inform proposed management and embedded biosecurity measures.
Additional narrative/explanation Where the presence of INNS has been identified, a specific method statements for the INNS identified (and the locations within which they are present) could be produced, along with specific measures to be implemented during construction works and/or vegetation and soil removal to ensure that there is no spread of INNS. Known locations of INNS could be marked on the site and vehicle movements restricted in the vicinity of these locations until the INNS have been appropriately removed or treated.	

Document Reference(s): EIA Scoping Report, Main Text, Section 11.2.3	
Issue	Reference is not made to The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024.
Impact	Risk of not considering BNG environmental definitions in legislation, such as 'irreplaceable habitat', along with related offences to said habitats.
Solution	Include reference to The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 within Section 11.2.3, for completeness.

Document Reference(s): EIA Scoping Report, Main Text, Chapter 11	
Issue	No mention of riparian buffers.
Impact	Risk of implementing an insufficient buffer between the development and any watercourse or ditch, which could hinder the free movement of riparian mammals up and down the system and prevent the maintenance of the natural river corridor.
Solution	Any riparian buffer should measure at least 10m from the bank-top of the watercourse.

Water Quality

Document Reference(s): EIA Scoping Report, Main Text, Section 19.6	
Issue	There is no mention of a Water Quality Monitoring Plan.
Impact	If a Water Quality Monitoring Plan is not suitably designed, it may not capture a suitable baseline or detect relevant trends in water quality deterioration or improvement during all phases.
Solution	A Water Quality Monitoring Plan should be provided when the ES is produced.
Additional narrative/explanation The Water Quality Monitoring Plan should have a pre-construction, during construction and post-construction phase and clarify locations, frequency, quantity and possible methods of monitoring. The frequency should occur at least monthly and the locations should be upstream and downstream of any watercourse crossings or discharges. The Applicant should confirm how they intend to secure this existing monitoring commitment, i.e. through the CEMP and OEMP. Methods of site walkovers for visual assessment, use of hand-held devices in-situ and samples sent to a laboratory should be confirmed.	

Document Reference(s): EIA Scoping Report, Main Text, Section 19.8	
Issue	Lack of information provided regarding the possible risk from firefighting waters, and how it will be contained. This type of substation (with oil-filled transformers) and BESS (with electrical equipment and batteries) have a higher fire risk than normal buildings.
Impact	Risk of the Proposed Development posing an unacceptable risk to the water environment (surface waters and groundwater) including a deterioration in water quality if firewater and other chemicals are not contained sufficiently.
Solution	The need for possible firefighting should be considered within the possible effects to the water environment. The permeant drainage system should be designed so that the waters can be held within the drainage system and not discharged to either watercourse or groundwater.

Additional narrative/explanation

The Applicant should confirm an impermeable firewater containment system will be designed so that firewater can be captured and either treated prior to release or tankered offsite for disposal in relation to BESS, and potentially substation.

There is guidance on BESS design and fire protection measures available on GOV.UK:

- [Fire prevention plans: environmental permits - GOV.UK](#)
- [Health and safety in grid scale electrical energy storage systems \(accessible webpage\) - GOV.UK](#)
- [Pollution prevention for businesses - GOV.UK](#)

The National Fire Chief's Council has detailed guidance on recommended fire protection measures for BESS sites.

- [Grid Scale Battery Energy Storage System planning – Guidance for FRS \(nfcc.org.uk\)](#)

We would also recommend referring to the CIRIA Containment systems for the prevention of pollution (C736) which we could not see referenced in this report.

Document Reference(s): EIA Scoping Report, Main Text, Sections 19.3, 19.4.5 and 19.7.1

Issue	The report does not mention if the Applicant intends to engage with the Environment Agency regarding the potential need for permits for discharges of construction site drainage, groundwater or sewage from construction site compound. The report also fails to mention that the Environment Agency has jurisdiction over discharges to watercourses.
Impact	Risk of the Proposed Development causing a pollution incident if no proper assessment of discharges of construction site drainage is carried out and silty/contaminated rainwater is allowed to be discharged. Not engaging early enough with the Environment Agency about permitting may cause delays to programme.
Solution	The Applicant should engage early with the Environment Agency to determine whether a permit application for any discharge from the site is required.

Additional narrative/explanation

The report states that Sustainable Drainage Systems (SuDS) “would be designed to ensure appropriate treatment of surface water runoff, and that there would be no effects on water quality during operation”, but there is no acknowledgement that permission could be required for such a discharge.

The Applicant should be aware that groundwater even of naturally occurring quality can have a potentially detrimental effect on surface waters and can be liable to cause pollution. Sewage discharges require a full assessment otherwise they can cause pollution.

A discharge to a watercourse (whether it is a Main River, ordinary watercourse or canal) can require a discharge permit to be obtained from the Environment Agency. Further guidance on discharge permits is available here: [Discharges to surface water and groundwater: environmental permits - GOV.UK](#).

Document Reference(s): EIA Scoping Report, Main Text, Section 19.7.1	
Issue	Mitigation measures to protect the water environment against pollution are unclear.
Impact	Risk of the Proposed Development leading to a deterioration in water quality if hazardous substances during construction contaminate surface runoff which is then discharged.
Solution	Both the outline and detailed CEMP should include potential impacts from sediment, concrete, wheel washing and any spills of hazardous substances.
Additional narrative/explanation An outline CEMP should include: • Buffer distances of at least 10m from watercourses from top of bank • Refuelling to only take place on impermeable surfaces, and in bunded areas • Chemical, oil and fuel storage to be bunded, with impermeable base, volume sized for 110% and covered to protect from accumulation of rainwater • Parking areas and temporary construction compounds should use drip trays and oil interceptors • Concrete/cement works should be minimised during heavy precipitation events and carried out during dry months. Pre-cast units could be used where possible. • Collecting and removing any contaminated water from site (i.e. from wheel wash and concrete washout facilities) and not allowing this to be discharged to surface waters. The Applicant should be aware of Pollution prevention for businesses - GOV.UK and Oil storage regulations for businesses - GOV.UK, as well as CIRIA The SuDS Manual (C753F).	

Appendix C – Additional advice for the Applicant

Cables Left in Situ at Decommissioning

Some or all buried cables may be left in situ indefinitely at decommissioning. We do not currently have specific guidance or a regulatory position about this in the context of groundwater and land contamination. However, we recommend that cables are removed entirely at the end of the project's functional lifespan. Furthermore, we ask the Applicant to consider the potential effects of cables being left in situ, such as deterioration of plastic and metal over extended time periods, and the release of these materials into soil and groundwater.

The Applicant should refer to regulatory guidance and general best practice at the time of decommissioning. Whilst the current intention may be for these to be left in the ground, we strongly recommend that the Applicant considers full cable removal in their designs. Allowance should be made at this stage for cable removal should it be later deemed necessary, so that the method of installation does not mean this cannot be reasonably achieved.

It is important to consider that use of plastic ducting to facilitate easy removal of cables may have its own impacts. This ducting could degrade over time in a similar manner to plastic cable housing, with some residual risk to sensitive receptors.

The Environment Agency expects developers and operators to assess the area of influence of their activities and to take account of all current and future groundwater uses and dependent ecosystems. Developers and operators are expected to assess and mitigate the potential impact on groundwater, throughout planning, construction, operation, and decommissioning phases of the development or operation.

Fluid-Filled Cables

We have not identified a description of the type of cables to be used.

The Environment Agency will normally object to pipelines or fluid-filled cables that transport pollutants, particularly hazardous substances that:

- Pass through SPZ1 or SPZ2 where this is avoidable
- Are below the water table in principal or secondary aquifers

If cables containing hazardous fluid are to be left in the ground indefinitely, we consider it likely that leakage will occur in the long term. This would be uncontrolled and unmonitored, posing a potentially unacceptable risk to controlled waters.

Watercourse Crossings

The following are general guiding principles to consider when designing watercourse crossings to avoid negatively affecting geomorphology and natural processes:

- Avoid unnecessary interference with natural processes. For instance, encourage use of trenchless techniques such as HDD to minimise the likelihood of cables entering the water environment.
- Ensure watercourse crossing design is informed by assessment of fluvial processes and geomorphology. For example, depth of HDD crossing should consider the likelihood of vertical channel change.

- Avoid designs which present legacy risks to natural processes and geomorphology beyond the project lifespan. For example, infrastructure such as access tunnels which are left in-situ after decommissioning could be exposed by future coastal erosion or river movement, becoming an impediment to natural processes.
- Consider opportunities to deliver WFD mitigation measures/BNG uplift as part of the design.
- Avoid preventing delivery of mitigation measures, e.g. avoid bringing cables to surface level in floodplains earmarked for future river restoration or flood defence works (including construction of bypass channels).

Notes:

- i. WFD applies to all surface waterbodies, not just those designated for monitoring purposes.
- ii. Small watercourses and WFD - watercourses with a catchment less than 10km² connected to a downstream WFD waterbody take the classification of that waterbody.
- iii. BNG guidelines indicate that structures built within 10 m of the bank top of a watercourse qualify as encroachment, which may affect the uplift score calculated using the BNG Watercourse metric.

BNG guidance is mentioned here because the Environment Agency's usual easement for structures, operations, launch pits is to be at least 8m away from the watercourse bank or landward base of fluvial defence structure/embankment (16m if defence structure is for tidal purposes). As stated in the note above, BNG watercourse metric considers anything within 10m of bank top to be encroaching on the watercourse.

- Any potential construction, operational, and decommissioning phase impacts that the proposed scheme may have on the river must be subject to a WFD Assessment to the satisfaction of the Environment Agency.
- Any infrastructural developments on river/floodplain environments should be designed and delivered to have a minimal impact on natural river dynamics (e.g. erosion, deposition, meander migration etc.) and should not place any significant limitations on future river restoration projects.
- Geomorphologically dynamic behaviour is deemed likely to intensify in the next decades in line with Flood Estimation Handbook ([Flood Estimation Handbook \(FEH\) | UK Centre for Ecology & Hydrology \(ceh.ac.uk\)](#)). Therefore, any infrastructure developments should also take some account of the likelihood for increased lateral and vertical river dynamics anticipated to result from continued hydro-climatic intensification (e.g. 'a flood-rich epoch') over the remainder of the 21st century (i.e., future proofed designs that are not just based on present-day baseline geomorphological configuration/behaviour).
- If river crossings (bridges, culverts, and buried cables) are required as part of the development, the Environment Agency would expect to see geomorphologically robust designs that will cause minimal impacts on natural fluvial processes operating in the river/floodplain environment over the course of the 21st century.

Further guidance in regard to river crossings can be found in the following document:

- SEPA, 2010. Engineering in the water environment: good practice guide River crossings Second edition. SEPA [River crossings - good practice guide](#)

Watercourse sensitivity

- Care should be taken by Applicants when determining watercourse sensitivity, especially the use of Q95 scores. Rivers with a higher Q95 flow are not more sensitive than rivers with a lower Q95. In the case of water quality, the reverse of this is true, with less dilution meaning a higher sensitivity to change. Some watercourses with low Q95 may also be winterbournes, and therefore cannot accommodate change easily, as they would be dry for most of the year.
- WFD designation is a method of monitoring and classifying the ecological health of the water environment and not an indication of greater or lesser sensitivity to change. Therefore, watercourses with a WFD designation are no more sensitive than those which have not been designated.
- Sensitivity to change cannot be determined from a desk study alone. When determining the sensitivity of a watercourse, the Applicant should ensure that professional judgement and the results of any surveys are also incorporated into the assessment.

Use of Per- and Polyfluoroalkyl Substances (PFAS)

We strongly recommend that all solar panels are PFAS-free. Some solar panels are treated with a PFAS coating. PFAS is not mentioned in the EIA Scoping report, but there is a chance that PFAS could be present in the materials or coating applied to the panels. If panels containing PFAS are used, we suggest that there is consideration of this in the OEMP and Decommissioning Environmental Management Plan (DEMP). For example, if PFAS coating is damaged there is a risk of persistent chemicals entering the natural environment during heavy rainfall, washing, maintenance, and removal. The OEMP should also incorporate measures to minimise the risk of panel coatings becoming damaged via 'thermal shock' such as if cleaned whilst at a high temperature due to prolonged exposure to sunlight.

The Applicant should where possible avoid the use of PFAS-containing products in buried cabling and ensure that any bentonite used for trenchless drilling, or elsewhere in the scheme, has not been treated with chemicals containing PFAS. Fuel, oils and other chemicals, such as cleaning agents and decontaminants, should be PFAS-free wherever possible.

We recommend checking with manufacturers if the materials used in panels or bentonite pellets contain PFAS. If the manufacturers are unknown, the Applicant should commit to using PFAS-free materials.

Waste on Site

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether excavated material arising from site during remediation or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- [CL:AIRE Definition of Waste: Code of Practice](#)
- [Environment Agency Treating Small Volumes of Contaminated Soil and Groundwater: Regulatory Position Statement 215](#)

Waste to be Taken Off Site

Contaminated soil that is, or must be, disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan'. The permitting status of any proposed treatment or disposal activity should be clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to [our website](#) for more information.

SuDS

Section 19.7.1 suggests embedded mitigation may include SuDS, however the type proposed is unclear at this stage. Surface water management strategy must be suitably designed to manage the risks from sediment, hydrocarbons, heavy metals and other hazardous substances which could get into surface water runoff and decrease water quality if these contaminants reach receiving surface watercourses. If SuDS are unmaintained, debris and/or sediment could accumulate and prevent them from effectively managing drainage.

The Government's expectation is that SuDS will be provided in new developments wherever this is appropriate. The Environment Agency supports this expectation.

Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should:

- Be suitably designed
- Meet Government's non-statutory technical standards for SuDS – these standards should be used in conjunction with the National Planning Policy Framework (NPPF) and PPG
- Use a SuDS management treatment train – that is, use drainage components in series to achieve a robust surface water management system that does not pose an unacceptable risk of pollution to groundwater.

Where infiltration SuDS are proposed for anything other than clean roof drainage in a SPZ1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.

See the Environment Agency's approach to groundwater protection, position statement G13: [Groundwater protection position statements](#).

Storage of Batteries

The Applicant should ensure that waste and/or damaged BESS batteries are stored and managed such that they do not pose a contamination risk. For example, this could be due to chemical leakage, or fire water runoff in the event of extinguishing a waste battery fire.

Land Contamination Assessments

We expect land contamination assessments to follow the tiered approach laid out in our [LCRM](#) guidance. The preliminary risk assessment (PRA) should include historical plans of the site, an appraisal of the environmental setting (including geology, hydrogeology, groundwater and surface water receptors, potential contaminants of concern and source areas), an initial CSM describing possible pollutant linkages for controlled waters, and identification of potentially unacceptable risks.

Land contamination investigations should be undertaken by suitably qualified and experienced professionals and in accordance with [BS 5930: Code of practice for ground investigations](#) and [BS 10175: Investigation of potentially contaminated sites – code of practice](#). Soil and water analysis should be fully MCERTS accredited. Investigation, demolition, remediation, or construction works must not create new pathways or linkages to controlled waters. Clean drilling techniques may be required for boreholes that penetrate contaminated ground.

Maintenance and Repair Procedures

Both the outline and detailed OEMP should include details of the maintenance and repair procedures for all aspects of the development. This should include aspects, not limited to:

- Only the use of deionised water for the cleaning of PV panels, to prevent chemicals infiltrating the soils.
- Regular inspection and maintenance of drainage feature at the BESS and substations including emergency equipment.
- Procedures for excavations in the event of replacement of equipment failure and repair, or necessary maintenance.

Risk Assessments for Buried Electricity Cabling

Following the 2023 amendments to the EPR 2016, heat is now a groundwater pollutant. Discharge of heat to water should be a material consideration for developments involving emissions of heat e.g. buried electrical cables, particularly Nationally Significant Infrastructure Projects (NSIPs) or large-scale infrastructure developments. To date, heat input to ground has been considered lower risk to groundwater, on the understanding it readily disperses in the surface layers and air and in general does not have any widespread adverse impacts on the ground and groundwater. However, in very sensitive locations, we may want to regulate higher risk activities to prevent further increase/ deterioration of the groundwater quality.

The Environment Agency is currently developing guidance about heat as a pollutant to groundwater and to date has published a regulatory position statement, guidance on the exemptions, and a permitting regime for open and closed loop GSHCs.

The guidance will draw upon the Environment Agency's Chief Scientist's Group published report for [Ground Source Heating and Cooling \(GSHC\) systems](#). This report examines the

potential for GSHCs to change the temperature in the ground and identifies receptors that could be impacted.

Permitting implications

Heat is a pollutant, so discharges that might lead to an input of heat into groundwater are groundwater activities. Groundwater activities are defined in section 3.34 pp20 of DEFRA's [Environmental permitting: Core guidance](#).

However, we take a proportionate and pragmatic approach in our application of the principles of the EPR. Requiring a permit would feel disproportionate for many activities at or near the ground surface.

Accountability to comply with extant environmental legislation lies with the developer and the landowner. They should consider the thermal implications of developments which emit heat such as buried electricity cables, and the potential risks to the water environment via a desk-based assessment, as a minimum.

Desk-based risk assessment

Currently, the main driver for the prevention of heat pollution is to protect surface water ecology, protected sites and ancient woodlands. Heat should also not impact quality or quantity of water in existing groundwater or surface water abstractions. In the first instance the developer should ensure that where practicable the proposed cabling:

- is fully sealed
- does not discharge pollutants other than transfers heat to the environment
- does not cause pollution of surface water or groundwater
- is not within a groundwater SPZ1 that is used to supply water for domestic or food production purposes
- is not within 50m of a well, spring or borehole used to supply water for domestic or food production purposes
- installation does not mobilise any contaminants present in the subsurface to the extent that the pollution of groundwater occurs
- is not adjacent to a septic tank or cesspit, including the infiltration system

Desk based assessments at the planning stage should scope in heat from electricity cables. The GSHC exemption criteria and resources referenced in this document could help assess the risk. For example: either by de-risking, if all criteria are met or further assess the risk, where the criteria are not met and mitigate the risk, where required. In other words, sections of the cabling route that meet all of these criteria, and where the developer is satisfied that the cables will not cause harm via discharge of heat and heat pollution, can be scoped out from requiring further risk assessment.

You do not need to complete any further assessments or apply for a permit if your cabling route meets all the exemption conditions.

If cabling sections require further assessment following application of these exemptions, a CSM (drawing) should be produced. We ask for the model to demonstrate the proposed installation depth, anticipated depth to groundwater, and specification of the cable installation, including thermal insulation measures. An understanding of the expected normal and maximum operating temperature of the cables, and the depth of any nearby abstraction boreholes will be useful in determining risk.

In those rare instances where we are concerned that there are risks which require ongoing control or management, you may require a groundwater activity under schedule 22 of the EPR 2016.

BESS Guidance

General guidance

In line with [PPG](#):

- Applicants are encouraged to engage with Local Fire & Rescue Services to ensure issues of siting and location of BESS are dealt with before applications are made. Ideally this should be done before submitting a planning application.
- Local planning authorities are encouraged to engage with Local Fire & Rescue Services and to refer to [guidance produced by the National Fire Chiefs Council](#) for consideration when determining applications.
- Applicants will also need to comply with relevant Building Regulations in Part B. They require applicants to provide suitable access for the fire service.

Applicants should also refer to guidance published by The Department for Energy Security and Net Zero: [Health and safety in grid scale electrical energy storage systems](#), which provides guidance on a number of topics related to health and safety including on 'Design and planning' that provides guidance on battery technology, site selection, site layout and emergency planning. It also includes a section on 'Decommissioning and end of life', including dealing with batteries that have come to the end of their use in the BESS.

Management of end of life industrial batteries

BESS facilities are not regulated under the EPR regime.

However, battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs.

Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Emergency response/contingency plan

As such each site and each site operator which has a BESS installation should have emergency response/contingency plans which detail how those risks as above will be managed and environmental impacts prevented, reduced, removed or contained.

The Department for Energy Security and Net Zero: [Health and safety in grid scale electrical energy storage systems](#), provides guidance on emergency planning.

Any plan for each site must include the Environment Agency Incident Number 0800 80 70 60 for prompt operator reporting so that the Environment Agency can risk assess the incident and risk to the environment.

Lifespan of Infrastructure

The Applicant should ensure that all below ground infrastructure is suitable for the operational lifespan of the project to minimise the risk of further preventable disturbance during this period.

FRA

It is noted that an FRA will be prepared alongside the ES for the Proposed Development. As the FRA has not yet been submitted it is not possible to provide detailed comments, however we offer the following recommendations:

- A draft FRA should be submitted for comment and discussion at the earliest opportunity.
- In accordance with the NPPF and the sequential test (paragraph 172), development should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impact of climate change, to avoid (where possible) flood risk to people and property. The Proposed Development should take a sequential approach where it can. If there are any opportunities for development to be located outside of Flood Zones 2 and 3 and into Flood Zone 1, this should be prioritised.
- Please see [Flood risk assessments: climate change allowances - GOV.UK](#) for further details on how to establish the design flood event for the development based on the development vulnerability classification.

Surface Water Flood Risk

Section 19.9.3 notes that for development parcels which largely have a very low risk of surface water flooding, surface water flood risk has been scoped out. Whilst the Environment Agency has a strategic overview of all sources of flooding, we would defer to the view of the LLFA on this matter. However, we wish to flag that whilst surface water flood risk to areas of the development may be low, it would be expected that the impacts of the Proposed Development on surface water runoff and drainage should be considered. Even in areas of low surface water flood risk, the Proposed Development could increase runoff and impact surface water drainage.

Water Resources

We are pleased to see that the impact of increased potable water supply from construction demands has been scoped in. Where possible, non-potable water demands should also consider non-potable sources of water supply as part of the evaluation. A multi-source solution may be both less impactful to the water environment and reduce the need for water company abstraction and treatment.

Site Waste Management Plans (SWMPs)

The developer must apply the waste hierarchy as a priority order of prevention, re-use and recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here: [Waste hierarchy guidance](#).

SWMPs are no longer a legal requirement in England, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice. Other best practice approaches are found in the [Waste Prevention Programme for England](#).

Draft DCO Requirements

Section 5.2.41 lists various management plans which will be secured via Requirements in the DCO. The Applicant should note that the Environment Agency expects and will request to be named consultee for the discharge of Requirements for the following management plans:

- Outline CEMP
- Outline OEMP
- Outline DEMP
- Outline BSMP

Environment Agency Land Interests

Land registered to the Environment Agency has been identified as being within and adjacent to the draft Order Limits for this project. It is unclear at this stage whether this land will be affected by the proposals and to what extent. The Applicant should contact the Environment Agency's Estates team directly at their earliest convenience to discuss all interactions between the Proposed Development and Environment Agency land. Please contact our Estates team on the following details: EstatesLandEnq@environment-agency.gov.uk.

EN0110037 Castle Way Energy - EIA Scoping and Consultation (ETWALL PARISH COUNCIL RESPONSE)

From clerk@etwallparishcouncil.gov.uk <clerk@etwallparishcouncil.gov.uk>

Date Tue 14/07/2026 14:41

To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Response to Planning Inspectorate Consultation: PI Project Reference ENO 110037 – Castle Way Energy Environmental Statement and Scoping Process

Etwall Parish Council have the following comments on the proposed contents and scope of the ES for the development.

The schedule of contents in the developers EIA scoping Report is accepted, and, in our opinion, particular attention is required on the following:

- The development area is good quality agricultural land consisting of small fields which support significant wildlife.
- Part of the proposal is on existing areas liable to flooding and one site is within an EA flood reservoir
- Access to sites is generally unclassified rural roads
- Visual intrusion of panels and associated transformers, batteries and transmission lines
- Proposed security fencing etc. will significantly affect public rights of way which pass through and are adjacent to the sites
- Some of the sites are on the flight path of both East Midlands and Derby airfields
- Effect of proposed transmission lines on South Derbyshire District Council Local Plan proposed housing developments.
- Site selection is critical particularly as there are no brownfield sites and sites abut existing properties

Etwall Parish Council will work with the developer in respect to the preparation of the statement. We will provide local knowledge, which in our opinion, will show that the proposals are unacceptable on environmental grounds.

Kind regards,

Rachel

Rachel Male

Clerk to Etwall Parish Council

07976 230669

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copying of this email is strictly prohibited. If you have received this email in error please contact The Clerk at Etwall Parish Council clerk@etwallparishcouncil.gov.uk

Senders and recipients of email should be aware that, under current legislation, the contents may be monitored and will be retained. The contents of the email may have to be disclosed in response to a request.

re. Statutory response to Castle Way Energy scoping report

From clerk@findernparishcouncil.gov.uk <clerk@findernparishcouncil.gov.uk>

Date Tue 14/07/2026 16:07

To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Cc clerk@findernparishcouncil.gov.uk <clerk@findernparishcouncil.gov.uk>

 2 attachments (9 MB)

Castle Way Energy Observations Text Only pdf.pdf; WCGWFIN pdf.pdf;

You don't often get email from clerk@findernparishcouncil.gov.uk. [Learn why this is important](#)

Mr Joseph Jones
Environmental Advisor on behalf of the Secretary of State.
Environmental Services Infrastructure Decisions and Applications Service.
Planning Inspectorate.
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

Submitted by email to : CastleWayEnergy@planninginspectorate.gov.uk

Dear Mr Jones,

Further to your email to Findern Parish Council as a 'consultation body' defined in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

Findern Parish Council is providing requests on the additional information that Castle Way Energy should include in its Environmental Statement (ES) for the proposed solar farm development by BSSL Derbyshire 1 Limited.

The first section of the attached document is a summary of the relevant documents for reference, the latter sections have details of recommendations, and the summary is on Page 11. Also attached is copy of report of October 2024, showing flood events in Findern, which is believed to be relevant.

This provides specific concerns for Findern parish that Members feel should be included in the Scoping exercise.

Kind regards

Kate Sharpe
Clerk and Responsible Financial Officer
Findern Parish Council
Tel: 
Email: clerk@findernparishcouncil.gov.uk

Web: www.findernparishcouncil.gov.uk

Please note: that I work part-time for the Parish Council. Emails are checked most days, however if your query is urgent please telephone me.



Virus-free www.avg.com

NSIP EN0110037 – Castle Way Energy

Environmental Impact Assessment Scoping Report of June 2026

Review of the Proposal with reference to Findern Parish

- Copies of relevant maps are not shown here to limit document size.
- Where reference to maps is necessary, the relevant map, page number, and/or figure number are shown in the text.
- Web-links for each document are provided in section 1

1. Documents submitted by the Developer

- Up to 1 July 2026 the Planning Inspectorate Website shows that BSSL Derbyshire Ltd, Castle Way Energy, have submitted 10 documents supporting the Environmental Impact Assessment...
- EIA Scoping Report, Main Report, 414 pages
- <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110037-000002-Castle%20Way%20Energy%20EIA%20Scoping%20Report.pdf>
- Appendix 1.1 parts 1, 2, 3, 4, 5, 6 – Plans of the Draft Order Limits
<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110037-000004-Castle%20Way%20Energy%20EIA%20Scoping%20Report%20Appendix%201.1%20Part%201.pdf>
<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110037-000003-Castle%20Way%20Energy%20Scoping%20Report%20Appendix%201.2%20Commitments%20Register.pdf>
<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110037-000006-Castle%20Way%20Energy%20EIA%20Scoping%20Report%20Appendix%201.1%20Part%203.pdf>
<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110037-000007-Castle%20Way%20Energy%20EIA%20Scoping%20Report%20Appendix%201.1%20Part%204.pdf>
<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110037-000008-Castle%20Way%20Energy%20EIA%20Scoping%20Report%20Appendix%201.1%20Part%205.pdf>
<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110037-000009-Castle%20Way%20Energy%20EIA%20Scoping%20Report%20Appendix%201.1%20Part%206.pdf>
- Appendix 1.2 Comments register (not relevant to Findern at this stage)
- Appendix 5.1 AI Usage Register (not relevant to Findern)
- Appendix 12.1 Glint and Glare scoping and methodology not relevant to Findern)

2. Description of the Development – Scoping Report

- The Main Report page 2 describes the proposed development...
- “Castle Way Energy comprises the construction, operation and maintenance, and decommissioning of a new ground- mounted solar photovoltaic (PV) energy generating station and an associated on-site Battery Energy Storage System (BESS), on land to the west of Derby.
- The Proposed Development would allow for the generation and export of over 100 megawatts (MW) of renewable electricity.
- The Proposed Development includes the associated infrastructure above and below ground and grid connection infrastructure for connection to the national grid at the existing National Grid Willington 400 kilovolt (kV) substation.
- The Proposed Development also includes the establishment of a legacy fund for community benefit and the intent to provide an agrivoltaics research area to be delivered in partnership with an independent scientific research institute.”

3. Mapping of the Complete Development

- The extent of the complete development are shown in Appendix 1.1, part 1 page 2
 - o Red lines define the solar development sites, and the 400kV substation
 - o Black lines define the cable route corridor options

4. Cable Route Corridor Options

- The cable route corridor options are shown in Appendix 1.1, part 1, page 9

5. Areas within Findern Parish

- Appendix 1.1, part 1 page 9 shows that the only direct impact within Findern Parish will be from the eastern end of the maroon cable route, from the A38, running south, past the Tower House and connecting to the Willington substation

6. Environmental Constraints Maps

- Appendix 1.1 Part 1 identifies Environmental Constraints as maps
- Appendix 1.1. Part 1 map Page 8 shows flood risk areas in grey, within Findern these areas are south of the A50, running across open fields, to Buckford Lane
- **It is recommended that the Scoping Report should address other areas of Findern which are prone to flooding – see section 13**

7. Historical Environmental Features

- Appendix 1.1-part 1 map page 12 showing archaeological assets within 1km of Willington substation, and searches of Derbyshire Historic Environment Records shows...

-	Number	-	Findings
-	EDR4893	-	Equivalent to MDR 14504 – see below
-	EDR1700	-	No record found
-	EDR2672	-	No record found
-	EDR2674	-	No record found
- Appendix 1.1-part 1 page 13 showing non-designated historical assets within 1km of Willington substation, and the MDR numbers shows Derbyshire Historical Record numbers...

-	Number	-	Findings
-	MDR4333	-	No record found
-	MDR4329	-	Crop Mark south of Willington Road
-	MDR4311	-	Pit alignment northeast of Power Station
-	MDR4310	-	Crop Mark Complex East of Frizams Lane
-	MDR4344	-	Crop Mark west of Frizams Lane
- Searches of Derbyshire Records shows several entries which are near the 400kv Willington Substation, but are not shown in the Scoping Report App1.1 p1 page 13...

-	Number	-	Findings
-	MDR4351	-	Crop Mark north of Willington Road
-	MDR4353	-	Crop Mark north of Buckford lane
-	MDR12517	-	Findern Primary School
-	MDR14504	-	Late Prehistoric Pit Alignment northwest of Mercia Marina

- Further searches of Derbyshire Records show that there are 48 records for Willington and 56 records for Findern, although some of these are beyond the 1km and 2km zones of potential impact
- **Even so, these findings seem to indicate some discrepancies between the Scoping Report and what can be found in Derbyshire Historic Environment Records.**
- **It is recommended that the Developer makes a more detailed search of available Historical Environment Records and addresses the discrepancies identified here.**
- The Scoping Report Appendix 1.1 Part 2 contains 8 pages.
- Pages 2 and 3 show Heritage Assets within 1km (orange solid line) and 2km (orange dotted line) of the Draft Order Limits
- **Grade II listed buildings are shown as yellow circles and are consistent with Derbyshire County Records and Historic England Records, therefore the scoping report is adequate in this respect.**

8. Scoping In and Scoping Out Heritage Assets

- The Scoping Report section 9.0 covers Built Heritage...
- The list of Designated and Non-Designated Heritage Assets “scoped in” and “scoped out” is show in section 9.13 and Table 9.6.
- Table 9.6 covers pages 125 to 133 and describes each asset, its designation, and whether it is scoped in or scoped out
- An extract of page 129 shows...

	Findern Primary School, Buckford Lane	NDHA	Out	
--	---------------------------------------	------	-----	--

- An extract of page 132 shows...

	Tower House	Grade II	In	
	Willow Farmhouse and Attached Outbuildings	Grade II	Out	
	Corner House	Grade II	Out	
	Church of All Saints Wall and Gateway to All Saints Churchyard	Grade II Grade II	Out	
	Somerville House and Attached Outbuilding	Grade II	Out	

- An extract of page 133 shows...

	Number 19 and Attached Outbuilding	Grade II		
	Cowhouse to South East of Number 19	Grade II	Out	

- The Tower House is scoped in, but other buildings are scoped out
- **It is suggested that the Findern Primary School should be scoped in**

9. Neighbourhood Development Plans

- NDPs are covered in section 15.
- The Scoping Report section 15.0, page 243, addresses Landscape and Visual Impact, and section 15.2 addresses Legislation Planning and Guidance
- An extract of page 245 shows...

Castle Way Energy EIA Scoping Report
Volume 1: Main Report



- Hilton, Marston-on-Dove and Hoon Neighbourhood Development Plan 2020- 2035 (Made 2021)¹⁴⁵;
- Etwall Neighbourhood Plan¹⁴⁶; and
- Hatton Parish was designated as a Neighbourhood Area on 7 November 2024, enabling preparation of a Neighbourhood Development Plan; however, no plan has yet been submitted or adopted.

- There is an entry for Hatton, even though no NDP has been submitted or adopted
- The Designated Neighbourhood Areas, and the NDP's in development for Findern and Willington are not given reference
- **It is recommended that the Report should give reference to existing Designated Neighbourhood Areas for Findern and Willington, and the forthcoming Neighbourhood Development Plans for Findern and Willington.**

10.Content of Scoping Report Covering Environmental Assets

- The Scoping Report section 15 addresses Landscape and Visual Impact...
- Paragraph 15.6.10 describes Public Rights of Way (PRoW)

PRoW

15.6.12 PRoW are distributed throughout the study area, which provide recreational access and connectivity between settlements. The following PRoW routes intersect or cross the Site boundary (as presented in **Figure 3.1: Environmental Constraints in Appendix 1.1: Figures**):

- The report identifies only those PRoW's which cross sites A, B, C, D and E, but does not identify PRoW's which cross the cable route corridors.
- It should be noted that the optional maroon cable route, to the northwest of Findern and searches of Derbyshire DCC and SDDC records show that this cable route will cross PRoW's SD20/5/1, SD20/3/1 and SD20/4/1 which run on Porters Lane and towards the A38...
- It seems that the report disregards PRoW's which cross cable route corridors
- **It is suggested that these PRoW's are "scoped in" to the Report**

11. Visual Effects Covered by the Scoping Report

- The Scoping Report Figure 15.2 is copied below...

Table 15.2 Likely Significant Visual Effects to be Scoped In

Potential Effect	Receptor
Changes to views and visual amenity of residents	People living in Boylsetone, Sapperton, Harehill, Sudbury, Foston, Oaks Green, Church Broughton, Sutton on the Hill, Dalbury, Trusley, Etwall, Marston on Dove, Hatton, Willington, Eggington, Stretton, and Hilton, as well as people living in dispersed properties beyond the settlements
Changes to views and visual amenity of people engaged in recreation which depends upon the appreciation of views of the landscape	People using the National Cycle Network Route 6, and local PRow
Changes to views and visual amenity of motorists	People travelling on the A50, A38, A516, A5132 and the local road network
Visitors to heritage assets where views are an important	Visitors to Sudbury Estate

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Planning Inspectorate Reference Number: EN0110037
June 2026

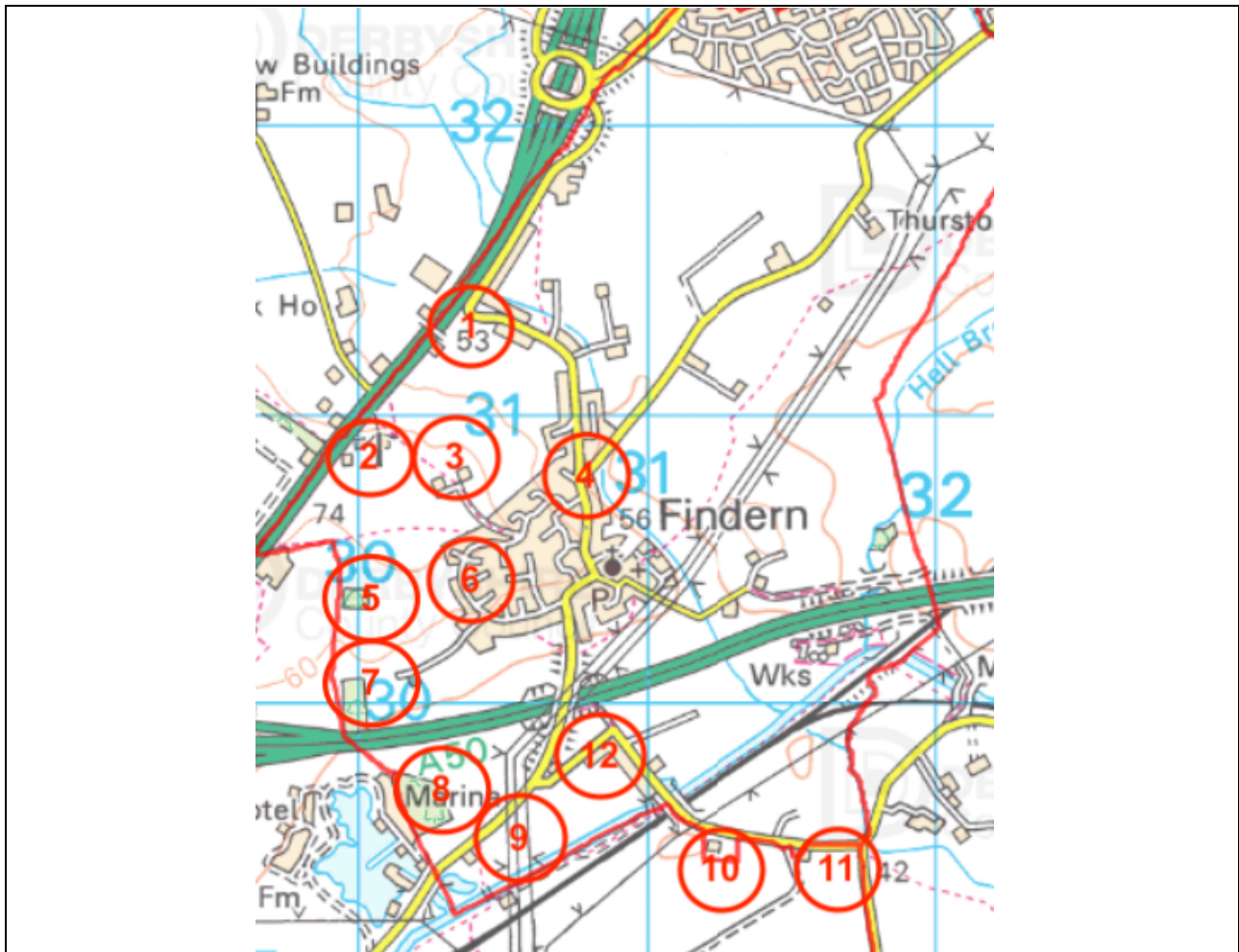
- The top section of this table includes Etwall, Eggington and Willington, but does not include Findern. It is possible that Findern will not see significant visual effects.
- **It is recommended that Findern is added to the top section of this table**

12. Overall Analysis of What is Scoped In and Scoped Out

- Chapter 20 shows which items should be scoped in or scoped out for three categories of construction, operation and decommissioning
- There are 108 line entries and three categories, making 324 options for scoping in and scoping out
- Within these 324 options, 139 items (43%) are scoped in and 185 (57%) are scoped out
- **Whilst % figures should not be used to drive the determination of scoping in and scoping out, it is a matter of concern a much greater proportion of items are scoped out**
- There seem to be some inconsistencies in the extent of what is scoped in and what is scoped out for example...
- Foraging and commuting bats are scoped in but roosting bats are scoped out
- Foraging and commuting bats are scoped in to construction but are scoped out of decommissioning
- Under the heading of Ecology and Biodiversity a number of wildlife species for example badgers, will be scoped out, on the basis that the measures described in the rationale will still protect the species. This seems to be a contradiction, if the species faces impact, then that impact should be assessed, and should be “scoped in” to the report.
- In addition, within Chapter 9 and table 9.6 the report lists designated and non-designated heritage assets.
- The table lists 149 assets, and shows that 90 (60%) of these should be scoped in
- Within this table 8 items are within Findern and only one of these (8%), the Tower House is scoped in
- **The report is seen as inconsistent in its approach to what is scoped in and scoped out**
- **The complete report should be reviewed to ensure consistency in what is scoped in and what is scoped out.**

13. Findern Parish – Additional Information

- The map below brings together some local knowledge of significant aspects of the Findern Environment



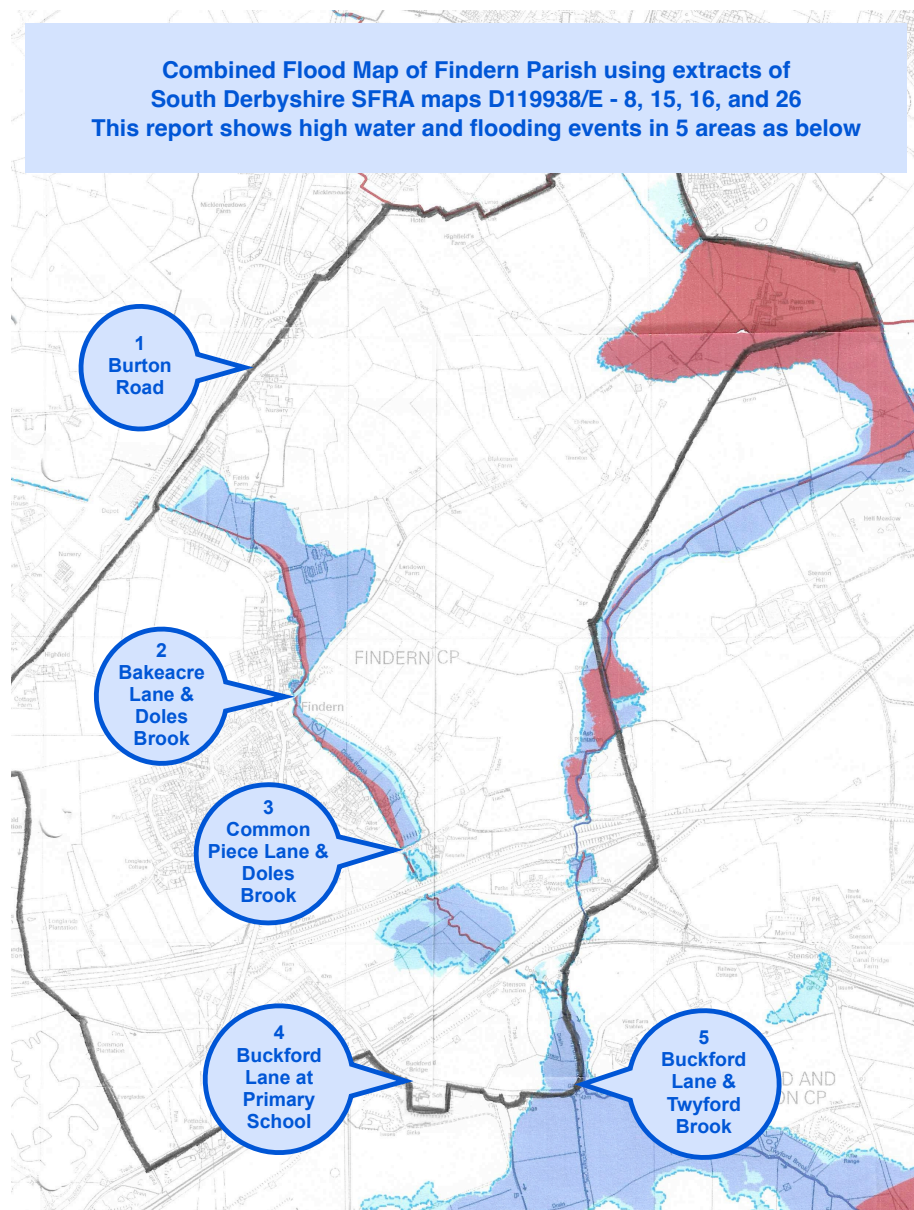
- 1. Doles Lane – areas in back gardens of houses are prone to flooding
- 2. Scaffolding business, very close to maroon cable route option
- 3. Tower House and other properties on Porters Lane, close to maroon cable route
- 4. Bakeacre Lane/Doles Brook, frequently flooded in periods of heavy rain
- 5. Ancient woodland covered by TPO 70
- 6. Residents of Longlands Lane and connected closes
- 7, 8. Ancient woodlands covered by TPO 70 and shown on map of 1838
- 9. Area of Trent and Mersey Canal within Findern
- 10. Findern Primary School
- 11. Buckford Lane area prone to flooding
- 12. Several areas described as local wildlife sites, and green spaces in DCC and SDDC maps
- **It is recommended that all of these features are “scoped in” to the Report**

14.Summary

- 14.1. The Scoping Report and supporting documents offer a comprehensive analysis of the proposed development and potential environmental impacts**
- 14.2. Findern will see some impacts, but these are minimal when compared with the impacts seen by other areas further west.**
- 14.3. However, it is suggested that the Scoping Report is lacking in several significant features within, and aspects of, Findern Parish and these should be added to the report and described in points 13.4. to 13.11 below...**
- 14.4. As in sections 6 and 13 above, the report should “scope in” other areas within Findern which are prone to flooding, rear gardens along Doles Lane, Bakeacre Lane and Doles Brook, and Buckford Lane and Twyford Brook**
- 14.5. As in sections 7 above, the Derbyshire Historical Environment Records should be searched further, individual records which cannot be found should be removed from the report, individual records which are not yet included, but are relevant to the development should be added to the report’**
- 14.6. As in sections 8 and 13 above Findern Primary School should be “scoped in”**
- 14.7. As in section 9, Findern Designated Neighbourhood Area, and the forthcoming Findern Neighbourhood Development Plan should be added to section 15 of the Scoping Report**
- 14.8. As in section 10 above, Public Rights of Way which will be crossed by the maroon cable route option should be “scoped in”**
- 14.9. As in section 11 above, Findern should be added to the top section of table 15.2**
- 14.10. As in section 12 above, the range of what is scoped in, what is scoped out, and related rational should be reviewed thoroughly, with intention to achieve consistency and to “scope in” a much greater proportion of the features and aspects studied.**
- 14.11. As in section 13 above, the features shown in the map should all be “scoped in”**

Watercourses, Groundwater and Flooding in the Findern Area

- Findern covers a land area of 5.3sqkm and at the 2021 census had a population of 4,070. These represent 0.2% of the land area, and 0.2% of the population of Derbyshire County
- Whilst Findern has lower flood risks than other key areas within Derbyshire, it does experience high ground water levels and localised flooding at key points during periods of heavy rainfall.
- This report provides a snapshot of high water and flooding events at these key points in the period 20 October 2023 to February 2024 and provides a view of conditions at these same points up to 1 October 2024.



Summary of Observations

			1	2	3	4	5
			Burton Road Roadway	Bakeacre Lane over Doles Brook	Common Piece Lane over Doles Brook	Buckford Lane at Primary School	Buckford Lane over Twyford Brook
1	2023	October 20	...	(1)	Flood	...	Flood
2	2023	October 21	...	(1)	High Water	...	Flood
3	2023	December 27	...	Flood	High Water	...	Flood
4	2024	January 3	...	High Water	High Water	Flood	(2)
5	2024	February 9	...	Flood	Flood	...	Flood
6	2024	February 18	...	Flood	High Water	Flood	Flood
7	2024	February 22	High Water	Flood	High Water	...	Flood
8	2024	July 24	...	Observation	Observation	...	...
9	2024	July 27	...	...	...	...	Observation
10	2024	September 15	...	...	...	...	Observation

Flood = High water which covers the roadway width completely

High Water = Water is close to road level or covers part of the roadway

Note 1 = Flood suspected but not witnessed or recorded

Note 2 = Flood at Findern School caused closure of Buckford Lane and prevented access to the bridge over Twyford Brook

... = No observations recorded

Burton Road

- Burton Road is a key transport route for local bus services, local traffic, and through traffic, and the high ground water level seen was close to nearby businesses and residential properties

Bakeacre Lane and Doles Brook

- Bakeacre Lane is not a bus route but is a through road which provides important connections between Findern, Derby suburbs, local farms, and the Derby Moor Spencer Academy. Flooding causes significant disruption to local traffic

Common Piece Lane and Doles Brook

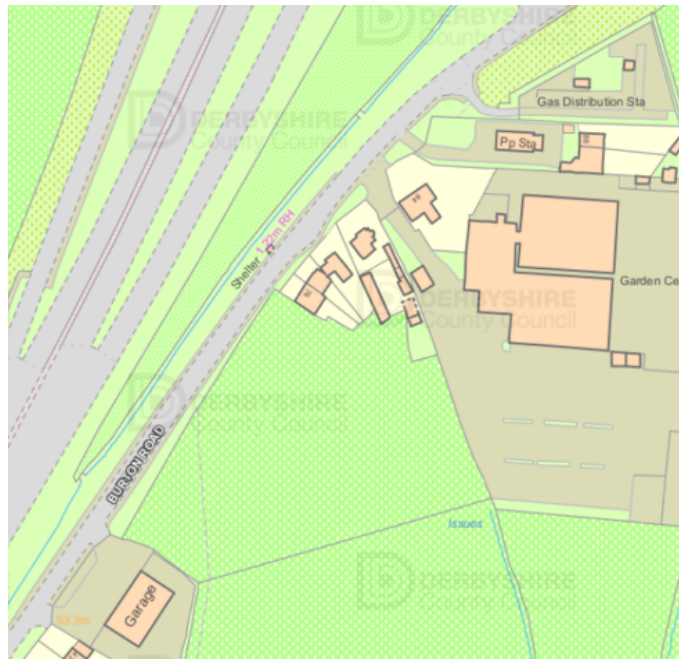
- Common Piece Lane is not a through road for normal traffic, but provides an important connection between Findern, local farms and businesses, the managed conservation area, sewage farm, footpaths to Trent and Mersey Canal and related amenities

Buckford Lane

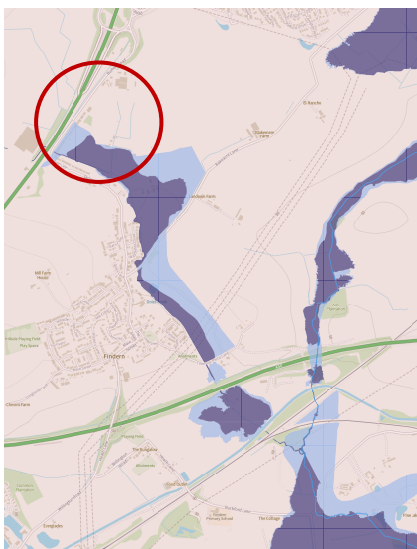
- Buckford Lane is a key route between communities in Findern, Stenson and Twyford, and is vital for access to the Findern Primary School. Flooding, particularly at school opening/closing times causes significant disruption to all road traffic

Area 1 - Burton Road

Extract of Derbyshire County Council Interactive Maps
Showing area of Burton Road



Extract of Environment Agency “flood maps
for planning”
from “post code” search



Extract of Environment Agency “check for
long term flood risk for an area in England”
with filter for “surface water”



Note the slight difference in flood risk zones in the Burton Road/Paddock Field area.

Burton Road – Gas Distribution Station - 12:28pm – 22 February 2024



Burton Road – Paddock Field - 12:33pm – 22 February 2024



Burton Road – Looking south-west - 12:30pm - 22 February 2024



Burton Road - 12:31 – 22 February 2024

Water is running from Paddock Field, out of the gulley (1) and into the road



Burton Road - 12:33pm – 22 February 2024

Water is running along the gutter and is not entering this gulley (2)



Burton Road - View looking south-east – 12:34 – 22 February 2024

Surface water is running down the gutter and not entering the gulley (3)



Burton Road - 12:34 – 22 February 2024

Garage on left - surface water is running to the left, into the grass verge



Burton Road - 12:34pm – 22 February 2024

Surface water is running from grass verge into south end of Paddock Field



Burton Road – 12:36pm – 22 February 2024

Adjacent to EDM Motors – some water runs on beyond gulley (4)



Area 2 - Bakeacre Lane and Doles Brook



Bakeacre Lane – Doles Brook - 12:13pm – 27 December 2023



Bakeacre Lane – Doles Brook - 08:33am – 3 January 2024



Bakacre Lane – Doles Brook - 08:00am – 9 February 2024



Bakeacrae Lane – Doles Brook - 08:02am – 9 February 2024



Bakeacre Lane – Doles Brook - 09:02am – 18 February 2024



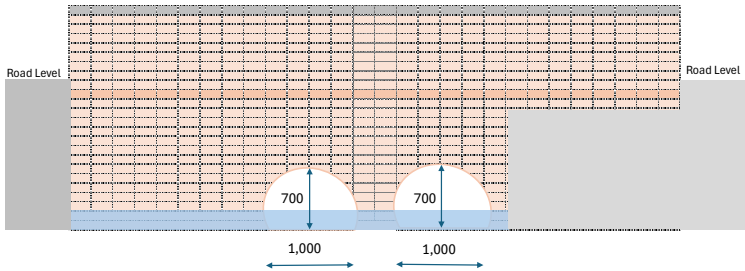
Bakeacre Lane – Doles Brook - 12:50pm – 22 February 2024



Bakeacre Lane - Doles Brook culverts – north wall - 12:48pm – 24 July 2024



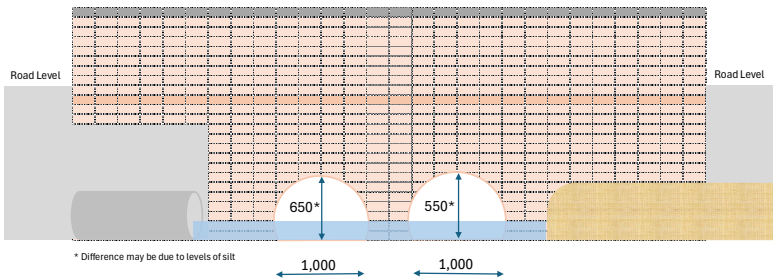
Doles Brook under Bridge at Bakeacre Lane - North Side - Inlet



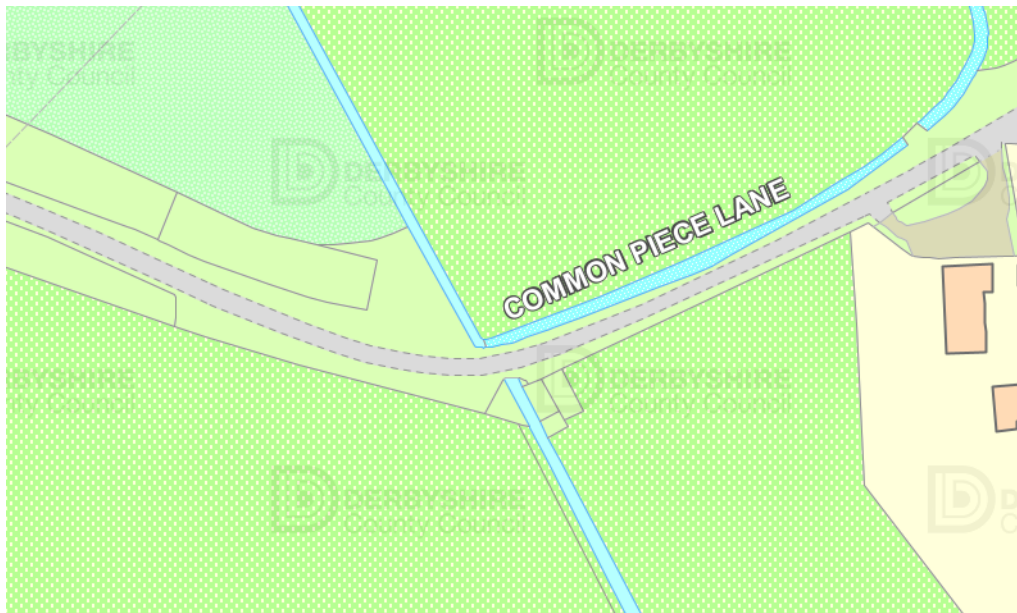
Bakeacre Lane – Doles Brook culverts – south wall - 12:41pm – 24 July 2024



Doles Brook under Bridge at Bakeacre Lane - South Side - Outlet



Area 3 - Common Piece Lane and Doles Brook



Common Piece Lane – Doles Brook - 16:16pm – 20 October 2023



Common Piece Lane – Doles Brook - 08:59 – 21 October 2023



Common Piece Lane – Doles Brook - 12:25 – 27 December 2023



Common Piece Lane – Doles Brook - 08:46 – 3 January 2024



Common Piece Lane – Doles Brook - 08:11am – 9 February 2024



Common Piece Lane – Doles Brook - 09:14am – 18 February 2024



Common Piece Lane – Doles Brook - 12.56pm – 22 February 2024



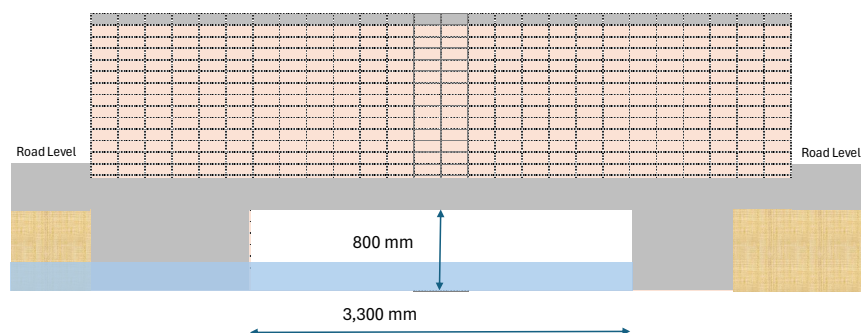
Common Piece Lane – Doles Brook - 15:31pm – 24 July 2024



Common Piece Lane – Doles Brook - 15:32 – 24 July 2024



Doles Brook under Bridge at Common Piece Lane - North Side - Inlet



Area 4 - Buckford Lane and Findern Primary School



Buckford Lane – 08:57 – 3 January 2024



Buckford Lane – 09:34 – 18 February 2024



Area 5 - Buckford Lane and towards bridge over Twyford Brook



Buckford Lane – 15:41pm 20 October 2023



Buckford Lane – 15:41pm 20 October 2023



Buckford Lane – 15:52 – 20 October 2023 – cars stranded



Buckford Lane – 08:38 – 21 October 2023 – cars stranded



Buckford Lane – 12:47pm 27 December 2023



Buckford Lane – 12:49pm – 27 December 2023



Buckford Lane – 12:50pm – 27 December 2023



Buckford Lane – 08:16 – 9 February 2024



Buckford Lane – 08:17 – 9 February 2024



Buckford Lane – 09:27am – 18 February 2024



Buckford lane – 09:30am – 18 February 2024



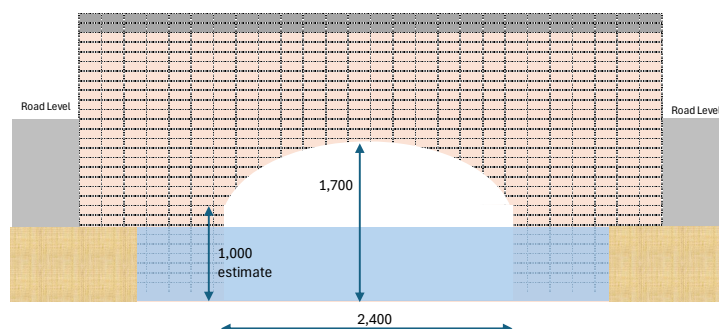
Buckford Lane/Twyford Brook – North wall of bridge – 12:46pm – 27 July 2024
Obstruction (parts of a tree) was reported to the Environment Agency on 29 July 2024



Buckford Lane/Twyford Brook – North wall of bridge – 09:40 – 15 September 2024
Obstruction has been removed and watercourse is clear



Twyford Brook under Bridge at Buckford Lane - North Side - Inlet



Buckford Lane/Twyford Brook - View over south wall of bridge – 13:06pm – 27 July 2024
Dense undergrowth and obstruction across watercourse – including concrete railway sleepers!
This was reported to the Environment Agency on 29 July 2024



Buckford Lane/Twyford Brook – View over south wall of bridge – 09:42 - 15 September 2024
Some debris has been cleared, two small metal pipes are visible, and are clear
Dense undergrowth remains and the concrete railway sleepers are still in place!



Observations and Perceived Risk Factors

1. Burton Road and Paddock Field Area

- Apparent difference between the risk zone in Flood Maps for Planning risk zone in Longer Term maps showing risk from surface water.
- Ground water runs from the field area, through drainage gulleys and on to the roadway

2. Bakeacre Lane/Doles Brook

- Sharp change in direction of watercourse from north-east to south
- Dense undergrowth around north side of the culverts
- Small size of culverts relative to size of water channel

3. Buckford Lane at Findern School

- Environment Agency maps show no flood risks in this area

4. Buckford Lane and Twyford Brook

- North bridge parapet seems to be at risk of damage by passing traffic
- Unusual structure across Twyford Brook south of Buckford Lane bridge, incorporating small diameter pipes and concrete railway sleepers

Castle Way Energy EN0110037 - EIA Scoping Consultation

From Squire, Sandra [REDACTED]@forestrycommission.gov.uk>
Date Mon 13/07/2026 15:48
To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

You don't often get email from [REDACTED]@forestrycommission.gov.uk. [Learn why this is important](#)

Thank you for consulting the Forestry Commission on this proposal.

As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland.

There are two very small fragmented areas of Ancient semi natural woodland south east of Sutton on the Hill, directly adjacent to the cable route corridor option area. We note that 1 ancient or veteran tree has been identified adjacent to Site C, with a further 15 identified in the cable route corridor option area.

There are also several small fragmented mixed deciduous woodlands adjacent and within the site area.

Ancient Woodland and Ancient & Veteran Trees:

Ancient woodlands are an irreplaceable habitat. They have great value because they have a long history of woodland cover, being continuously wooded since at least 1600AD with many features remaining undisturbed.

Section 5.4.32 of EN-1 – The Overarching National Policy Statement for Energy states:

“Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both the construction and operational phases”

We would particularly refer you to further technical information set out in Natural England and Forestry Commission’s [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide](#) and [“Keepers of Time” – Ancient and Native Woodland and Trees Policy in England](#).

The Standing Advice states that proposals should have a buffer zone of **at least** 15m from the boundary of ancient woodlands to avoid root damage which can result in loss or deterioration of the woodland. Where assessment shows impacts are likely to extend beyond this distance, you’re likely to need a larger buffer zone. For example, the effect of air pollution from development that can result from a significant increase in traffic or dust from construction.

For ancient or veteran trees (including those on a woodland boundary), the buffer zone should be **at least** 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter. This will create a minimum root protection area.

Where possible, buffer zones should contribute to wider ecological networks and be part of the green infrastructure of the area. They should consist of semi-natural habitats such as including woodland, scrub, heathland and wetland.

There is a need to consider both the direct and indirect impacts resulting from construction. Direct impacts can include, but are not limited to, damaging or compacting soil, damaging functional habitat connections and changing the woodland ecosystem by removing the woodland edge or thinning trees. Indirect impacts can also include reducing the amount of semi-natural habitats next to ancient woodland, increasing the amount of dust, light, air or soil pollution.

Due to the irreplaceable nature of ancient woodland and ancient and veteran trees, most temporary effects will result in irreplaceable damage.

We would expect to see a detailed assessment of any impacts to the ancient woodlands, including details of measures to be taken to reduce and mitigate any effect.

It is essential that fuels, chemicals or water materials such as topsoil, minerals or hardcore are not stored on Ancient woodland soils or under the woodland canopy.

Mixed deciduous woodland – Priority Habitat:

Mixed Deciduous woodlands are on the National Forest Inventory and the Priority Habitat Inventory (England).

They were recognized under the UK Biodiversity Action Plan as being the most threatened, requiring conservation action. The UK Biodiversity Action Plan has now been superseded but this priority status remains under the Natural Environment & Rural Communities Act 2006. (NERC) Sect 40 “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”.

Section 5.11.27 of EN-1 of the Overarching National Policy Statement for Energy states:

“Existing trees and woodlands should be retained wherever possible.....The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long term management and maintenance of newly planted trees should be secured”

Fragmentation is one of the greatest threats to mixed deciduous woodland. Woodlands can suffer loss or deterioration from nearby development through loss of connectivity, damage to soils, roots and vegetation and changes to drainage and air pollution from an increase in traffic or dust, particularly during the construction phase of a development. Loss of habitat connectivity is a particular concern.

For any woodland within the development boundary, land required for temporary use or land where rights are required for the diversion of utilities, the Root Protection Zone must be taken into consideration. The Root Protection Zone (as specified in British Standard 5837) is there to protect the roots of trees, which often spread out further than the tree canopy.

Protection measures include taking care not to cut tree roots (e.g., by trenching) or causing soil compaction around trees (e.g., through vehicle movements or stacking

heavy equipment) or contamination from poisons (e.g., site stored fuel or chemicals) and fencing off these areas to prevent unintended incursions into the root protection zone as well as dust prevention measures to reduce any potential impact of dust pollution.

Recent studies have shown that solar panels negatively affect the activity of six out of eight bat species – which are European Protected Species. Of those bat species surveyed, those that used woodland edge were most affected. The panels have been theorised to reflect bats echolocation making detection, navigation and feeding harder, in addition to risk of potential collisions where the flat surfaces are mistaken for water.

Solar panels have also been shown to have potential negative impacts on invertebrate populations, which may be related to the reduction of bats around solar farms. Inclusion of wildflower and diverse grassland under the solar panels may help to mitigate this. Incorporations of biodiverse buffers are strongly suggested.

Breaking up the mosaic of woodland and open habitat can greatly reduce bats' ability to forage, the severing of habitat continuity can impact flight paths and reduce access between foraging and roosting areas. Having solar panels or fencing close to the edge of woodland areas, such as using the minimum 15m buffer distance for ancient woodland or less, will greatly reduce the available habitat for foraging bats and may add extra disturbance pressure to roost sites.

Hedges are vital commuting and foraging routes for bats in between woodlands, similar buffers around key hedge routes connecting woodlands will greatly reduce the fragmentation impact which could be caused by solar panels. To mitigate some of the potential impacts, the provision of scrub and flowering plants could increase invertebrate populations and potential foraging for bats.

Infrastructure to support solar arrays, such as BESS (Battery Energy Storage Systems) should be sited well away from woodlands, especially ancient woodland. Woodlands or scrub should not be used as screening for BESS to reduce the risk of possible wildfire should a battery fire occur.

Net Deforestation and Tree Planting:

It is expected that there will be thorough assessment of all trees within the project boundary to assess any net loss of trees and the development of mitigation measures to minimise any risk of net deforestation because of the scheme.

A scheme that bisects any woodland, will not only result in a significant loss of woodland cover, but will also reduce the ecological value and natural heritage impacts due to habitat fragmentation which will have a negative impact on its ability to respond to the impacts of climate change.

Hedgerows, individual trees and woodlands within a development site should also be considered in terms of their overall connectivity between woodlands affected by the development.

Where woodland loss is unavoidable, we would expect to see significant compensation and the use of buffer zones to enhance the resilience of neighbouring woodlands. These zones should include further tree planting or a mosaic of semi-natural habitats.

Perhaps with the creation of some larger woodland blocks and hedgerow/hedgerow trees between existing woodland blocks, to link them and ensure maximum gains to

increase habitat connectivity, making woodlands more resilient and to benefit biodiversity across the whole site.

With the Government aspiration to increase tree and canopy cover to 16.5% of land area in England by 2050, The Forestry Commission is seeking to ensure that tree planting is a consideration in every development not just as compensation for loss. However, there are a number of issues that need to be considered when proposing significant planting schemes:

The species and provenance of new trees and woodland needs to be considered to ensure a resilient treescape which can cope with the full implications of a changing climate. The biosecurity of all planting stock also needs to be considered to avoid the introduction of pests and diseases, particularly in areas near ancient woodlands.

Use of the Forestry Commission [Ecological Site Classification Tool \(ESC\)](#) can assist with selection of tree species that are ecologically suited to particular sites and includes climate change predictions to allow for future suitability and woodland resilience.

The [Climate Matching Tool - Forest Research](#) also provides a visualisation of regions with a similar climate to the climate projection for any location in Europe. It gives an indication of the climate that trees are likely to experience in the future. This can help practitioners to consider the selection of better suited material from environments that England may experience in the future.

Plans should also be in place to ensure the long term management and maintenance of new and existing woodland.

Avoiding impacts and good landscape design

To meet planning policy and Government guidance, we advise that the EIA scoping and future environmental assessments for this project should include the following:

- Robust adherence to the Standing Advice to rule out loss and deterioration of ancient woodland, ancient trees and veteran trees as far as possible. For example, this may include the need for a larger buffer area than the 15m buffer which is a minimum required for a single dwelling and *might* be sufficient for ruling out impacts to roots in many cases but a larger buffer *may* be required to avoid other impacts. The Assessment Guide in the Standing Advice can help the applicant to establish what further assessments may be needed as part of the EIA process to avoid unexpected problems later on in the design process.
- A thorough assessment of all trees within the project boundary to identify any ancient or veteran trees in line with good arboricultural practice (BS 5837), to assess any net loss of trees and the development of mitigation measures to minimise any risk of net deforestation because of the scheme.
- Hedgerows, individual trees and woodlands within a development site should be considered in terms of their overall connectivity between woodlands affected by the development.
- Utilise biodiversity gains as part of avoiding woodland and tree impacts (especially ancient/veteran) which can also maximise biodiversity benefits by embracing irreplaceable and high priority habitats – for example focussing on ecological enhancements/creation of woodland edges.
- Woodland creation and improvements to ecological connectivity. For example, there are potential opportunities to link fragmented woodland habitats, which will increase habitat connectivity, making woodlands more resilient and benefitting biodiversity across the project area.
- Overall increase in the tree canopy cover to contribute to the Government's target to increase tree and canopy cover to 16.5% of land area in England by 2050.

We hope these comments have been useful to you. If you require any further information, particularly on buffer zones for ancient woodland or veteran trees, or tree planting and habitat connectivity, please don't hesitate to contact me.

Best wishes

Sandra

Sandra Squire

**Local Partnership Advisor
East & East Midlands**

Tel:

[\[REDACTED\]@forestrycommission.gov.uk](mailto: [REDACTED]@forestrycommission.gov.uk)



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RE: RE EN0110037 Castle Way Energy - EIA Scoping and Consultation

From FPL - Conx Request <ConnectionRequest@fulcrum.co.uk>

Date Mon 22/06/2026 08:09

To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

 6 attachments (5 MB)

5078187_Final Design_v1_@1.2500.pdf; 5078187_Final Design_v1_@1.500.pdf; Approved Design 9116467 (9102472).pdf; Aslaid.pdf; 9102472_Aslaid.pdf; 9102472_CSEP Aslaid.pdf;

You don't often get email from connectionrequest@fulcrum.co.uk. [Learn why this is important](#)

Hi,

We will do everything we can to assist you in your safe working procedures, however, it's worth bearing in mind that we are not responsible for any incidents or accidents that may occur whilst working around our pipe network.

With this in mind, we'd recommend the following practices are adhered to maintain the integrity of the pipeline:-

- ° Trial Holes to find our pipes.
- ° Hand Digging to find our pipes and their vicinity once found.
- ° Adequate protection of the pipe if exposed and once your work is completed i.e. sand covering.

It is essential to refer to the HSE document HS(G)47 for information regarding trial holes and safe digging practice when working near our pipes. Additional costs may be incurred if our plant has to be relocated due to your proposed works.

Please note that other gas transporters may have plant in the area which could be affected by your proposed works.

If you need any help or information simply contact Fulcrum on 03330 146 455

In case of an emergency please phone 0800 111 999.

Kind regards,



FPL - Conx Request

e: ConnectionRequest@fulcrum.co.uk | w: www.fulcrum.co.uk

a: Fulcrum, 4 Europa Court, Sheffield Business Park, Sheffield, S9 1XE, T: 03330 146 466

Tell us how we're doing:

We'd really appreciate feedback on your experience with us today. So, please tell us how we're doing by emailing feedback@fulcrum.co.uk

From: Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Sent: 17 June 2026 14:50

Subject: RE EN0110037 Castle Way Energy - EIA Scoping and Consultation

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Sir/Madam,

Further to my previous email, it has been brought to my attention that the links within the letter are not functional. Please find attached, an updated letter with functional links. Apologies for any inconvenience caused.

Kind regards

Joseph Jones



The Planning
Inspectorate

Joseph Jones
Environmental Advisor
The Planning Inspectorate

Ensuring **fairness, openness** and **impartiality** across all our services

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Our [Customer Privacy Notice](#) sets out how we handle personal data in accordance with the law.

From: Castle Way Energy

Sent: 17 June 2026 14:06

Subject: EN0110037 Castle Way Energy - EIA Scoping and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Castle Way Energy.

The Applicant for the Proposed Development intends to make an application for Development Consent under the Planning Act 2008. The Applicant has sought a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **15 July 2026**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Kind regards

Joseph Jones



The Planning
Inspectorate

Joseph Jones
Environmental Advisor
The Planning Inspectorate

Ensuring **fairness, openness** and **impartiality** across all our services

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[Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.](#)

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DPC:76616c646f72

Ref 5078187
Aldi Regional Distribution Centre
Tamworth Road
Shardlow, Derby
DE72 2HP

Connection Point E445757/N329839
Ex 30" ST MP main 66331051

Unit 1
1000kw

Unit 2
Future site
800kw

Lay new 90mm PE MP main and 63mm PE MP service terminating with 2" ECV to GC6 kiosk and base. Fulcrum to excavate public only. Quotation includes meter. Main designed for future load of 800kw.

X:\LIVE\5078187\5078187_crb05_1 - Approximate Scale 1 mm = 2.500 metres

GIRS ACCREDITED DESIGNER

DATE: 13/06/18

SIGNATURE:

TRENCH DEPTH GUIDELINES FOR PIPE INSTALLATIONS

All trenches to be provided in accordance with IGE/TD/3 (Mains) and IGE/TD/4 (Services)

Location Of Service	Minimum Depth Of Cover
Carriageways	750mm
Paved Footways	600mm
Verges	750mm
Open Fields & Agricultural Land	1100mm
Other Private Ground	600mm

All ducting (if used) must conform to BS4962, Be Yellow in colour, convoluted and perforated

MINIMUM PROXIMITY DISTANCES FOR PIPE INSTALLATIONS

The permissible proximities to normally occupied buildings vary depending on the pipe material and operating pressures shown in the table below

All proximities are provided in accordance with IGE/TD/3 (Mains) and IGE/TD/4 (Services)

PE Mains - IGE/TD/3 Edition 5					
Type Of Main	Diameter Of Main (mm)	Minimum Building Proximity Distance (Metres)			
		<=75mbar	>75mbar <=2 bar	>2 bar <=5.5 bar	>5.5 bar <=7 bar
PE Non-Inserted	Up to 125mm	0.25	2	4	6
	126mm to 355mm	1	2	4	8
	356mm to 500mm	1	2	4	8
	501mm to 1000mm	1	5	13	15

Steel Mains - IGE/TD/3 Edition 5					
Type Of Main	Wall Thickness Of Main (mm)	Minimum Building Proximity Distance (Metres)			
		<=75mbar	>75mbar <=2 bar	>2 bar <= 7 bar	>7 bar <= 16 bar
Steel	<= 9.5	0.25	1	3	13
	9.52 <= 11.81	0.25	1	3	6
	<= 11.81	0.25	1	3	3
	11.91 <= 11.91	0.25	1	3	3

PE Services - IGE/TD/4 Edition 4			
Size (mm)	Minimum Building Proximity Distance (Metres)		
	<=75mbar	>75mbar <=2 bar	>2 bar
16mm to 140mm	0.25	3	Refer to GLS / G17 Appraisal
160mm to 250mm	1	3	Refer to GLS / G17 Appraisal
315mm	1	3	Refer to GLS / G17 Appraisal
355mm to 400mm	1	4	Refer to GLS / G17 Appraisal
>400mm	1	5	Refer to GLS / G17 Appraisal

For all steel services please seek advice or refer to IGE/TD/4 Edition 4

Mains on this project are designed to the latest edition of IGE/TD/3

Services on this project are designed to the latest edition of IGE/TD/4

All Non-Domestic Services will be installed with a service isolation valve

Manifold systems on this project are designed to the latest edition of IGE/G/5

U6 Low pressure meters are designed and installed to comply with BS6400 - 1

U6 Medium pressure meters are designed and installed to comply with BS6400 - 2

U16 meters or greater are designed and installed to the latest edition of IGE/GM/6 - IGE/GM/7 - IGE/GM/8

Ventilation and Hazardous area classifications for meter rooms and enclosures are in accordance with IGE/GM/6 - IGE/GM/7 - IGE/GM/8 - IGE/G/5

Ref 5078187
Aldi Regional Distribution Centre
Tamworth Road
Shardlow, Derby
DE72 2HP

Unit 1
1000kw

Connection Point E445757/N329839
Ex 30" ST MP main 66331051

Lay new 90mm PE MP main and 63mm PE MP service terminating with 2" ECV to GC6 kiosk and base. Fulcrum to excavate public only. Quotation includes meter. Main designed for future load of 800kw.

Unit 2
Future site
800kw

GIRS ACCREDITED DESIGNER

DATE: 13/06/18

SIGNATURE:



TRENCH DEPTH GUIDELINES FOR PIPE INSTALLATIONS

All trenches to be provided in accordance with IGE/TD/3 (Mains) and IGE/TD/4 (Services)

Location Of Service	Minimum Depth Of Cover
Carriageways	750mm
Paved Footways	600mm
Verges	750mm
Open Fields & Agricultural Land	1100mm
Other Private Ground	600mm

All ducting (if used) must conform to BS4962, Be Yellow in colour, convoluted and perforated

MINIMUM PROXIMITY DISTANCES FOR PIPE INSTALLATIONS

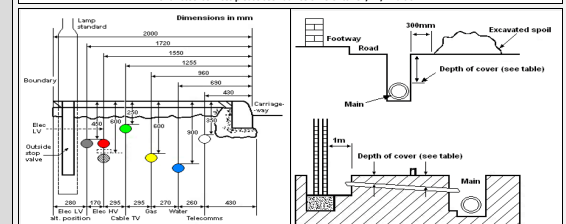
The permissible proximities to normally occupied buildings vary depending on the pipe material and operating pressures shown in the table below

PE Mains - IGE/TO/3 Edition 5				
Type Of Main	Diameter Of Main (mm)	Minimum Building Proximity Distance (Metres)		
		<=75mm bar	>75 mm bar <=2 bar	>2 bar <=5.5 bar >5.5 bar
PE Non-Insulated	Up to 125mm	0.25	2	4
	126mm to 155mm	1	2	4
	156mm to 500mm	1	2	4
	501mm to 1000mm	1	5	13

Steel Mains - IGE/TD/3 Edition 5					
Type Of Main	Wall Thickness Of Main (mm)	Minimum Building Proximity Distance (Metres)			
		<=75mbar	>75 mbar <=2 bar	>2 bar <= 7 bar	>7 bar <= 16 bar
Steel	<= 9.5	0.25	1	3	13
	9.52 <= 11.81	0.25	1	3	6
	11.91 <= 14.13	0.25	1	3	3

PE Services - IGE/TD/4 Edition 4			
Site (mm)	Minimum Building Proximity Distance (Metres)		
	<<75mmbar	>75mmbar <=2 bar	>2 bar
16mm to 140mm	0.25	3	Refer to GL5 / G17 Appraisal
160mm to 250mm	1	3	Refer to GL5 / G17 Appraisal
315mm	1	4	Refer to GL5 / G17 Appraisal
355mm to 400mm	1	4	Refer to GL5 / G17 Appraisal
>400mm	1	5	Refer to GL5 / G17 Appraisal

For all steel services please seek advice or refer to IGE/TD/4 Edition 4

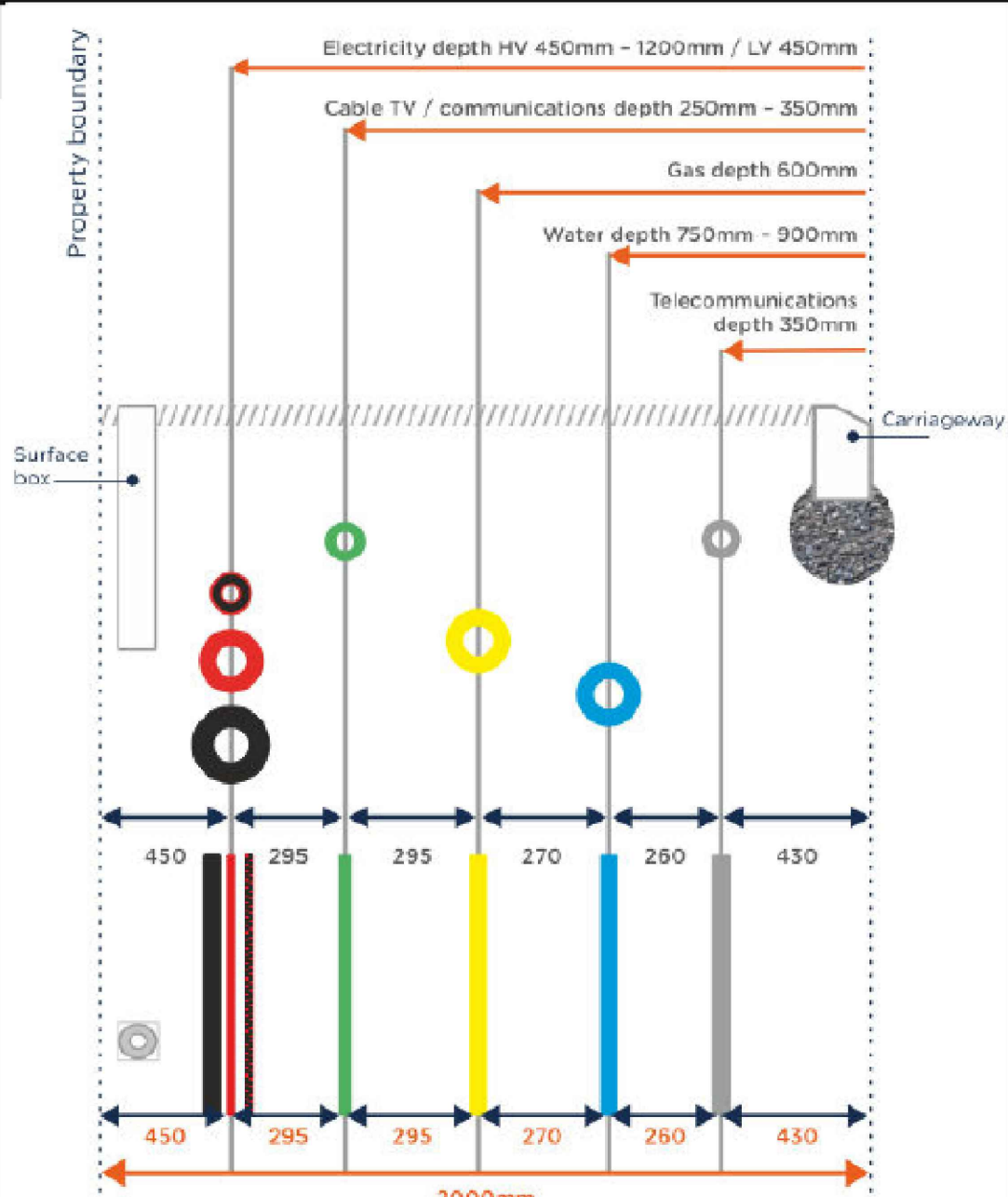


Since this project is designed to the latest edition of IGE/ITD/3
Services on this project are designed to the latest edition of IGE/ITD/4
All Non-Domestic Services will be installed with a service isolation valve
Manifold systems on this project are designed to the latest edition of IGE/G/5
UG Low pressure meters are designed and installed to comply with BS6460 - 1
UG Medium pressure meters are designed and installed to comply with BS6460 - 2
UG6 meters or greater are designed and installed to the latest edition of IGE/GM/6 - IGE/GM/7 - IGE/GM/8
Ventilation and Hazardous area classifications for meter rooms and enclosures are in accordance with
IGE/GM/6 - IGE/GM/7 - IGE/GM/8 - IGE/G/5

X:\LIVE\5078187\5078187 crb05 1 - Approximate Scale 1 mm = 0.500 metres

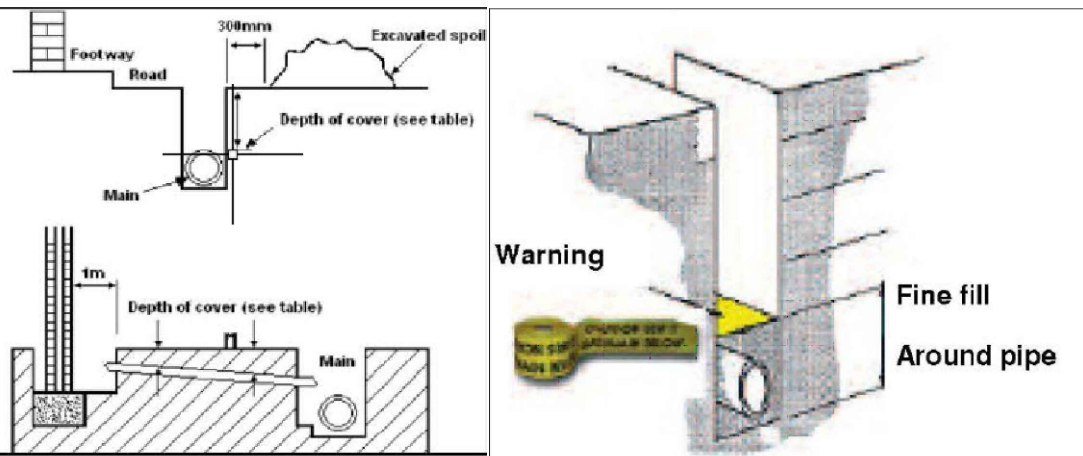
APPROVED FPL Ref: 9116467 (9102472)
By LR072 at 2:37 pm, May 05, 2026

***Easement required for MP main as
this being diverted in private land***



TRENCH DEPTH GUIDELINES FOR PIPE INSTALLATIONS
All trenches to be provided in accordance with IGEM/TD/3 (Mains) and IGEM/TD/4 (Services). Services to have a minimum cover depth of 375mm for private land and 450mm for highways.

	Minimum Cover Depth
copybase	750mm
Carriageways	750mm
Paved Footways	600mm
Verges	750mm
Open Fields and Agriculture Land	1100mm
Other Private Ground	600mm



PE Mains - IGEM/TD/3 - Edition 5				
Type of Main	Diameter of Main (mm)	Maximum Building Proximity Distances (Metres)		
		<=75 mbar	>75mbar, <=2bar	>2bar, <=5.5bar
PE	Up to 125mm	0.25	2	4
	126mm to 355mm	1	2	4
	356mm to 500mm	1	2	4
	501mm to 1000mm	1	5	13

Steel Mains - IGEM/TD/3 - Edition 5				
Type of Main	Wall Thickness of Main (mm)	Maximum Building Proximity Distances (Metres)		
		<=75 mbar	>75mbar, <=2bar	>2bar, <=5.5bar
Steel	t<=9.5	0.25	1	3
	9.5<t<=11.8	0.25	1	3
	11.8<t	0.25	1	3

PE Services - IGEM/TD/4 - Edition 4				
Size (mm)	Maximum Building Proximity Distances (Metres)			
	<=75 mbar	>75mbar, <=2bar	>2bar	
16mm to 150mm	0.25	3	Refer to GL5/G17 Appraisal	
150mm to 250mm	1	3	Refer to GL5/G17 Appraisal	
250mm to 315mm	1	3	Refer to GL5/G17 Appraisal	
315mm to 355mm	1	4	Refer to GL5/G17 Appraisal	
355mm to 400mm	1	5	Refer to GL5/G17 Appraisal	

Alter existing 90PE MP-FPL main, isolate and abandon old pipe.

Connect 125PE MP non domestic service connected via 90 x 90PE EF insert tee & reducer.

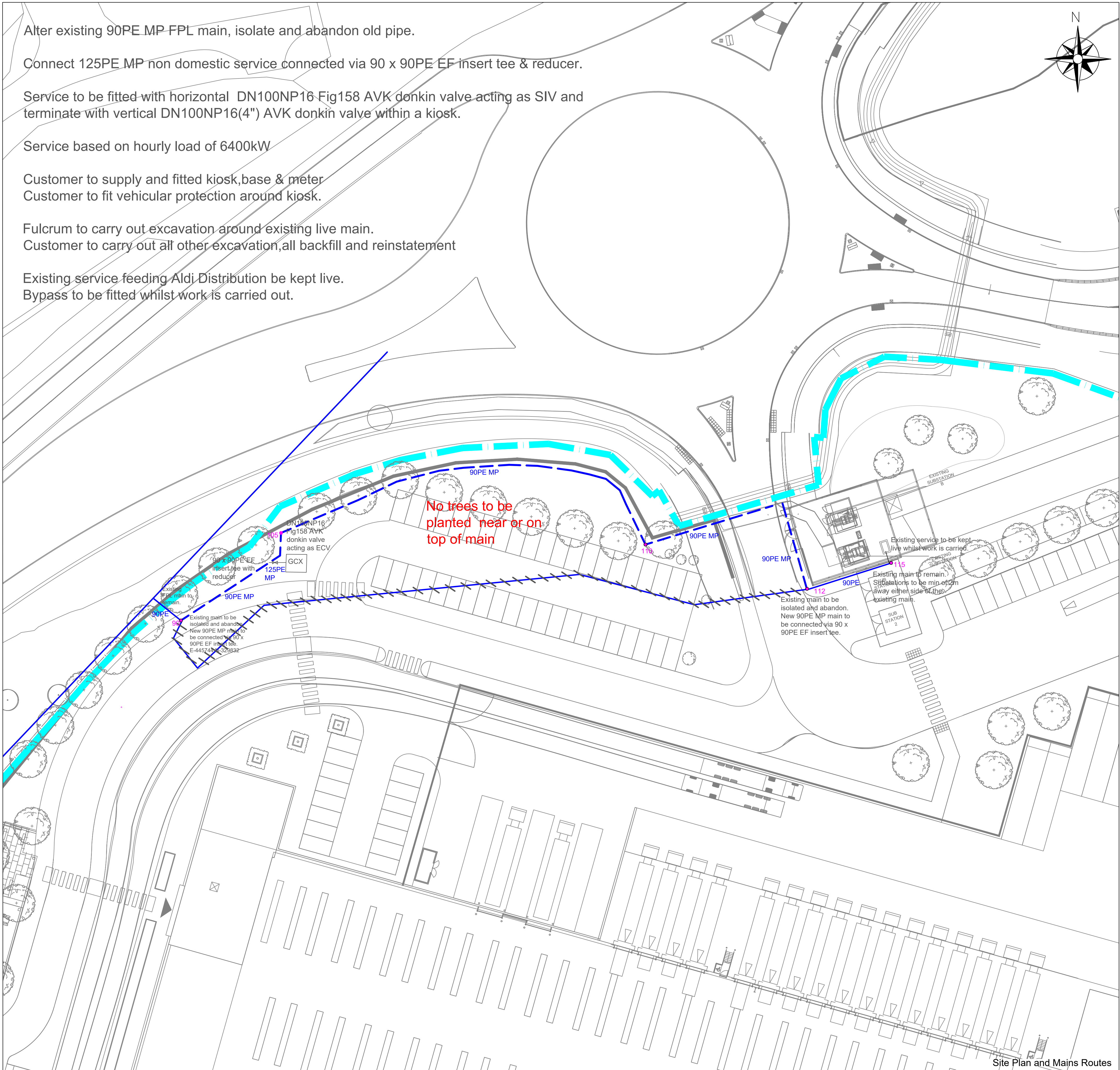
Service to be fitted with horizontal DN100NP16-Fig158 AVK donkin valve acting as SIV and terminate with vertical DN100NP16(4") AVK donkin valve within a kiosk.

Service based on hourly load of 6400kW

Customer to supply and fitted kiosk,base & meter
Customer to fit vehicular protection around kiosk.

Fulcrum to carry out excavation around existing live main.
Customer to carry out all other excavation,all backfill and reinstatement

Existing service feeding Aldi Distribution be kept live.
Bypass to be fitted whilst work is carried out.



- General Notes:**
- Mains on this project are designed to the latest edition of IGEM/TD/3
 - Services on this project are designed to the latest edition of IGEM/TD/4
 - All Non-Domestic Services are to be installed with a service isolation valve
 - Manifold Systems on this project are designed to the latest edition of IGEM/G/5
 - U6 Low pressure meters are designed and installed to comply with BS6400-1
 - U6 Medium pressure meters are designed and installed to comply with BS6400-2
 - U16 Meters or greater are designed and installed to the latest edition of IGEM/GM/6 - IGEM/GM/7
 - Ventilation and hazardous area classifications for meter rooms and enclosures are in accordance with IGEM/GM/6 - IGEM/GM/7 - IGEM/G/5
 - All ducting (if used) must conform to BS4962, be yellow in colour, convoluted and perforated

Legend	
	Site Boundary
	LP Proposed Main
	MP Proposed Main
	IP Proposed Main
	LP Existing Main
	MP Existing Main
	IP Existing Main
	Pipes to be abandoned
	Diameter change
	Gas Meter
	Commercial Meter
	Governor
	Cap End
	Valve
	Duct

Adopting Network Details
IGT: FPL
IGT Ref: 9116462

Upstream Network Details
GDN: FPL
GDN Ref: 9102472

0	*	First Issue	*	*	*
Rev	Date	Description	Drn	Chk	App

FULCRUM

Fulcrum, 2 Europa View, Sheffield Business Park,
Sheffield, South Yorkshire, S9 1XH

Phone: 03330 146 466
www.fulcrum.co.uk

Client:	Hopkins Coates Associates				
Project:	Development at Plot B Tamworth Road Derby DE70 2HP				
Title:	Site Layout & Mains Route				
Design By:	Kevin Beeley	PM:	Wayne Gelsthorpe		
Drawn By:	KAB	Chk'd By:	N/A	Date:	16/04/26
Scale:		Sheet No:	1/1	Rev:	Rev0
Fulcrum Drawing No:	5124945				
Client Drawing No:	N/A				
Drawing Status:					

PROJECT REFERENCE: 5078187	
DESIGNED BY:	
SITE ADDRESS:	
Aps Osageunas Thuzen Co Saguan	
SCALE:	
MAP/GRID REF:	
COMMENTS:	30" x 90mm WOT Caxtena 30" $\approx$ 2.5 meters Deep
DRAWN BY:	A. M. M. M. M.
COMPANY:	Thuzen Co
CONTACT NO:	01557732968
CHECKED BY:	
DATED:	18/6/19
METHOD LAID:	01557732968
DRAWING of	1

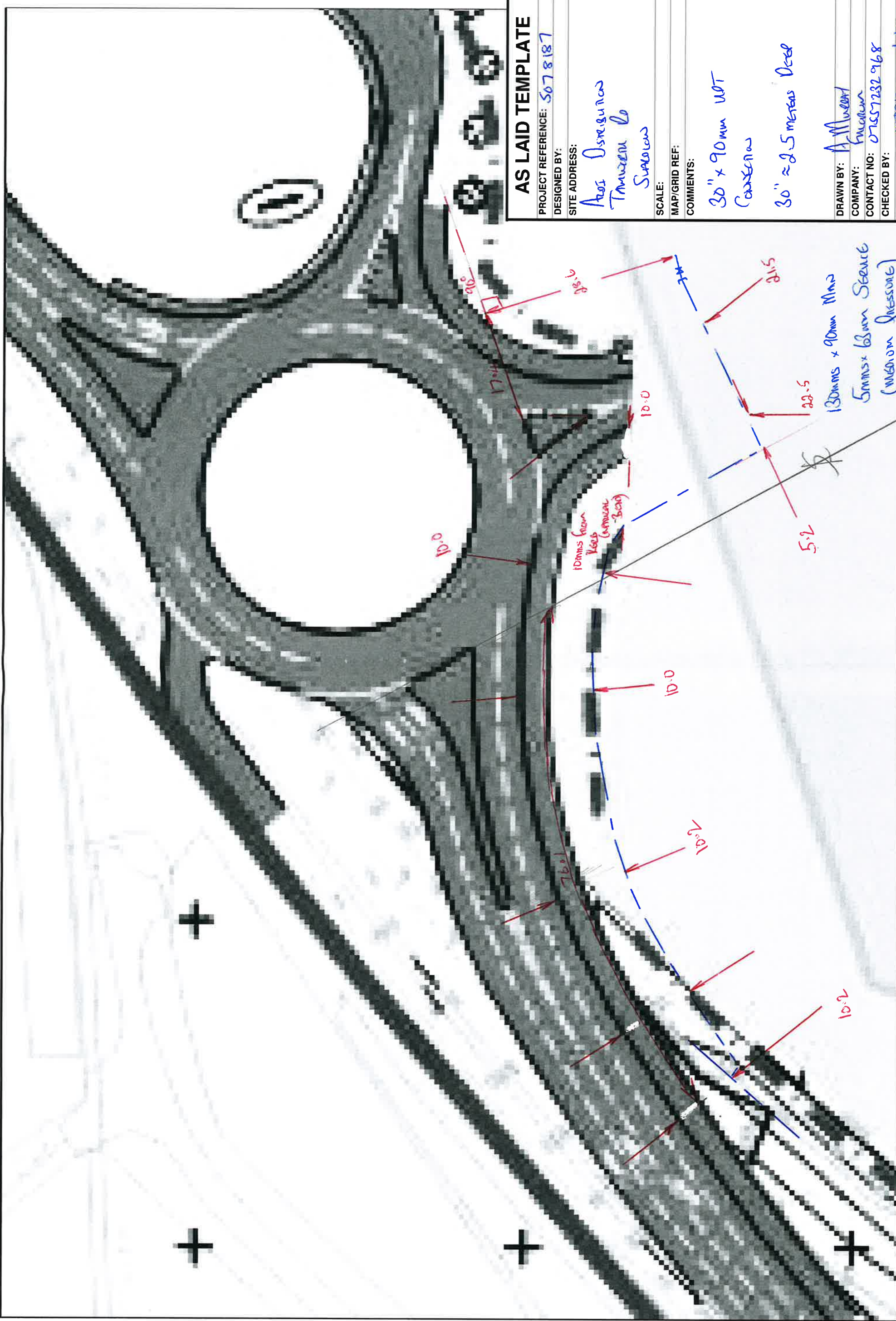
Site Address: Asot Distribution
Tamworth
Staffordshire

COMMENTS:

$30'' \approx 2.5 \text{ meters}$ Decel

DRAWING of

135



AS Laid Template

PROJECT REFERENCE: 5078187

DESIGNED BY:

SITE ADDRESS:

Agos Disregards
Tanzem &
Suzanne

SCALE:

MAP/GRID REF:

COMMENTS:

30" x 90mm wt
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30" $\approx$ 2.5 meters Deep

DRAWN BY:

COMPANY:

CONTACT NO: 07557232968

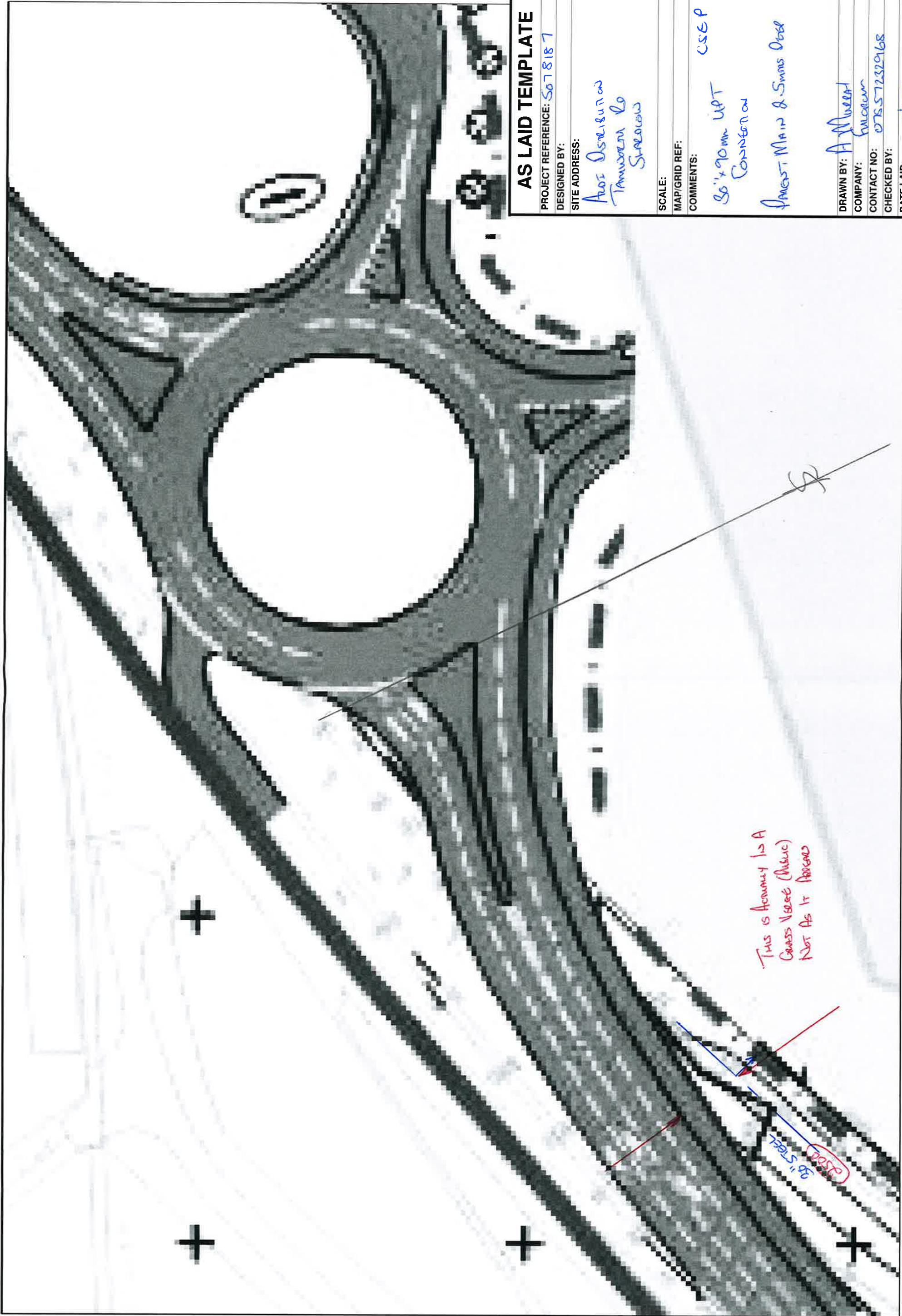
CHECKED BY:

DATE LAID: ~~08/02/08~~ 18/6/19

METHOD LAID:

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AS LAID TEMPLATE

PROJECT REFERENCE: 5078187

DESIGNED BY:

SITE ADDRESS:

Asi Distribution
Tanjung R
Singapore

SCALE:

MAP/GRID REF:

COMMENTS:

20' x 90mm UPT
Conteron

Project Main & Simon Street

DRAWN BY: A. Mueen

COMPANY: Mueen

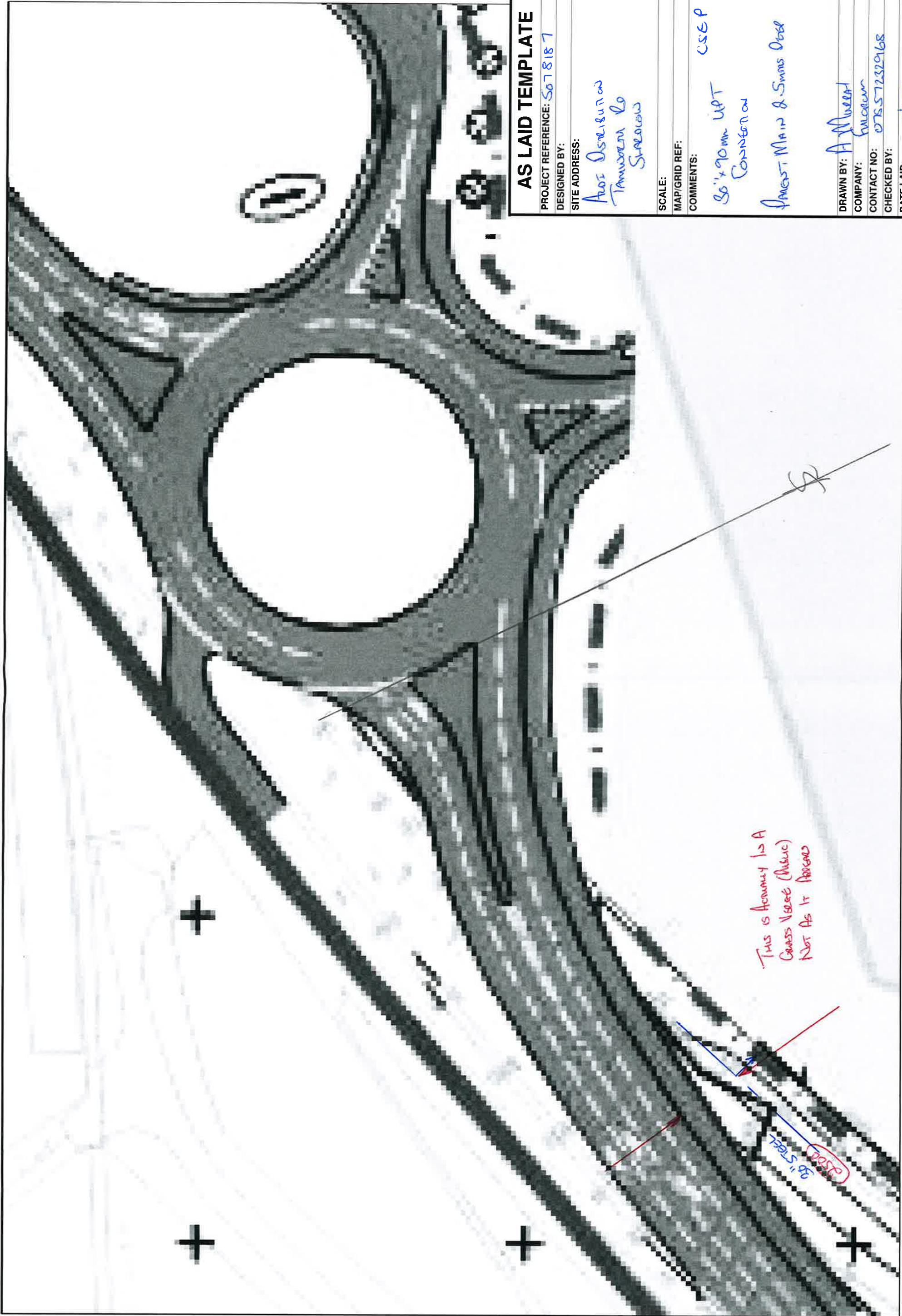
CONTACT NO: 07557232968

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DATE LAID: 01/01

METHOD LAID: 01/01

DRAWING 1 of 1



AS LAID TEMPLATE

PROJECT REFERENCE: 5078187

DESIGNED BY:

SITE ADDRESS:

Asi Distribution
Tanjung R
Singapore

SCALE:

MAP/GRID REF:

COMMENTS:

20' x 90mm UPT
Confection
USEP

James, Main & Simon Street

DRAWN BY:

COMPANY:

CONTACT NO:

CHECKED BY:

DATE LAID:

METHOD LAID:

DRAWING 1 of 1

CEMHD Policy - Land Use Planning,
NSIP Consultations,
Building 1.2,
Redgrave Court,
Merton Road,
Bootle, Merseyside
L20 7HS.

HSE email: NSIP.applications@hse.gov.uk

Email: CastleWayEnergy@planninginspectorate.gov.uk

Date: 29 June 2026

Dear Mr Joseph Jones (PINS)

**PROPOSED CASTLE WAY ENERGY (the project)
PROPOSAL BY BSSL DERBYSHIRE 1 LTD (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as
amended) REGULATIONS 10 and 11**

Thank you for your letter of 17 June 2026 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, the proposed Castle Way Energy project components as specified in the *EIA Scoping Report, Appendix 1.1: Figures, Figure 1.1: Draft Order Limits, EN0110037, June 2026* do not cross the Consultation Zones of a Major Accident Hazard (MAH) site.

There are several major accident hazard pipelines that the proposed development crosses, operated by Cadent Gas Ltd:

- HSE Ref # 6880 (Alrewas / Ambergate, Transco ref. 1157)
- HSE Ref # 6881 (Alrewas / Sutton on the Hill, Transco ref: 1158)
- HSE Ref # 6883 (Sutton on the Hill / Thulston, Transco ref: 1160)
- HSE Ref # 6886 (Sutton on the Hill / Totley, Transco ref: 1163)
- HSE Ref # 6890 (Sutton on the Hill / Thulston, Transco ref: 1167)
- HSE Ref # 6896 (Toyota Tee – Toyota, Transco ref: 1172)
- HSE Ref # 8397 (Drointon to Sutton on the Hill, Transco Ref: 2675)

HSE strongly recommends that at the earliest opportunity, the applicant liaises with the pipeline operator above.

There are three particular reasons for this:

- i) the pipeline operator may have a legal interest in developments in the vicinity of the pipeline. This may restrict developments within a certain proximity of the pipeline;

ii) the standards to which the pipeline is designed and operated may restrict major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline or its operation, if the development proceeds;

iii) to establish the necessary measures required to alter/upgrade the pipeline to appropriate standards.

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice.

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

HSC would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in Schedule 1 of these Regulations.

If hazardous substances planning consent is required, please consult HSE on the application.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#). This document includes consideration of risk assessments on page 3.

Explosives sites

Site A – Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

Site B – Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

Site C – HSE has considered the EIA with respect to Site C and notes the proximity of the development to the licensed explosives site operated by Energetics Technology Limited (ETL). Depending on the layout of Site C, HSE may need to review the explosives licence held by ETL. HSE would wish to be further consulted when the plans for the layout of the site are developed in more detail.

Site D – Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

Site E – Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

Point of Connection – Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk . We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

Pp S Rance

Cathy Williams
CEMHD4 NSIP Consultation Team

Privacy Notice details

English

Privacy information

HSE staff will process your data as part of our work primarily for the purpose of inspections and investigations, interventions and assessments in support of law enforcement.

Please see <https://www.hse.gov.uk/help/privacy.htm> for more details.

Welsh

Gwybodaeth preifatrwydd

Bydd staff HSE yn prosesu'ch data fel rhan o'n gwaith yn bennaf at ddiben arolygiadau ac ymchwiliadau, ymyriadau ac asesiadau i gefnogi gorfodi'r gyfraith.

Gweler <https://www.hse.gov.uk/help/privacy.htm> am ragor o fanylion



Historic England

Direct Dial: [REDACTED]

Our Ref: PL00801848

The Planning Inspectorate

15 July 2026

Dear Sir or Madam,

HISTORIC ENGLAND ADVICE

Your Ref: EN0110037

Our Ref: PL00801848

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

Application by BSSL Derbyshire 1 Ltd (the applicant) for an Order granting Development Consent for the Castle Way Energy (the proposed development) Scoping Consultation

Thank you for contacting us on 16th of June 2026 regarding the PINS scoping consultation request for Castle Way Energy. We have reviewed the documents supplied to us, as referenced below, and have the following comments to make.

- Castle Way Energy EIA Scoping Report Volume 1 Main Report (dated June 2026)
- Castle Way Energy EIA Scoping Report Appendix 1.1: Figures - Part 1 (dated June 2026)
- Castle Way Energy EIA Scoping Report Appendix 1.2: Commitments Register (dated June 2026)
- Castle Way Energy EIA Scoping Report Appendix 5.1: AI Usage Statement (dated June 2026)

We understand the Proposed Development comprises the construction, operation and maintenance, and decommissioning of a renewable energy project on land located west of Derby. The Proposed Development would enable the generation and export of up to 300 megawatts ('MW') of renewable electricity, as well as the storage of 200 MW of electricity for on-Site Battery energy storage systems (BESS). It is a new ground-mounted solar photovoltaic (PV) energy generating station. The Proposed Development includes the associated infrastructure above and below ground and grid connection infrastructure for connection to the national grid at the existing National Grid Willington 400 kilovolt (kV) substation.



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Historic England Advice

Summary

The proposed solar development has the potential to affect numerous designated and undesignated heritage assets through direct impacts on archaeology and indirect impacts on the setting and significance of historic places.

Historic England considers the current scoping information insufficiently detailed and recommends a more comprehensive and integrated Environmental Impact Assessment (EIA), supported by robust archaeological, geoarchaeological and built heritage evidence. We have therefore focussed our advice on developing a robust EIA and well as set out our principles concerns with regards to heritage assets.

1. Significance

This development, if constructed, would have an impact upon multiple designated heritage assets and their settings in the different project areas of the proposal. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

Our initial assessment shows the numerous designated heritage assets within 1-2 km of the proposed development, which may be impacted by the proposals. Our comments in relation to specific heritage assets are set out in relation to the project areas below (Section 4).

2. Impacts to heritage assets from the proposals

Having reviewed the EIA Scoping Report, we note the principal infrastructure has the potential to have direct and indirect impacts on heritage assets, as set out in Chapter 8 - Archaeology and Chapter 9 - Built Heritage. These would include built heritage and buried archaeology of both designated and undesignated status.

Activities such as the installation of solar panels and their associated foundations, onsite battery energy storage system (BESS) facilities, cable corridors connecting the project infrastructure to the grid, and related works-including construction compounds and access/haul roads - would have the greatest impact.

3. General Advice:

The scoping assessment currently contains insufficient detail to enable an accurate



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judgement of what has been scoped into, and excluded from, the proposed EIA. As a result, our advice at this stage is limited to developing a robust EIA and well as set out our principles concerns with regards to heritage assets.

3.1. Proposed study areas

We note the proposed archaeology study area is 1km from the draft Order Limits for the solar array sites (A-E) and there is no buffer for the draft Order Limits for the cable corridors. We note the proposed built heritage study area is 1 km from the draft Order Limits, with highly designated and selected heritage assets considered within 1-2km.

Whilst these are useful starting points for identifying potential impacts to heritage assets, we would encourage the applicant to extend the study area for archaeology for the cable corridors. We have noted from our data that there are heritage assets close to the draft Order Limits not included within the scoping assessment that may have a bearing on the EIA for the cable corridor, an example of which is discussed further below in Section 4.7).

Additionally, we recommend that a flexible approach is taken regarding this, and professional judgment should still be applied to include particularly sensitive/important assets beyond the fixed radius. As such, the references in chapter 9 to using a more flexible approach are welcome but should equally be applied to chapter 8.

The search radius for the non-designated assets is best commented upon by the local planning authority's archaeological advisors in this instance.

We would take the opportunity to highlight the need for an approach to setting impact to take in the kinetic views, rather than fixed viewpoints. For a robust approach to settings impact assessment, we refer you to our published guidance at <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>. Furthermore, long views from designed landscapes should be considered, including designed views from the Registered Parks and Gardens identified on the scoping report.

As such, the use of photomontages or visualisations would be helpful to aid the understanding of the impact to the setting of the designated and non-designated heritage assets.

3.2. Approach to Environmental Impact Assessment

We would encourage the applicant to explore opportunities to ensure that information on the built environment and archaeology is presented in an integrated and holistic way. To this end, having the archaeology and built heritage in separate discussions should be reconsidered.





We note that Chapters 8 and 9 present some detail regarding the presence of various heritage assets within the study areas within Tables 8.1 and 9.1, with Table 9.6 setting out what is being proposed to be scoped in and out of the EIA for built heritage. However, these chapter and the supporting figures do not provide a lot of information on which to base our comments on the suitability of what is proposed to be scoped in or out. Further desk-based assessment and investigation is crucial to build on this initial assessment, and we have provided the following comments below to assist with this.

Paragraph 8.11.1 states that “*Archaeological DBAs... are speculative pieces of work.*” This is not an accurate characterisation. DBAs are evidence-based assessments that draw on a range of factual data sources to inform an understanding of archaeological potential and sensitivity. While their conclusions inevitably contain predictive elements, these are based on available evidence and professional judgement rather than speculation.

We therefore recommend a full desk-based assessment (DBA) is conducted using available datasets to feed into the EIA and inform future surveys and evaluation that may be required. The use of multiple datasets is crucial to an effective process of heritage assessment and management of potential impacts. Portable Antiquity Scheme (PAS) data, geophysical survey, deposit modelling, aerial photo data, lidar, cartographic and documentary sources, fieldwalking, and targeted trial trenching should all be included.

We would also expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record and relevant local authority staff.

Additionally, it is essential this DBA includes a comprehensive analysis of the site's geology, undertaken by a suitably qualified and experienced geoarchaeologist. This geoarchaeological desk-based work should be completed prior to the design and implementation of any geophysical survey. Its findings must directly inform the selection and development of the geophysical survey methodology.

Failure to conduct this geoarchaeological assessment in advance risks the selection of inappropriate geophysical techniques. Without a clear understanding of the underlying geology, there is a significant chance that the chosen method will be ineffective in identifying buried archaeological remains that could be affected by the proposed development.

This recommended approach aligns with current sector good practice, as outlined in the



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following guidance:

- Deposit Modelling and Archaeology: Guidance for Mapping Buried Deposits: [<https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/>](https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/)
- EAC Guidelines for the Use of Geophysics in Archaeology: Questions to Ask and Points to Consider: [<https://doi.org/10.5281/zenodo.10671298>](https://doi.org/10.5281/zenodo.10671298)
- Geoarchaeology: Using Earth Sciences to Understand the Archaeological Record: [<https://historicengland.org.uk/images-books/publications/geoarchaeology-earth-sciences-to-understand-archaeological-record/>](https://historicengland.org.uk/images-books/publications/geoarchaeology-earth-sciences-to-understand-archaeological-record/)

Additionally, deposit modelling is important for the successful integration of survey techniques and the targeting of trial trenches. Understanding what's important and sensitive in a landscape, is an iterative process that should be integrated with scheme design as it develops (before and after consent) as per the Archaeology and Solar Farms Good Practice Guide: Advice for developers, archaeological advisors, consultants and contractors:

[<https://historicengland.org.uk/images-books/publications/archaeology-solar-farms/>](https://historicengland.org.uk/images-books/publications/archaeology-solar-farms/)

As a general principle, the earlier and more comprehensive the site investigations, the greater the ability of energy projects to use their design flexibility to avoid, minimise or effectively mitigate impacts. Where intrusive investigations focus on only the most inflexible scheme elements prior to Development Consent Order, further targeted assessment post-consent will be needed. Provided the non-intrusive work is robust and the requirements are sound, this is not in itself problematic, if understandings of archaeological significance can still be reflected in design in a proportionate manner to importance and sensitivity.

Additionally, in paragraph 8.6.1 it is noted that the Historic England Aerial Archaeology Mapping Explorer is used as a data source. We would recommend that, as the project progresses, there should not be an over reliance on Historic England's interpretative data. Examination and assessment of original imagery captured by Historic England and from other sources will also need to be included. This is because a wide range of aerial photography sources will help inform a more robust understanding of cropmark or earthwork evidence. Historic England provides a list of suggested aerial photography sources and other guidance related to aerial photographic interpretation on its website:

[<https://historicengland.org.uk/research/methods/airborne-remote-sensing/aerial-investigation/>](https://historicengland.org.uk/research/methods/airborne-remote-sensing/aerial-investigation/)

Within the Environmental Impact Assessment, where likely impacts to designated heritage assets fall below the threshold for a significant effect in EIA terms, they would still need to be reported alongside the Environmental Impact Assessment through a



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statement of harm as the Examining Authority will need to weigh all harm to designated heritage assets to inform their determination.

As such, we note that the tables within chapters 8 and 9 are not consistent. For instance, Table 8.2 sets out the significance categories as international/national (very high), national/regional (high), sub-regional/district (medium), local area/parish (low), and negligible. However, Table 8.4 refers to value categories of very high, high, medium, low and very low.

Similarly, Table 9.3 refers to heritage value as very high, high, medium, low and very low, whereas table 9.5 refers to receptor sensitivity as high, medium, low and negligible.

It is important terms and definitions are used consistently across the EIA to ensure the conclusions of the assessment are clear. We would also recommend consistency of definitions across both the archaeology and built heritage assessments. Such as the inconsistent sensitivity classification of grade I and II* listed buildings.

Additionally, whilst reference is made within the text (paragraphs 8.10.8 and 9.10.5-6) to changes potentially being positive or negative, the descriptions within Tables 8.3 and 9.4 only consider negative changes.

Within subsection 8.9 'Impacts Scoped Out of Assessment' we note there is a description of what has been scoped out. It would have been useful for this information to be presented either as a clear and concise bullet point list, or as a table as was done for chapter 9.

3.3. Use of AI

We welcome the transparency provided through the AI Usage Statement (Appendix 5.1). However, greater clarity should be provided within the main text regarding where and how AI has been used in preparing the archaeological and historic buildings baselines. A concise methodology should also be included setting out:

- the AI tools used;
- the purpose for which they were used;
- the datasets and information processed;
- the date(s) of use;
- any limitations identified; and
- the procedures used to verify outputs and ensure factual accuracy.

This information is necessary to allow consultees to understand the provenance of the evidence presented and the degree to which conclusions are derived from professional judgement rather than AI-generated content.





Should AI be used in the preparation subsequent stages (such as the EIA), a clear and documented governance process should be established from the outset to ensure consistency, transparency, and auditability. All AI-generated outputs should be reviewed and validated by an appropriately qualified (and named) archaeological professional, who retains responsibility for the accuracy and interpretation of the information presented.

Reference should also be made to ClfA's 2025 Statement on the Use of Artificial Intelligence to Support Archaeological Work and Research, which emphasises transparency, validation and accountability in the use of AI-generated outputs:

<https://www.archaeologists.net/news/2025/cifa-statement-use-artificial-intelligence-ai-support-archaeological-work-and-research>

4. Specific Advice

Care should be taken to ensure that all heritage assets (both designated and undesignated) have been appropriately screened in. For example, the baseline correctly documents the presence of the possible medieval shrunken village of Ash (MDR2690) but fails to include the potentially associate ridge and furrow immediately to the south and southeast (MDR23767).

In paragraph 8.6.1 a list of data sources consulted is included, which is brief. We would encourage the applicant to pursue further sources of information. For instance, the National Heritage List for England is not included. It is crucial this is consulted for the most up-to-date information on designated heritage assets. We therefore also recommend these data sets are periodically refreshed as they are dynamic datasets which continually include new entries, which could bear weight to EIAs.

4.1. Site A

The grade II Registered Park and Garden (RPG) at Sudbury derives significance from its historic and functional relationship with the grade I Sudbury Hall and from the survival of a designed landscape that illustrates the evolution of the Vernon estate from the seventeenth century onwards. The parkland provides an important setting for the Hall and retains strong interrelationships between the pleasure grounds, parkland, woodland, water features and associated structures. Vernon's Folly, originally constructed as a deercote, is a particularly significant landscape feature.

It is therefore important that the effects of Site A on the RPG are considered alongside its associated heritage assets. Table 9.6 (Proposed Scope of Assessment) should therefore scope in grade I listed Sudbury Hall (NHLE: 1273995), grade II* Vernon's Folly (NHLE: 1238617), and the grade I Church of All Saints (NHLE: 1273942).





4.2. Site B

The proposals have the potential to impact the significance of the Barton Blount medieval settlement scheduled monument (NHLE 1016778), the grade II* listed Barton Hall (NHLE 1096544), and its associated non-designated post-medieval gardens and parkland. The heritage assets at Barton Blount have a high group value which adds to their individual and collective significances.

Beyond the scheduled monument, this also includes the buried and standing remains of St Chad's Church (NHLE 1280896, also Grade II listed), further areas of ridge & furrow survive outside of the scheduled area, including within the parkland south of Barton Hall, and the nearby grade I listed Church of St Michael and All Angels (NHLE 1205179), and an area of shrunken medieval village earthworks (MDR2669 Shrunken Village of Church Broughton) and associated ridge and furrow adjacent to the church.

The proposals would have an impact upon the setting of the Barton Blount heritage assets. A key element of the group's setting is their association with the rural landscape which supported it. This can be experienced in views across, towards or out from within the scheduled monument, and through the extensive areas of ridge and furrow which survive around the site.

Particular regard should be given to the proximity of the proposed infrastructure to the scheduled monument and its associated heritage assets. The sensitivity of these assets and their settings should be fully recognised in the assessment, including consideration of the extent to which the proposed array areas and any associated infrastructure would affect their significance.

Views towards the grade I listed Church of St Michael and All Angels should be carefully considered, particularly the visual and historic relationship between Barton Blount and the shrunken village immediately north of the church, together with the routes connecting the two. Any assessment of setting and heritage impacts should also consider how these designated heritage assets are experienced dynamically when moving through the landscape, rather than relying solely on a limited number of fixed viewpoints.

4.3. Site C

Site C sits in a largely rural landscape with the closest settlements of Dalbury, Etwall, and Trusley containing listed buildings and/or conservation areas. The views to and from these settlements, particularly Dalbury and its grade II* Church of All Saints (NHLE 1334550) which sits on the edge of the settlement overlooks the river valley towards the solar array site, should be considered.

4.4. Site D



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There are several listed buildings in proximity to site D, mostly in the settlements of Hilton and Marston Dove, which should be considered for views to and from the solar array area. In particular, the grade I Church of St Mary's (NHLE 1334544) to the south. Additionally, the scheduled monument of Bronze Age Bowl Barrow of Hoon Mount (NHLE 1011203) to the north of the smaller part of site D should be considered for setting impacts. Again, consideration should therefore be given to the proximity of infrastructure to the scheduled monument, with options for both pulling back the array areas and screening explored. Additionally, we would encourage the use of buried cables within this area to reduce the setting impacts on the monument.

4.5. Site E

Our key concern for site E is that the draft Order Limits currently cut into the scheduled monument area for Monks Bridge (NHLE1007077) and contains an area of ridge and furrow (MDR2602), which positively contributes to the setting of the bridge within its medieval landscape.

Furthermore, the projected route of the Roman road of Ryknild Street (MDR10207), which runs through this part of the draft Order Limits and continues north crossing the cable corridors in two places. Roman roads can be surprisingly difficult to identify on geophysical survey alone as the construction techniques varied with ground conditions. Additionally, there is a potential to impact evidence for the Roman road and possible associated roadside activity in these areas. Lastly, there is a conservation area and associated listed buildings relating to the Trent and Mersey Canal within proximity to the draft Order Limits.

Given the proximity of the draft Order Limits to several sensitive heritage assets, which would impact the ridge and furrow and therefore the setting of the scheduled monument, we wish to see the pull back of infrastructure in site E out of the fields south of the A38.

4.6. Point of Connection (POC)

Whilst we acknowledge that the point of connection at Willingham substation sits within a heavily industrialised landscape, care should be taken in planning the connection into the grid to avoid any unnecessary cumulative impacts on the landscape. Particularly in relation to the scheduled monument for the Neolithic cursus and mini henges (NHLE 1007028) to the southeast.

4.7. Cable Routes Options

For the cable routes, consideration should again be given to the likely setting impacts upon the significance of the following heritage assets, which either lie within or close to the draft Order Limits:



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- The Roman road of Ryknild Street (MDR10207), due to the potential to impact evidence of the Roman road and possible associated roadside activity.
- The Bronze Age Bowl Barrow of Hoon Mount (NHLE 1011203), especially given there is no information at present on where overhead cables may be used. This would impact the setting of this scheduled monument if used in this part of the cable corridor.
- The deserted medieval village (MDR10207) near Ash and the associated undesignated ridge and furrow (MDR23767), which abut the cable corridor.
- Within the Dove and main valley floor of the middle Trent there may be potential for landscape features and remains associated with medieval and post-medieval water management, for example see:
Krawiec, K. et al. 2026. 500 Years of River Management of the Dove Valley, along the Border of Derbyshire and Staffordshire. *Journal of Wetland Archaeology* 25: 25-53. <https://doi.org/10.1080/14732971.2026.2660267>

4.8. Mitigation Measures

We note that paragraph 8.7.2 sets out that it is expected the programme of archaeological mitigation will include a range of standard industry-recognised mitigation measures in addition to the mitigation measures set out in the OCEMP, OOEMP, ODEMP, OLEMP, and OCDTMP.

We look forward to seeing further detail in due course on these measures and recommend that further use of the commitments register is made to agree and secure these measures as appropriate.

5. Scientific advice

Regardless of the geophysical survey technique selected, it is essential to ensure that provision is made for the deposition of an appropriate range of geophysical data-not just the processed results-with a trusted digital repository that holds CoreTrustSeal certification, such as the ADS. This is particularly important in areas where future geophysical survey work may be restricted or rendered impossible due to construction, post-construction, or decommissioning activities.

The geophysical archiving approach should align with best practice for digital data management in archaeology, as outlined in:

- Toolkit for Managing Digital Data (Dig Digital):
<https://www.archaeologists.net/work/toolkits/dig-digital/introduction>

5.1. Lithic scatters



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Paragraphs 8.6.4 and 8.6.5 discuss non-intrusive and intrusive survey methods. Given the numerous areas of earlier prehistoric activity (i.e. Neolithic and Bronze Age) identified within the baseline, consideration should be given to how these techniques will effectively identify and assess archaeological remains of this nature.

As highlighted in Historic England's guidance *Managing Lithic Sites* (2024, p. 16), standard evaluation techniques-such as geophysical survey and trial trenching-are generally unsuitable for identifying or accurately assessing lithic scatters. In trial trenching the removal of the deposits containing the lithic resource is integral to the approach. Unsuitable techniques can result in the underestimation of the resource or even its inadvertent destruction. Failure to adequately assess this aspect of the historic environment would limit the ability to adequately understand the context of other more visible earlier prehistoric evidence (such as cut features or standing earthworks).

Historic England's guidance on lithic scatters can help in the development of appropriate approaches for surveying and evaluating the potential for such remains:
<<https://historicengland.org.uk/images-books/publications/managing-lithic-sites/>>

5.2. Palaeolithic

Presently the scoping report only covers the Holocene, and the potential for earlier periods isn't included. Historic England's guidance on the Palaeolithic states that all DBAs should address the potential for Palaeolithic archaeological remains. Finds of stone tools have indicated Palaeolithic activity close to the draft Order limits (such as the two handaxes found on Hoon Ridge approx. 64m to the east of the cable route, see Historic England Research Record [monument no. 1234564](#) <https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=39ee03e5-7a5b-4643-9266-c9e4de8cf428&resourceID=19191>). Consequently, the potential for there to be some presence shouldn't be completely ignored. Creating a preliminary deposit model will help develop an understanding and model risk in this regard and will be particularly relevant for areas of deeper disturbance such as cable routes etc.).

<<https://historicengland.org.uk/images-books/publications/curating-the-palaeolithic/>>

6. Recommendations

Further work is required to develop a comprehensive Desk-Based Assessment supported by geoarchaeological analysis, deposit modelling, multiple datasets, targeted surveys and regular updates to heritage baseline data. This will enable the review of the scheme design and routing to avoid or minimise impacts on sensitive heritage assets.

Given the number of designated heritage assets that would be sensitive to the proposed development, we would welcome early discussions with you to on key sites and setting issues, as identified above, which will need to be addressed within the EIA.



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888
HistoricEngland.org.uk



Historic England

Our advice is provided without prejudice to understandings that will develop through the EIA process.

We also refer you to the expertise of your local government Archaeological and Heritage Advisors and District Conservation Officers.

Please copy future correspondence to e-midlands@HistoricEngland.org.uk <mailto:e-midlands@HistoricEngland.org.uk>

Yours Sincerely

Pip Naylor
Inspector of Ancient Monuments
E-mail: [REDACTED]@HistoricEngland.org.uk



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888
HistoricEngland.org.uk

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Outlook

RE: RE EN0110037 Castle Way Energy - EIA Scoping and Consultation Updated Email

From Nick Hirst <Nick.Hirst@kirklees.gov.uk>**Date** Thu 18/06/2026 15:22**To** Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

1 attachment (395 KB)

EN0110037 Castle Way - Letter to stat cons (1).pdf;

You don't often get email from [REDACTED]@kirklees.gov.uk. [Learn why this is important](#)

Dear Mr Jones,

Kirklees LPA has no comment on the attached.

Yours sincerely,

Nick Hirst, MRTPI

Team Leader – Development Management (Major Developments)

Planning and Development Service

Place Directorate

PO Box 1720, Huddersfield, HD1 9EL

Tel: 01484 221000 (Shortcode: 74150)

Website: www.kirklees.gov.uk

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From: Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>**Sent:** 17 June 2026 14:52**Subject:** RE EN0110037 Castle Way Energy - EIA Scoping and Consultation

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam,

Further to my previous email, it has been brought to my attention that the links within the letter are not functional. Please find attached an updated letter with functional links. Apologies for any inconvenience caused.

Kind regards

Joseph Jones

Joseph Jones
Environmental Advisor
The Planning Inspectorate

[@PINSgov](#)

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From: Castle Way Energy

Sent: 17 June 2026 14:06

Subject: EN0110037 Castle Way Energy - EIA Scoping and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Castle Way Energy.

The Applicant for the Proposed Development intends to make an application for Development Consent under the Planning Act 2008. The Applicant has sought a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **15 July 2026**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Kind regards

Joseph Jones

Joseph Jones
Environmental Advisor
The Planning Inspectorate

[@PINSgov](#)

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ref EN110037
Planning Inspectorate
NA Email
Our ref 26/00749/NAC
LDC Officer Sarah Willetts
LDC Email [REDACTED]@lichfielddc.gov.uk



Lichfield
District Council

**District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YZ**

14.07.2026

Dear Sir(s)

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
CONSULTATION - REF:**

**AT: CASTLE WAY ENERGY - EN110037 BSSL Derbyshire Castle DC – Planning Act 2008 (as amended)
and the Infrastructure Planning (EIA) Regulations 2017 Reg 10 and 11**

I refer to your consultation in connection with the above. Having had the opportunity to consider the consultation scoping submitted and following a review of this scoping report as provided the Local Planning Authority raises no comments in respect to the scoping report dated June 2026

Yours sincerely,
Sarah Willetts

Principal Planning Officer
Development Management



www.lichfielddc.gov.uk



[/lichfielddc](https://www.facebook.com/lichfielddc)



[lichfield_dc](https://twitter.com/lichfield_dc)



MyStaffs App

Longford Parish Council
Middlebrook Farm
Longford
Derbyshire
DE6 3DE

info@longfordparishcouncil.co.uk

10th July 2026

Environmental Services Infrastructure Decisions and Applications Service
Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

Ref: EN0110037

Dear Sir/Madam,

In response to your request for comment regarding Castle Way Energy's Environmental Statement and Scoping Process for the proposed NSIP application by BSSL Derbyshire 1 Ltd, please find our comments below.

Some of the local parishioners have shared comments for us to relay, these are copied below, and echo the views and thoughts of the Parish Council.

Parishioner 1:

I have had a look at the project Scoping Report (over 400 pages!). This proposal includes large areas of solar panels on five sites in the area, an electricity generating station and associated development comprising a Battery Energy Storage System (BESS), substations, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance phases. The proposed development plans to connect to the National Grid at the existing Willington substation.

The project does not directly affect Longford village but it will impact the village and the area in a number of ways.

It will undoubtedly increase water run-off into our local water courses, including Longford Brook (specifically mentioned in the Scoping Report), Sutton Brook and Trusley Brook. The project will also cause additional and considerable downstream run-off. Furthermore it will take up much greenfield land, which will adversely impact our drainage potential.

Much of Site E (Egginton) is in Flood Zone 3 (the highest flood zone in the Lower River Dove area) while Site C (Trusley/Dalbury) has cable corridors in Flood Zone 3 around Trusley Brook.

The cumulative impacts of this massive solar development which will take up prime agricultural farmland and transform our local landscapes, coupled with the impact from the Brailsford solar proposal will inevitably change the flooding patterns of our area and increase flood risk to our community and surrounding areas, including farmland and roads.

In addition, should this massive project receive approval, the developers will undoubtedly be looking to extend the solar panels into other areas and we cannot guarantee that other sites closer to Longford will not come forward.

In order to connect to the national grid, the project proposes a large network of pylons around this part of our countryside. James Lane for example is proposed as one such cable corridor.

I suggest the PC (as a consultation body for NSIPs) submits a letter of concern stating that the areas proposed are subject to the highest flood risk, that it will adversely impact our rural landscape for the long term, will reduce our agricultural capabilities and adversely impact our rich historical heritage with industrial and incongruous structures. Alternative brownfield sites should be found, of which there are many locally.

Parishioner 2:

[anon] and I totally agree with each of the points that have been made by [anon] in his WhatsApp message to you on June 29th 2026. [NB: these are the comments above]

We oppose the proposals on the basis of the lasting harm they will do to the environment, the unique, unspoilt and historic countryside of this area and the harms to individual residents and the areas many visitors.

The nations mental health continues to be high and the NHS continues to struggle to meet demand. It is well known that that nature impacts positively on mental health. For many this area of the Derbyshire Dales is the nearest countryside from urban and suburban areas of Derby and Burton on Trent. In addition to all of John's points, we would add that in transforming significant tracts of this unspoilt rural area into an unnatural landscape intersected by panels and pylons, will remove the benefits it offers and impact very negatively on the mental health of residents and the many walkers, cyclists, horse riders and others who regularly come to the area covered by the proposals for exercise and relaxation.

We would ask how many of the investors in this project will live where they can see the proposed developments from the windows of their homes? We suspect very few, if any. It is not unreasonable to ask why they have not considered gaining permission for proposals of this scale directly adjacent to their own homes, or in areas of nature that they regularly enjoy.

We firmly believe in the value and necessity of renewables. This belief is not incompatible with protection of the ever-decreasing unspoilt rural landscapes and food production of this country. It is important that those making these proposals are transparent in explaining how many brownfield and urban areas have been explored for their proposals? How much work has been done to find ways to place panels alongside urban infrastructure such as car parks and motorway verges? As is frequently said, there are numerous giant warehouses appearing all over the UK- what collaboration has taken place for these panels to go onto the roof-tops of these? Has there been any approaches to companies owning existing warehouses, to reinforce roof-tops and place panels on them?

The purpose of renewable energy is to benefit the environment, biodiversity and individuals. The lasting harms of the greenfield options proposed will cause individuals to, at the very least, disengage from the important challenges that make the use of renewable energy so very important.

Longford Parish Council have the following comments to share;

Part of the proposed site, Barton Blount, has an area of archaeological significance in the medieval village remains. There are strong concerns regarding potential damage to the scheduled monument, surrounding area and biodiversity held within the historical site.

There are concerns around the long-term impact of changing the land status from green belt to brownfield, once the site has become defunct. There is a consensus that once the solar site

is no longer in use, that even with attempts to return the land back to its original state, that this won't be possible in its entirety, resulting in the changing status of the land. This provides a concern around the loss of agricultural land in the short and long term, and the impact on national food security with the loss of hundreds of acres of grass and arable land.

There were points raised regarding the visual and environmental impact of pylons in the proposed corridors. Where primarily countryside areas are being used for the solar and battery sites, the grid connection corridors are damaging further countryside places outside of the identified sites. This has a visual impact on the areas, particularly where it crosses public rights of way (PROW), ruining the views people use these for; as well as the environmental impact the building of pylons and digging for underground cables will have on natural habitats and biodiversity.

Further to this point, there were also points raised of the visual and audible impacts of PROW networks from the solar development sites – during construction and once the sites are complete. As mentioned, people use these networks for the views, as quiet areas and to become engrossed in nature. The construction of these sites is noted to take up to 5 years, which will be damaging to the natural habitats of birds, hares and other animals, reducing the opportunity for pedestrians to explore nature. The noise of construction, as well as the noise from construction traffic will also have a negative impact on the peaceful nature of these networks. This then becomes an issue again when it comes to decommissioning, which again is noted to take up to 5 years. The noise and light pollution from the site when active, also adds to these issues.

We also want to highlight the need for cumulative assessment of this plan in correlation with other applications in Derbyshire. There is currently a planning application being processed in Brailsford for a circa 300-acre solar park, also sitting as a NSIP, within a 10m radius of this plan (where South Derbyshire borders Derbyshire Dales). There are concerns regarding the flooding and water run-off impacting Longford from this development, and therefore there are now additional concerns for further flooding in our area due to the loss of soakaway land from the Castle Way proposal, which absorbs excess water run off during autumn/winter.

During production there will be increased transport/travel, meaning there is significant disruption on country roads which are not designed nor prepared for the major transportation of solar production materials, additional cars from staff attending the site during construction and the transportation for the removal of waste. Not only does the increased traffic present an increased risk for RTCs with large vehicles and narrow roads, but also puts strain on roads that are a lower priority for maintenance. This is likely to result in an increase in damaged roads – e.g. potholes and subsidence, of which the Council may not have the necessary funds in the budget to repair, especially where the issues are likely to reoccur with the length of time the construction and deconstruction works are noted to take, and has a further impact on local residents aside from the construction itself.

Regards,

Sophie Goodwin

Clerk

For and on behalf of Longford Parish Council

Our ref: NH/26/16756
Your ref: EN0110037

Planning Inspectorate
FAO: Joseph Jones

Brittany Grosvenor
Assistant Spatial Planner
Three Snowhill
Queensway
Birmingham
B4 6GA

01 July 2026

Via email: CastleWayEnergy@planninginspectorate.gov.uk

Dear Sir or Madam,

EIA Scoping Opinion – Castle Way Energy

Thank you for providing National Highways with the opportunity to respond on the Environmental Impact Assessment (EIA) scoping request for Castle Way Energy.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

In responding to sustainable development consultations, we have regard to DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development ('the Circular'). This sets out how interactions with the Strategic Road Network should be considered in the making of local plans and development management proposals. In addition to the Circular, the response set out below is also in accordance with the National Planning Policy Framework (NPPF) and other relevant policies.

In relation to this consultation, our principal interest is in safeguarding the A38 trunk road, A50 trunk road and M1 Motorway.

Castle Way Energy comprises the construction, operation and maintenance, and decommissioning of a new ground mounted solar photovoltaic (PV) energy generating station and an associated on-site Battery Energy Storage System (BESS), on land to the west of Derby. The Proposed Development includes the associated infrastructure above and below ground and grid connection infrastructure for connection to the national grid at the existing National Grid Willington 400 kilovolt (kV) substation.

It is understood that a DCO submission is necessary as the proposal is a Nationally Significant Infrastructure Project (NSIP) given the site's energy output is expected to exceed 100 Megawatts. The Proposed Development would enable the generation and

export of up to 300 megawatts ('MW') of renewable electricity, as well as the storage of 200 MW of electricity for on-Site BESS.

In relation to this Stage One consultation, National Highways has reviewed the submitted Scoping Report (dated June 2026). We understand from this that the Planning Inspectorate has identified National Highways as a consultation body which must be consulted prior to adopting its Scoping Opinion and developing a subsequent Environmental Statement.

The below sets out our initial review of this proposal and the further information that we will require to fully consider the proposal's impact on our network:

National Highways' Considerations

Site Access

It is currently unclear from the scoping note and appendixes if there are any proposed temporary, permanent, or maintenance access points directly from or onto the SRN.

As set out in paragraphs 18-25 of the Circular 01/2022, it should be noted that new accesses from motorways and other high-speed sections of the SRN will not be permitted. The presumption against new connections includes temporary access points for construction vehicles. National Highways welcomes further details on the proposed access arrangements, as the access locations are still being finalised.

Boundary

Upon review of the draft Order Limits (Figure 1.1 and Appendix 1.1 Figures), it is noted that the proposed development site shares boundaries with sections of the Strategic Road Network SRN, which are owned and operated by National Highways.

Specifically, Site D is proposed to share a common boundary with the A50 trunk road, while Site E is proposed to share a common boundary with the A38 trunk road.

In addition, the proposed cable route areas (shown in pink, orange and maroon) are expected to intersect or affect both the A38 and A50 trunk roads at various locations along their routes.

Its proximity to the could generate potential boundary related impacts as set out below:

Glint & Glare

Looking at the information submitted to us, there appears a reasonable chance that the solar panels would be visible to road users on the SRN. If the panels are visible to road users, the applicant would need to produce a glint and glare assessment, that identifies the potential risk to road users and how it would be mitigated. Alternatively, the applicant should provide further information to explain how the solar panels would not be visible to SRN road users.

Drainage

Drainage proposals will be of particular interest to National Highways to ensure that surface water run-off from the site does not threaten the integrity of National Highways drainage assets. As set out in Paragraph 59 of DfT Circular 01/2022, National Highways will not accept any water run-off arising from any change of use into our highway drainage systems, or any new connections into those systems from third party development drainage systems. We should therefore be consulted on a surface water drainage strategy for the site to understand the proposal for managing the site's drainage. In addition, prior to the commencement of the development, we should be consulted on a detailed drainage scheme to be designed in accordance with the agreed drainage strategy.

Buildings and Structures

Buildings and structures should be positioned at a sufficient distance from our network so as not to cause a concern for National Highways. Any buildings or structures that are within the 'fall distance' of National Highways network will need structural approval from National Highways and we should be consulted on building design and materials.

Boundary Treatments and Landscaping

National Highways should be consulted on a boundary treatments and a landscaping plan which should clearly set out any proposed boundary treatments and landscaping work near to our network. The distance of proposals (in metres) from our network should be clearly identified. All boundary treatments and landscaping should be positioned entirely within the red line boundary of the site and far enough within the site that it can be installed and maintained without encroachment onto National Highways land. This applies to fences and all vegetation for the duration of their life. If landscaping or boundary treatments are in excess of 10 metres from our boundary (this is our land boundary, not the carriageway), it is usually the case that no further information is required, although the applicant may need to demonstrate that the distance is sufficient. Where landscaping etc is within 10 metres of our boundary, further details will need to be provided for National Highways approval. For instance, some plants are particularly invasive and can pose a threat to our own vegetation and assets. Further information on the species of plants to be avoided can be provided if required.

Geotechnical

Any excavation and/or landscaping works has the potential to undermine the integrity and stability of the adjacent highway network. As such, if excavation works are within 10 metres of our boundary, prior to the commencement of any excavation (including in relation to landscaping), it would be necessary to set out how geotechnical risks will be identified and managed. This would be undertaken in accordance with Chapter CD122 of the Design Manual for Roads and Bridges (DMRB) and would need to be submitted for our review and approval. In addition, further information would be required with reference to BS5837: 2012 Trees in relation to design, demolition and construction. This is to ensure that our tree stock and associated root systems are protected.

Lighting

Any external lighting schemes have the potential to cast a glare on the adjacent highway causing a road safety hazard. As such, National Highways should be consulted on the details any external lighting schemes.

Cabling Routes

It is currently stated that there is no clarity on the proposed cabling and if this will be underground or overhead connection yet, further clarification is sought to understand this.

Any proposed directional drilling under our network will require compliance with The Design Manual for Roads and Bridges (DMRB) Chapter CD622 (Managing Geotechnical Risk). In addition to any relevant licences to be obtained under the Highways Act 1980.

It should be noted that National Highways do not allow the Compulsory Acquisition of land beneath the SRN and the implications of this may need to be considered.

With regards to the pylons, National Highways would need to be satisfied the structures have been designed and installed safely and would not pose a safety threat to the SRN. National Highways request confirmation from the applicant that the structures will be constructed in accordance with Construction (Design and Management) Regulations (CDM).

Further guidance on the technical approval process and temporary works can be found at: <https://nationalhighways.co.uk/help-centre/working-on-over-or-near-our-roads/>

It should be noted that all locations will require an Approval in Principle and enter a S169 Licence (Highways Act 1980).

Battery Energy Storage System (BESS)

The proposed location of the BESS site needs to be confirmed. If the BESS is to be in close proximity to the SRN, National Highways will require the applicant to undertake a GG 104 Safety Risk Assessment in accordance with the Design Manual for Roads and Bridges (DMRB).

The purpose of the assessment is to identify and evaluate the safety risks associated with the proposed BESS development and to demonstrate how those risks will be managed So Far as Is Reasonably Practicable (SFAIRP).

In addition, National Highways will require an emergency fire response plan, developed in consultation with the local Fire and Rescue Service, to be submitted for review. This plan should set out the proposed emergency response arrangements and demonstrate that appropriate measures are in place to manage any fire-related incidents that could affect the SRN.

Traffic and Transport

Operation - Traffic Impacts

It is anticipated that during normal operations there will be only a small amount of weekly vehicle movements. Due to the nature of solar farms, we are unlikely to have any concerns relating to traffic impacts on our network once the site is operational. However, the likely traffic and transport impacts of the operational site should still be set out and clearly evidenced in a Transport Assessment (see below).

Construction - Traffic Impacts

National Highways will require information on the number of HGVs that will be travelling on the SRN to transport materials and equipment to the site. We also require an understanding of what route these vehicles will take to the site as well as the time of day they will likely be arriving and leaving.

Information regarding the access and exit routes and arrival/departure times of workers during the construction period should also be provided to enable sufficient management of construction traffic and to minimise impacts on the SRN.

Recommended Transport Assessment

In light of the above comments, we would expect any formal planning submission to be accompanied by a Transport Assessment prepared in accordance with Planning Practice Guidance on Travel Plans, Transport Assessments and Statements (March, 2014). In addition, due to the proximity of the site to the SRN, the Transport Assessment should be

produced in accordance with DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development.

We suggest that the Transport Assessment include the following:

- Development proposal details– information about the scale of the proposed development (and its construction) including any phasing, parking, access points, hours/days of operation, timescales for the construction period, and anticipated year of opening.
- Trip generation – information about the anticipated levels of traffic the development would generate. This should include the predicted maximum hourly breakdown of staff commuting trips, and HGV/delivery trip generation for the operational and construction phases.
- Trip assignment – information about traffic routings (for construction and operational phases) in relation to the SRN.
- Depending on the scale and distribution of new trips, it may also be necessary to indicate how traffic associated with the development proposal will impact on the SRN in the peak hours. These impacts should be considered for the site both as a standalone operation, and cumulatively with other nearby solar farm applications, (plus any wider committed developments), to consider whether the development will result in material implications for SRN junctions.
- Where further assessments are deemed necessary these should be carried out for the proposed opening year of the development (or where applicable, the start of construction).

It may be beneficial for the above assessment work to be agreed in a staged approach with the first stage being to agree the trip generation and trip distribution. This will determine if any further assessments with respect of the SRN are required.

In addition to a Transport Assessment, National Highways should also be consulted on a Construction Traffic Management Plan (CTMP). This should set out how the environmental impacts of construction traffic will be minimised and mitigated.

Physical changes to the SRN

Where physical changes to our network are required, for example in respect of new connections or capacity enhancements, these proposed changes must adhere to National Highways approval processes. Promoters should be aware that, prior to planning consent, any proposed scheme on our network must be:

- Designed to a preliminary design standard in accordance with the Design Manual for Roads and Bridges (DMRB);
- Have completed a Walking, Cycling, Horse-Riding Assessment and Review (WCHAR) in accordance with GG142 of DMRB;
- Have undergone National Highways design checks;
- Have obtained Agreement in Principle (AiPs) for any Departures from Standard;

- Have completed a Stage 1 Road Safety Audit (RSA) in accordance with GG119 of DMRB;
- Have any identified safety risks managed through the completion of a Safety Risk Assessment in accordance with GG104 (applicable in certain circumstances only).

We recommend that promoters refer to paragraphs 89 to 95 of [Planning for the future: A guide to working with National Highways on planning matters \(October 2023\)](#) for further information.

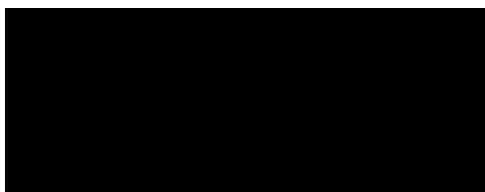
Abnormal Loads

National Highways would need to agree any AIL's that intended to use the Strategic Road Network. Further guidance can be found at: <https://nationalhighways.co.uk/road-safety/abnormal-loads-and-the-esdal-system>

Arrangements for transporting abnormal loads via National Highways network can be made by contacting abnormal.loads@nationalhighways.co.uk

We hope this is useful in the progression of the DCO application. If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



Midlands Operations Directorate

Email: brittany.grosvenor@nationalhighways.co.uk



Outlook

RE: RE EN0110037 Castle Way Energy - EIA Scoping and Consultation [SG41703]

From NATS Safeguarding <NATSSafeguarding@nats.co.uk>

Date Fri 19/06/2026 09:30

To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Our Ref: SG41703

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Internal

From: Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Sent: 17 June 2026 14:50

Subject: RE EN0110037 Castle Way Energy - EIA Scoping and Consultation

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Dear Sir/Madam,

Further to my previous email, it has been brought to my attention that the links within the letter are not functional. Please find attached, an updated letter with functional links. Apologies for any inconvenience caused.

Kind regards

Joseph Jones



The Planning
Inspectorate

Joseph Jones
Environmental Advisor
The Planning Inspectorate



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From: Castle Way Energy

Sent: 17 June 2026 14:06

Subject: EN0110037 Castle Way Energy - EIA Scoping and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Castle Way Energy.

The Applicant for the Proposed Development intends to make an application for Development Consent under the Planning Act 2008. The Applicant has sought a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **15 July 2026**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Kind regards

Joseph Jones



The Planning
Inspectorate

Joseph Jones
Environmental Advisor
The Planning Inspectorate



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Date: 15 July 2026
Our ref: 552312
Your ref: EN0110037



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BY EMAIL ONLY

Dear Joseph Jones

Environmental Impact Assessment Scoping Consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: Castle Way Energy

Location: Derbyshire & Staffordshire

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 17 June 2026, received on 17 June 2026.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order (DCO). Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

For any further advice on this consultation please contact consultations@naturalengland.org.uk.

Yours sincerely

Robbie Clarey
Senior Sustainable Development Officer – Natural England

Annex A – Natural England’s Advice on EIA Scoping

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1 General Advice

1.1 General principles

Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an ES to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided¹.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short,

medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment

- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- An outline of the structure of the proposed ES

1.2 Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

The [Planning Inspectorate's Project Map](#) provides a helpful overview of the locations of nearby projects to inform a shortlist.

1.3 Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

2 Designated Nature Conservation Sites

2.1 International and European Sites

Internationally designated sites have been scoped out of further assessment in the ES. Natural England concur with this approach and consider there to be no relevant impact pathways from the proposed development to international sites.

2.2 Nationally Designated Sites

Sites of Special Scientific Interest

The applicant has identified two SSSIs within 10km of the proposed development: 'Hilton Gravel Pits' SSSI and 'Old River Dove, Marston On Dove' SSSI. NE concur that no further SSSIs are likely to be impacted by the proposals.

Further assessment has been scoped in for Hilton Gravel Pits SSSI from all phases of the development, which is welcomed.

- The EIA Scoping report does not indicate any intention to undertake wintering bird surveys despite the Hilton Gravel Pits SSSI, which is notified partially for its wintering waterfowl assemblage, being directly adjacent to the Cable Corridor Options (CCO). NE advise that wintering bird surveys should be undertaken within and around the proposed order limits in proximity to the SSSI, to inform an assessment of potential disturbance to birds using both the SSSI itself and supporting habitats outside the SSSI.
- It is also noted that no breeding bird surveys are proposed along the CCO. NE advise that breeding bird surveys should be carried out in proximity to the SSSI.
- NE would welcome engagement from the applicant with regard to the assessment of impacts to this SSSI, and the potential opportunities to buffer, enhance or better connect it.

Further assessment has been scoped out for Old River Dove, Marston On Dove SSSI. Natural England advise that impacts to this SSSI should be scoped into the ES assessment.

- In particular, consideration should be made for air quality impacts from construction traffic, as the Affected Road Network may be closer to the SSSI than the order limits.

Air Quality

Natural England has produced air quality 'Standard Advice for Air Quality Impacts in Nationally Significant Infrastructure Projects' (See Annex B attached) and will not be providing bespoke air quality advice for this project. Nonetheless, this impact pathway must still be considered. The standard advice outlines the main air pollutants that must be considered and gives standardised advice on how to assess significance of impacts to designated sites.

2.3 Regionally and Locally Important Sites

Whilst Natural England will not provide detailed advice on these, the ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geo-conservation group or other local group and protected under the NPPF (para 180). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and

improving connectivity with wider ecological networks.

3 Landscape

Nationally Designated Landscapes

The development site is not within or likely to impact on any nationally protected landscapes.

Landscape and visual impacts

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

Whilst Natural England will not usually make comments on local landscape impacts, the EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and National Landscapes, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

The National Infrastructure Commission has also produced Design Principles [Design Principles for National Infrastructure - NIC](#) endorsed by Government in the National Infrastructure Strategy.

4 Protected species

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats).

Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England will not make detailed comments on Protected Species elements of this project. Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. Applicants should check to see if a mitigation licence is required using NE guidance on licencing [NE wildlife licences](#). Natural England are unable to advise upon the need for a licence; this responsibility falls to the developer.

Where licence need is identified, applicants should also make use of Natural England's charged [Pre Submission Screening Service](#), during the pre-application stages, for a review of a draft wildlife licence application. Through this service Natural England will review a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. [Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning](#) contains details of the LONI process.

District Level Licensing for Great Crested Newts

Where strategic approaches such as DLL for GCN are used, a Letter of No Impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider.

The DLL approach is underpinned by a strategic area assessment which includes the identification of risk zones, strategic opportunity area maps and a mechanism to ensure adequate compensation is provided regardless of the level of impact. In addition, Natural England (or an alternative DLL provider) will undertake an impact assessment, the outcome of which will be documented in the IACPC (or equivalent).

If no GCN surveys have been undertaken, Natural England's risk zone modelling may be relied upon. During the impact assessment, Natural England will inform the applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN.

The IACPC will also provide additional detail including information on the Proposed Development's impact on GCN and the appropriate compensation required.

By demonstrating that the DLL scheme for GCN will be used, consideration of GCN in the ES can be restricted to cross-referring to the Natural England (or alternative provider) IACPC as a justification as to why significant effects on GCN populations as a result of the Proposed Development would be avoided.

5 Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

Survey

It is welcomed that the applicant intends to undertake a detailed ALC survey on the site (para 6.10.1). Natural England advise that an ALC survey should be undertaken across the full development site (Order Limits), including cable routes, to enable avoidance of BMV land (i.e. micro siting) as far as reasonably practicable (NPS EN-1 Para 5.11.12), and inform soil management, reinstatement and re-use (NPS EN-5 Para 2.9.26). The ALC survey must:

- be carried out in accordance with the Agricultural Land Classification in England and Wales. Revised guidelines and criteria for grading the quality of agricultural land
- be carried out at a detailed level (1 auger boring per hectare) unless otherwise agreed with NE. This includes areas such as cable routes & enhancement areas.
- be carried out by a soil specialist with suitable credentials, such as member of Institute Professional Soil Scientists (MI Soil Sci).
- NE also advise that supplementary soil resource survey should be undertaken. This may include Peat Survey, pH testing and Nutrient Testing.

Avoidance

Paragraph 6.7.1 of the EIA Scoping report sets out a clear principle for the avoidance of BMV land, particularly for areas of hardstanding, which is welcomed. In line with the Secretary of State's decision on other recent projects (e.g. [Springwell Solar](#)), any hardstanding on BMV land for the lifetime of the development should be considered to cause a permanent loss of the BMV resource on a precautionary basis for the purposes of the ES, due to uncertainty in restoring the land to its original quality.

Careful consideration must also be given to ecological enhancements proposed as part of solar developments, to avoid, as far as reasonably practicable, the permanent loss of BMV resource. Natural England will always support the implementation of ecological enhancements where they are designed and sited appropriately. Often solar projects offer unique, regional scale opportunities for enhancement and connectivity. Despite leading to a reduction in available agricultural land, ecological enhancements can retain the soil resource and protect its long-term capabilities. However, where enhancements require intrusive groundworks, or include deep rooting species (i.e. woodland), this can lead to a permanent loss of BMV resource.

It is also noted that the new predictive mapping has been utilised to inform the Scoping report, but that this cannot be relied upon for site specific analysis. NE advise that the avoidance of BMV land, and the assessment undertaken in the ES, should be based upon the results of the site specific ALC survey.

The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable

use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Assessment

NE welcome the use of ISEP's guidance for the assessment, however, note that Tables 6.3 and 6.4 do not follow the expected sensitivity and magnitude criteria for BMV land.

The sensitivity of BMV land should be assessed as:

- ALC Grade 1 & 2 land: Very High
- ALC Grade 3a land: High

The Magnitude of effects to BMV land should be assessed as:

- Permanent loss of more than 20ha BMV land: Major
- Permanent loss of between 5 and 20 ha of BMV land: Moderate
- Permanent loss of less than 5ha BMV land: Minor

The EIA Scoping report does not discuss the assessment of cumulative effects upon soil & BMV land at Chapter 6. This must be included in the ES.

Soil Management

NE welcome the intention to provide an Outline Soil Management Plan with the ES, as well as the intention to ensure all disturbed areas will be restored to their original ALC grade following construction/decommissioning, as appropriate.

Research

NE welcome the intention of the project to provide an agrivoltaics research area to be delivered in partnership with an independent scientific research institute (para 2.3.3). NE would welcome engagement on this via our Discretionary Advice Service.

6 Other Advice

6.1 Ancient Woodland, ancient and veteran trees

Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 186 of the National Planning Policy Framework (NPPF) sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. This is reflected in NPS EN-1 paragraphs 5.4.14-15.

The ES should assess the impacts of the proposal on any ancient woodland or ancient and veteran trees, with the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement. Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees and will only provide bespoke advice in exceptional circumstances.

Natural England maintains the [Ancient Woodland Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland. The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

6.2 Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The ES should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

6.3 Biodiversity net gain

The Environment Act 2021 includes NSIPs in the requirement for Biodiversity Net Gain (BNG), with the biodiversity gain objective for NSIPs defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. It is noted that the applicant has acknowledged their responsibility to achieve BNG (para 5.2.43).

In order to maximise nature recovery and target habitat enhancement where it will have the greatest local benefit it is recommended that locally identified opportunities should be acknowledged and incorporated into the design of BNG (both on and off-site). This should include any locally mapped ecological networks and priority habitats identified within and close to the development site. Natural England recommend consultation with any local bodies, who may be able to provide invaluable local knowledge to help steer the mitigation and enhancement proposed at the site.

In addition, Local Nature Recovery Strategies (LNRS) are a new mandatory system of spatial strategies for nature established by the Environment Act 2021 which will contribute to the national Nature Recovery Network (NRN). Work is currently underway to develop these strategies, which will identify strategic priorities for nature protection, recovery, and enhancement. Given the size and scale of the project, there are opportunities not only for enhancing biodiversity in the locality, but also to create and enhance ecological connectivity

in the area, contributing to the Nature Recovery Network and climate change resilience. More information on the Derbyshire LNRS can be found here: [Homepage | Derbyshire's Nature Recovery Strategy](#). More information on the Staffordshire and Stoke LNRS can be found here: [Home - Staffs and Stoke LNRS](#).

Whilst Natural England are not the statutory consultee with regard to BNG, and as such will not make detailed comments on metric calculations and compliance, we would welcome further discussion with the applicant regarding their approach to BNG delivery for this project and the opportunities it poses for enhancement.

6.4 Connecting people with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 104 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

It is noted that the project intends to establish a legacy fund for community benefit (para 2.3.3). Natural England welcome this & recommend that opportunities through the fund are taken to improve access and understanding of nature, and the project itself. Natural England would welcome further engagement on this element of the scheme through our Discretionary Advice Service (DAS) & can offer advice on connecting people with nature and inclusion.

6.5 Climate change

Whilst it is beyond Natural England's remit to provide detailed comment on the proposed climate change assessment, Natural England can provide the below recommendations.

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 164), which should be demonstrated through the ES.

Avoidance of Peatlands and other carbon sequestering habitats should also be specifically considered in the ES, with opportunities for their enhancement, e.g. via peatland restoration or woodland planting, being incorporated wherever possible.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

Annex B: Standard Advice for Air Quality Impacts in Nationally Significant Infrastructure Projects (NSIPs)

Natural England provides the following standard advice on air pollution. This advice relates to the protection of protected sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981 and should be taken as Natural England's formal representation. This standard advice is applicable to all stages of the NSIP process and may be used by the applicant for NSIP pre application stages, by the Examining Authority (ExA) during the statutory stages of the NSIP and by the relevant Secretary of State as the competent authority.

Protected sites are 'sites of special scientific interest' (SSSIs) and 'habitats sites' (also called 'European sites'). For the purposes of this advice, Habitats Sites are Special Areas of Conservation (SACs), possible SACs, Special Protection Areas (SPAs), Potential SPAs, Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on Habitats Sites. Although their regulatory frameworks differ, the general principles and approach for air pollution assessment outlined for Habitats Sites are also relevant for SSSIs. Where the following advice applies to both, we use the term protected sites. Where the advice or approach differs, the individual terms are used.

This includes advice on information that is required to assess this and how to interpret the results of air quality modelling for the decision maker to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI. You should also consider any relevant caselaw that could affect how you carry out any air quality assessments.

Air pollutants

This advice covers the following air pollutants from the construction, operation and decommissioning phases of a proposal

- ammonia (NH₃)
- nitrogen oxides (NO, NO₂ or NO_x)
- nitrogen deposition
- acid deposition
- sulphur dioxide (SO₂)

Standing advice on air pollution and development is also available here:

<https://www.gov.uk/guidance/air-pollution-and-development-advice-for-local-authorities>

Whilst the standing advice does not cover NSIPs, it does include additional technical advice which may prove useful. However, in summary, Table 1 provides the steps that we advise should be taken to assess air quality impacts on protected sites. The applicant should provide their own assessment containing the information and detailed modelling you need. You need to review this and make your own conclusion.

Table 1: Sequential approach to air quality assessments

Stage	Step	Supplemental evidence/ basis for judgment
Initial screening for credible risk of an effect	1 Check Distance criteria - could significant emissions reach a protected site? Yes = move to Step 2 No = no further HRA required	The Air Pollution Information System (APIS) includes an introduction to air pollution. APIS provides site specific information on the interest features of individual protected sites and

			the sensitivity to air quality impacts of those features. Please see Table 2 for industrial air pollution screening distances. For road traffic impacts, roads on the affected road network that lie within 200m of a designated site should be considered. Use Magic Map to check the location of designated sites. Search for the location then select the 'Designations' option.
	2	Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts. Yes = move to Step 3 No = no further HRA required APIS Site relevant Critical Loads and Levels (based on literature and professional judgement) http://www.apis.ac.uk/src1 Some habitats may not have a critical load because there is not enough data. In these cases, you should find the critical load for a similar habitat type or feature.	The qualifying features of Habitats Sites can be identified in the relevant Site Conservation Objectives and Supplementary advice packages, which include a definitive list of legally qualifying features. These objectives are available here. Alternatively, a list of qualifying features can also be found by searching for the Habitats Site and SSSIs on Designated Sites View , alongside Conservation Objectives and Supplementary Advice for Habitats Sites. The above links will also show whether any of the qualifying features for Habitats Sites have a Restore or Maintain Conservation Objective in relation to air quality thresholds (critical levels or loads). If the site is a SPA or an SAC/SSSI designated for an animal species (as opposed to a habitat), determine whether the predicted pollution effects on the supporting habitat will have a negative effect on the notified species.
Detailed AQ modelling	3	Undertake detailed modelling using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS) Unless robust site-specific evidence is provided, we advise the lower range of the critical load should be used in modelling. If there are site specific reasons why it is more appropriate to use the higher end of the range, then this should be clearly evidenced.	Air Quality modelling should include relevant scenarios that are clearly identified. One such example of scenarios is a baseline plus future forecasts as follows: Baseline, a construction year, and future operational year(s), do nothing (without proposal), do something (with proposal); taking into account background trends for each pollutant). For proposals that will emit pollutants from a point source, it is helpful to provide isopleths of the dispersion modelling results, showing the predicted contours of pollutant concentration and deposition of the development. These may be assessed against the locations of protected sites and sensitive features within those sites. At least 3 years of meteorological data should be included within the AQ modelling for sources other than for road transport modelling The Institute of Air Quality Management (IAQM) has produced the following document to assist its

			members in the assessment of the air quality impacts of development on designated nature conservation sites: air-quality-impacts-on-nature-sites-2020.pdf
Applying screening thresholds	4a	Apply Screening Threshold Alone If below threshold alone, move to step 4b. If above = move straight to step 5	Ascertain the Process Contribution (PC) from the plan or project (emissions and predicted deposition). Apply Screening threshold (1% of critical level or load) alone using the <u>annual averages</u>. If the process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>alone</u> irrespective of the background levels.
	4b	Apply Screening Threshold In-combination. If below threshold in-combination = no LSE/significant risk of damage etc and no further assessment required. If above = move straight to step 5 Applicants might use the Joint Nature Conservation Committee (JNCC) 'decision-making thresholds' as a reason for not completing an in-combination assessment. If so, you should check they have correctly followed the JNCC guidance on decision-making thresholds. If this guidance shows they do not need to complete an in-combination assessment, continue to step 5. If applicants have not used the decision-making thresholds, or have not followed them correctly, they will need to provide an in-combination assessment.	Use information from competent authorities (Planning Portal, PINS NSIP register or Environmental Permitting register) to determine if there are plans or projects in the pipeline (not included in the current baseline) that should be considered in-combination If the combined process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>in-combination</u> irrespective of background levels.
Detailed Assessment of ecological impacts	5	This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures. If it is not certain whether sensitive features are located within the areas to be impacted, a site visit may be helpful to determine this. For SSSIs, this step should provide all the information necessary, including any required mitigation, for the decision maker to determine if there would be an adverse effect on a SSSI. If Habitats Sites are impacted by the proposals, move to Step 6.	The following information is likely to be helpful for the decision maker: Is the sensitive feature(s) located within the pollution footprint? Should it be there for the site to meet its Conservation Objectives or is there some other, natural reason (e.g. hydrology), why the sensitive feature(s) would not be expected to occur there? Check APIS Trends Tab for reasonable expectation on whether background pollution may be decreasing or not. Habitats that have already been subject to high background nitrogen deposition can develop tolerance to further deposition. This cannot be used to justify further exceedance as it would undermine conservation objectives to reverse decline. You should consider predicted effects on

			the species richness of a habitat against the site's conservation objectives.
Appropriate Assessment (AA) for habitats sites	6	The competent authority to undertake their AA to conclude whether or not there will be an adverse effect on integrity (AEOI) of habitats sites. Any mitigation proposed should also be assessed at this point. Should the AA conclude that the proposal would have an AEOI that cannot be excluded with mitigation measures, consider the derogation route of the HRA process. Should compensation measures be required under derogation, please contact Natural England for specific advice. Note: If an AA has been undertaken of the proposals <u>alone</u> and concluded that there will not be an adverse effect on integrity, if there are residual impacts that are not fully mitigated, these will need to be considered in combination with other plans or projects	Where mitigation is required to enable a conclusion of no adverse effect on integrity to be reached the AA must be able to show that mitigation measures can be relied upon to avoid adverse effects over the full lifetime of the project (ie construction, operation and decommissioning where relevant). To be viable, such measures should be effective, reliable, timely, guaranteed and of sufficient duration. The assessment of such measures should be supported by evidence. When deciding on whether the proposals set out in the NSIP will have an adverse effect on Integrity on a Habitats Site, the Conservation Objectives and any supplementary advice should be taken into account. Including whether the site is already exceeding the environmental thresholds for ammonia, nitrogen oxides and nitrogen deposition and has a restore conservation objective.

Mitigation measures

If you cannot conclude there is no adverse effect, the applicant will need to apply mitigation measures. Measures will only be appropriate if you can quantify their effectiveness in reducing emissions on the protected site. You should check that mitigation measures are in place to avoid adverse effects on site integrity over the lifetime of the project.

Mitigation may include measures that:

- the applicant volunteers
- you impose through formal conditions or restrictions in any permission or authorisation – these may be different or stricter measures than ones proposed by the applicant

Examples could include:

- relocation or redesign of developments to avoid impacts on protected sites
- control of other emissions of the same pollutants with an overlapping effect
- a change in stack height for industrial processes
- Euro 6 standards for construction machinery
- adding wooded shelterbelts, trees, green walls and hedges to limit dispersal of emissions, as long as these measures in themselves would not negatively impact the protected site

Table 2: Industrial air pollution screening distances

Emission source	Distance for SSSIs	Distance for habitats sites
Industrial developments	2km	5km
General combustion processes (under 20MW energy input)	500m	500m
General combustion processes (20MW to 50MW energy input)	2km	2km
General combustion processes (over 50MW energy input)	2km	10km
Mechanical and biological waste treatment	500m	500m
Landfill waste	2km	2km
Compost (under 500 tonnes maximum annual operational throughput)	500m	500m
Compost (500 to 75,000 tonnes maximum annual operational throughput)	1km	1km
Compost (over 75,000 tonnes maximum annual operational throughput)	2km	2km
Airports, helipads and other aviation proposals	5km	5km
Oil and gas exploration and extraction	500m	500m
Quarries	200m	200m
Other industrial developments causing air pollution	500m	500m

Additional advice

Common Standards Monitoring¹ is used to define the ecological condition of a protected site. It is undertaken on a broader level and does not currently consider air quality impacts. The relevant benchmark for assessing impacts is the critical thresholds. Therefore, the existing status of a designated site should not be the sole reason for judgement on potential impact.

For many protected sites, the current background pollution may already be exceeding the relevant critical load/level from a different source type to the project being assessed (e.g. where the main source of background exceedance is due to agriculture, but the proposal is an industrial project). Proposals must consider their own impacts against the relevant environmental thresholds. There are many reasons why background levels are high, but the conservation objective is to 'maintain or restore' air pollutants to within these benchmarks. The objective would be undermined by proposals that add further emissions, including if it compromises any strategic initiatives to reduce air pollution levels.

You must determine if there is evidence that the increased emissions represent a measurable risk and could compromise the strategic initiatives. You would need to consider information on:

¹ [HYPERLINK "https://jncc.gov.uk/our-work/common-standards-monitoring/"](https://jncc.gov.uk/our-work/common-standards-monitoring/) [Common Standards Monitoring | JNCC - Adviser to Government on Nature Conservation](#)

- the extent to which any declining national trends in air pollution, or strategic initiatives to tackle emissions affecting the site more locally, might otherwise lead to improvements
- the rate at which such improvements are anticipated
- the extent of the impacts of a plan or project, and whether those impacts can properly be considered temporary and reversible

If the affected area is small, consider the risk to site integrity proportionally. For example, how important is the area in terms of rarity, location, distribution, vulnerability to change and ecological structure. If it is a supporting habitat, consider its importance to the designated species on the site. Consider any site survey information that may provide evidence of existing impacts.

Emissions from road transport (if applicable):

Emissions from road transport may be an operational impact or be limited to the construction phase of proposals. Roads on the affected road network that lie within 200m of a designated site should be considered. If all affected roads are further than 200m from a protected site, then there is no likely significant effect (habitats sites) or no impact (SSSIs) on protected sites from air pollution

Improvements in vehicle technology and a move to further electrification of the vehicle fleet will, over time, result in lower background levels of nitrogen deposition and nitrogen oxide pollution near to roads. As most sites are currently over the relevant thresholds and have a “restore” objective, this should be noted as a “retardation” of the restore objective and expressed in months and years. Retardation of less than one year is acceptable as air quality is considered against an annual average. Please note that ammonia impacts cannot be assessed in this manner as there is no certainty of a declining trend.

Defra Emissions Factor Toolkit

The Defra Emission Factor Toolkit (EFT) allows for gradual introduction of electric vehicles into the fleet (cars and LGVs) up to 2050. These are the emission factors we advise that NSIPs should be using (which we advise should also consider ammonia emissions as well as NO_x – using one of three sets of emission factors available). However, the User Guide to the EFT highlights that calculation tools only support assessment years 2018 up to 2030, reflecting that predictions and assumptions beyond then become less certain. Where EFT calculated emissions are to be used after 2030 to inform air quality assessments, the EFT indicates that appropriate caveats around the limitations of the analysis must be included to accompany the assessment. We therefore advise that emission factors no later than 2030 are used for HRAs– which would mean percentages of EVs are at predicted 2030 levels. A key concern is that, although EVs themselves have no tailpipe emissions, and the percentage of them will increase, the remaining combustion engine vehicles on the road may become more polluting as they age as selective catalytic reduction technology may create ‘ammonia slip’ over time. Ammonia slip is the unreacted ammonia (NH₃) that escapes from a selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) system used to reduce NO_x in exhaust gases.

Motorways within the affected road network

There is potentially an added complexity to the need for in-combination assessments when considering traffic on motorways, as including these roads can mean that the assessment takes

account of traffic growth related to strategic factors or long range (external) trips that are independent of the specific plan or project and neighbouring plans or projects. These roads are strategically important and tend to have high volumes of traffic as well as being well represented in traffic models. The air quality assessment should therefore include traffic flows on these roads, but the external trips can be excluded from the initial screening assessment. A justification and explanation of which journeys are included and excluded in the traffic model should be provided.

The conclusions reached on the air pollution impacts of the HRA must be incorporated into the wider HRA conclusions for other impact pathways identified for the proposals.

How to Use this Advice in Decision Making

Provided you have followed the above advice and have been able to conclude there would be no adverse effects on any protected sites we would be able to agree with your decision to authorise the project

RE: CASTLE WAY

[REDACTED]
[REDACTED] >
Cc Stephen Sprei <Stephen.SPREI@networkrail.co.uk>

You don't often get email from [REDACTED]@networkrail.co.uk. [Learn why this is important](#)

OFFICIAL

Network Rail response to reference EN0110037 Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11

TO WHOM IT MAY CONCERN

The EIA Scoping Report has been prepared by BSSL Derbyshire 1 Ltd (the applicant) to support an Order granting Development Consent for the Proposed Development.

NR do not offer a view on the scope of an EIA as this is for the Local Planning Authority to determine. However, NR Signal and Sighting Engineers have advised that, glint and glare effects can originate from features located at considerably greater distances than the proposed 250 m assessment extent.

NR's position is therefore that Glint and Glare assessments should not be dismissed simply because the closest railway receptor is 250m from the proposed solar panel areas, and therefore should not be scoped out of the EIA unless and until a site specific analysis has been carried out with an NR signal and sighting engineer. It should also be noted that mitigation referred to in the EIA Scoping Report in relation to Glint and Glare should be confirmed to be maintained for the lifetime of the project (construction and operation).

NR also wish to be included in further discussions with the applicant to explore the impacts of the proposed development on the railway in more detail and any appropriate mitigation within a Transport Assessment, which should consider the site's proximity to the operational railway and any railway assets such as overbridges and level crossings.

Please continue to consult us as this proposal develops via our planning inbox: townplanningsouthern@networkrail.co.uk and copying Stephen.SPREI@networkrail.co.uk.

Yours faithfully



Jordan Donovan
Legal Counsel (Eastern Region)
Network Rail Infrastructure Ltd
Mobile: 07593 892 064

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EN0110037 Castle Way Energy - EIA Scoping and Consultation

From Cooper, Graeme <Graeme.Cooper@ne-derbyshire.gov.uk>

Date Fri 26/06/2026 09:04

To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Cc Development Control <DevelopmentControl@ne-derbyshire.gov.uk>

You don't often get email from [REDACTED]@ne-derbyshire.gov.uk. [Learn why this is important](#)

Thank you for consulting North East Derbyshire District Council on the above proposal.

The Local Planning Authority confirms that, given the proposal is located in excess of 15 miles from the District boundary, it is not considered likely to give rise to significant effects within North East Derbyshire. On that basis, the Council has no comments to make in respect of the Environmental Impact Assessment scoping.

Kind regards

Graeme Cooper
Team Leader – Development Management
BSc(Hons) DIP, MSc
[North East Derbyshire District Council](#)

****Upcoming Leave 10 July - 19 July****

Desk: 01246 217174

Mobile: 07929 826617

www.ne-derbyshire.gov.uk

Social media and online links:

 <https://linktr.ee/neddc>

[BSL Interpretation Service](#)

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Joseph Jones
Environmental Advisor
On Behalf Of The Secretary Of State

29 June 2026

Dear Sir/Madam

PLANNING CONSULTATION RESPONSE

Proposal: Proposed application by BSSL Derbyshire 1 Ltd (the applicant) for an Order granting Development Consent for the Castle Way Energy (the proposed development) Scoping consultation

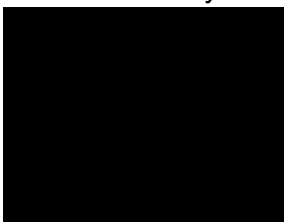
Location: BSSL Derbyshire 1 Limited 16 Stratford Pl, Greater London W1C 1BF

OUR APPLICATION REFERENCE 26/00834/NAC

With reference to your consultation on the above, I am writing to advise you that North West Leicestershire District Council has no comments to make with regard to the proposals, provided you are satisfied that the proposed development complies with the relevant development plan policies.

The planning application has not been formally reported to the District Council's Planning Committee. In these circumstances the comments made are those of an officer of the council under delegated power arrangements agreed by the Planning Committee.

Yours faithfully



**Planning and Development Team Manager
Proper Officer Of The Council**

Response from Repton Parish Council

From Caroline Crowder <clerk@repton-pc.gov.uk>

Date Tue 14/07/2026 11:12

To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Cc [REDACTED]; Marv Hurren [REDACTED] David
Dickson [REDACTED] Peter Rainey [REDACTED]

Good Morning

Repton Parish Council met last night and discussed this. Their response is below

Objection for Consultation Process: As a parish in the South Derbyshire District we object to the Castle Way Project to the proposal being classified as a National Significant Infrastructure Project. The sites are and should be treated as separate sites in the normal manner involving the Local Council approval process that supports localism and devolution. We see no reason for the sites to be linked other than to achieve NSIP status since none of the sites would generate 100Mw. The above objection does not cover the multitude of other concerns (e.g. impact of electrical connection requirements from the sites, loss of agricultural land, impact on food security etc.) that need to be properly addressed as any proposal is developed.

Kind Regards

Caroline Crowder CiLCA BSc (Hons)

Clerk and Responsible Finance Officer

Part time, available Monday 14:00 - 17:00 and Thursday 09:00-12:00

Repton Parish Council

Repton Village Hall

Askew Grove

Repton

DE65 6GR

Mobile: [REDACTED]

Website: www.repton-pc.gov.uk

Joseph Jones
Environmental Advisor
Planning Inspectorate

Date: 19th June 2026

Our Ref: 26/02292/AAC

By email to:
CastleWayEnergy@planninginspectorate.gov.uk

Your Ref: EN0110037

Dear Mr Jones

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING REFERENCE:	26/02292/AAC
PROPOSAL:	Scoping consultation in relation to proposed application by BSSL Derbyshire 1 Ltd for an Order granting Development Consent for the Castle Way Energy
LOCATION:	Site A Land At Sudbury Aston, Site B Land At Church Broughton, Site C Land Between Dalbury, Trusley And Etwall, Site D Land Located Northeast And Southeast Hilton And Marston On Dove, Site E Land Around Stretton, Rolleston On Dove, Eddinton.

Thank you for consulting Shropshire Council as a 'consultation body' on the scoping consultation in relation to the above proposal.

I confirm that Shropshire Council has no comments to make on this matter.

Yours sincerely,



Principal Planning Officer



Northern Team



Please ask for Development Management

castlewayenergy@planninginspectorate.gov.uk

planning@southderbyshire.gov.uk

SDDC Ref: DMOT/2026/0860

15th July 2026

Dear Joseph Jones,

SDDC Ref: DMOT/2026/0860

Proposed Development: EIA Scoping Opinion for proposed Order granting Development Consent for the Castle Way Energy NSIP (the proposed development) at Castle Way, Willington

Thank you for the recent consultation notification dated 17 June 2026 regarding the EIA Scoping Opinion for proposed Order granting Development Consent for the Castle Way Energy NSIP (the proposed development) at Castle Way, Willington.

The development is described as *a solar photovoltaic (PV) electricity generating station of over 100MW and associated development comprising Battery Energy Storage System (BESS), substations, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance, and decommissioning phases. The proposed development plans to connect to the National Grid at the existing Willington 400kV substation.*

A response is requested in regard to this proposal and the Environmental Statement Scoping Report.

Link: [EN0110037-000002-Castle Way Energy EIA Scoping Report.pdf](#)

Officers have reviewed the scoping report and the range of information it proposes to include within the Environmental Statement. Notwithstanding this there are some areas which are considered should be included within the report in particular this includes the recognition of the South Derbyshire Draft Local Plan, which is currently under consultation and scheduled to be submitted over the coming few weeks.

The developer and determining authority should be aware of the ongoing Part 1 Local Plan review which is to be submitted to the Secretary of State imminently. The closest sites to the proposed NSIP screening are the (STRA2) allocation for development of Land South of Mickleover, and the East Midlands Freeport allocation (INF3) located west of Eggington Road, immediately south of the A50 and west of the A38. The Land South of Mickleover allocation proposes housing (circa 2500 dwellings), employment land, retail centre, primary school, public open space, and other associated facilities and works. The East Midlands Freeport allocation proposes a low carbon advanced manufacturing and logistics hub, with connectivity by rail, road and air.

STRA2 and INF3 are the closest allocations to the Castle Way, Willington NSIP site. The delivery of these allocations is required to be unimpeded by the proposed NSIP. The NSIP application must demonstrate that the proposal would not adversely impact the delivery of these sites. Please note the following link to the Local Plan:

Link: [Local Plan | South Derbyshire District Council](#)

The Castle Way Energy EIA Scoping Report, as submitted for consideration, includes the following key sections:

- 6.0 Agricultural Land and Soils
- 7.0 Air Quality
- 8.0 Archaeology
- 9.0 Built Heritage
- 10.0 Climate Change and Green House Gasses
- 11.0 Ecology and Biodiversity
- 12.0 Glint and Glare
- 13.0 Ground Conditions and Contamination
- 14.0 Health
- 15.0 Landscape and Visual Impacts
- 16.0 Noise and Vibration
- 17.0 Socio-Economics
- 18.0 Transport and Access
- 19.0 Water Environment and Flood Risk
- 20.0 Topics to be Scoped Out
- 21.0 Cumulative Effects Assessment

A desk top exercise has been undertaken by the Local Planning Authority at South Derbyshire District Council, and technical consultation input to inform the consideration has been requested from relevant consultees to inform this response.

Proposal and site context:

As outlined within the submission documentation, one of the key factors for determining an appropriate location for solar farms is the proximity of the site to a suitable Point of Connection (POC) to export power to the electricity distribution network. The submission documentation outlines that Brockwell Energy has secured an agreement to connect Castle Way Energy into the electricity transmission network at the Willington 400kV Substation. Alongside the POC, the site selection process considered planning and environmental designations and specific sensitive receptors.

The scheme comprises five sites, Site A to Site E, together with the point of connection at Willington Substation. Each site incorporates a draft plan of land being considered for potential solar development and associated infrastructure, together with land being considered for ecological enhancement. The applicant has provided the following context to the sites under consideration.

Site A - comprises agricultural land situated between Sudbury, Aston and the surrounding rural settlements. Access is provided via a network of local rural lanes including Muse Lane adjacent to the west and Breach Lane adjacent to the south-east.

Site B - comprises a predominately agricultural tract of land located around Church Broughton to the south and Barton Hall to the north.

Site C - is split across three distinct land parcels located between Dalbury, Trusley and Etwall. The north-western parcel is positioned to the west of Dalbury. The north-eastern parcel is situated to the east of Dalbury and extending toward All Saints' Church and the southern small parcel, located to the north of Etwall, forms a compact area of agricultural land adjacent to the A516 corridor.

Site D - is split across two distinct parcels comprising predominantly agricultural land located to the north-east and south-east of Hilton and Marston on Dove. The northern parcel, positioned immediately south of the A50 Foston - Hatton - Hilton Bypass corridor. The southern parcel is located further south-east toward Marston on Dove and includes Hilton Cricket Club. We are aware of the importance of the cricket club to the community and we would not seek to develop the existing cricket club area unless an alternative site was already provided.

Site E - is comprised of four distinct parts of a wider land parcel located around Stretton, Rolleston on Dove, Egginton and the A38 Derby Road corridor. The north-western and north-eastern parcels are adjacent to the River Dove corridor. The southern parts form smaller, separate parcels of agricultural land

adjacent to the A38 Derby Road. Both parts are separated by the River Dove and adjacent to Monks Bridge.

Point of Connection - The Willington 400kV Substation is a major National Grid electricity infrastructure node located south-east of Willington and west of the River Trent. Brockwell Energy already has an agreement with National Grid to connect up to 300 megawatts (MW) of solar power to the electricity transmission network through Willington.

SDDC Local Plan:

The South Derbyshire District Local Plan Part 1 Review has recently concluded consultation. The draft Local Plan could reasonably be expected to be approved in winter/ spring 2026/27. SDDC request that the impact upon the strategic allocations within the plan be included within the scope of the Environmental Statement. In particular the Environmental Statement should consider in detail the implications of the proposals potentially impeding the delivery of; the Land South of Mickleover (STRA2) allocation which proposes housing (circa 2500 dwellings), employment land, retail centre, primary school, public open space, etc; and the East Midlands Freeport (INF3) allocation which proposes a low carbon advanced manufacturing and logistics hub, with connectivity by rail, road and air. The site of the Freeport allocation is located west of Eggington Road, immediately south of the A50 and west of the A38. These are the closest allocations to the site and therefore both require careful and thorough consideration

SDDC requests that the scope of the Environmental Statement is extended to include the draft Local Plan and have particular regard to a detailed consideration of any associated impacts arising from this development to the allocations STRA2 and INF3. In summary, the draft local plan, which will, subject to examination, be adopted within the early stages of this project, should be considered within the Environmental Statement and as a material consideration of significant weight in the determination of the application.

The submitted EIA Scoping Report does not detail an assessment of the proposal against relevant neighbourhood plans. It is recommended that the overall proposal together with each site is thoroughly reviewed in the context of the localised environment and where applicable the proposals should be assessed in full against the relevant nearby Neighbourhood Development Plans. It is recommended that this assessment is incorporated into any forthcoming Environmental Statement. The following comprises a list of the localised Neighbourhood Development Plans:

- Hilton, Marston-on-Dove and Hoon Neighbourhood Development Plan
- Willington Neighbourhood Development Plan
- Etwall Neighbourhood Development Plan
- Findern Neighbourhood Development Plan
- Burnaston Neighbourhood Development Plan

Consultation responses:

The Local Planning Authority at South Derbyshire District Council have recently received the above referenced EIA Scoping Opinion consultation request in regard to the Castle Way Energy NSIP. Formal technical consultation input has on 30 June 2026 been requested to inform the response of SDDC. Due to restricted timeframes and having regard for consultation requirements for Castle Way Energy with other parties, SDDC predominantly undertook consultation with internal consultees. The Conservation Officer, County Archaeologist, Environmental Health, Tree Officer, Local Flood Officer, Design Officer, Biodiversity Officer, and Local Ward Councillors were notified in regard to this application submission. The following presents a summary of the consultation responses received at the time of formulating this response. Full copies of the responses received shall be appended to this response.

Conservation Officer -

- The proposal spans a large geographical area of the district, and proposed sites are located close to key heritage assets, which require consideration.
- Regarding heritage, I have reviewed the proposals and consider that the proposed development, as stated within the supporting information, stands to have an impact and potential level of harm upon

Designated Heritage Assets, Non-Designated Heritage Assets and Conservation Areas. I therefore have concern regarding the proposal's harm to the historic environment and landscape character as, given the scale of the development proposed, it is possible for the impacts to be felt to the setting of heritage assets.

- I suggest the following points are required:

1. Baseline Heritage Assessment including archaeological desk-based assessment.
2. examination on the impact on South Derbyshire's villages and Conservation Areas as well as the concentration of Designated and Non-Designated Heritage Assets within the villages and neighbouring settlements
3. Statement of Significance and a Heritage Impact Assessment to identify key significance and impact, plus options to mitigate the impacts of the proposed development.
4. An assessment of each designated heritage assets should be reported.
5. Consult with the Derbyshire Historic Environment Record for non-designated heritage assets and archaeological potential.
6. Assessment of designated or non-designated heritage assets, including those of archaeological interest, that may be directly impacted upon during the operational phase. Also include assessment if the construction phase also has the potential to indirectly impact upon the heritage assets.
7. Assessment of the contribution that heritage designations and heritage assets make to conservation interest and cultural associations of the landscape and to visual amenity. Consider the 'value' (and therefore, the sensitivity) of landscape character receptors.

(01 July 2026).

County Archaeologist -

- I have been consulted previously by the applicant's archaeological consultants for informal pre-application comments in relation to scope and aim of the geophysical surveys, and on the archaeological/historic environment approach to the scheme in general, and have provided advice on appropriate methodologies and potential areas of concern. Comments relate to known archaeological remains both designated and undesignated, and the probability of encountering previously unknown archaeological remains ('archaeological potential').

- The applicant's scoping report includes a section on archaeology (Section 8). This section of the scoping report captures the likely baseline in terms of known conventional archaeology. While there is nothing to object to in this, the focus is currently too narrow. Omitted from consideration at present include in regard to geo-archaeology, palaeolithic archaeology, historic landscape character and value, the setting of scheduled monuments, and archaeological potential.

- I recommend therefore that the EIA process for archaeology should start from the landform/geo archaeological analysis as outlined above, with the input of a geo-archaeological specialist, and the baseline expanded using additional datasets including palaeochannel maps (Derbyshire HER), Historic Landscape Character (Derbyshire HER HLC and HLA datasets might both be useful here), Pleistocene landforms with the input of a palaeolithic specialist, and cropmark transcriptions (Derbyshire HER), to inform a landform-specific evaluation and prospection methodology which targets appropriate non-intrusive and intrusive techniques to specific landscapes and landforms to best assess and map the distribution of archaeological significance and research value across the study area. Non-intrusive techniques might include geophysics (e.g. magnetometer, earth resistance, electro-magnetic, Ground-Penetrating Radar), fieldwalking, LiDAR, UAV micro-topography and/or multi-spectral, geo-chemistry, review of existing BGS boreholes, while intrusive techniques might include monitoring/interpretation of GI boreholes, bespoke borehole/auger survey, test pitting and evaluation trenching. I am happy to provide further advice and input to the project as these methodologies are defined, refined and brought to bear on the project area.

(01 July 2026).

Cllr Andrew (Hilton Ward) -

- At the highest level I believe that CWE's proposal is particularly deficient in the following areas:

1. The Cultural Significance and heritage of the landscape with respect to Barton Blount Hall near the Church Broughton Site and Monks Bridge near the Egginton Site.
2. Unreasonably narrow approach to Ecology and Biodiversity. Bats – Roosting, Reptiles, Badgers, and Fish should remain 'In Scope'.
3. The proposed approach to Visual Impact, and particularly lighting, is much too minimal.
4. The proposed analysis of Water and Flood Risk and Climate Change Resilience, given the regular flooding that already takes place in and around Egginton, is insufficient.

5. Many areas of Construction and Decommissioning are “Scoped Out”, at least in part, as they are considered ‘temporary’ or ‘short term’. The Applicant is trying to claim that many significant Decommissioning activities should be “Out of Scope”. Construction and Decommissioning are fundamentally different activities, and Decommissioning should be suitably considered now.
 6. The Scoping Report seeks to exclude walkers, horse riders and cyclists from the receptors being considered for Glint and Glare analysis. These must be included. Solar panels, fencing, security cameras and the loss of visual amenity will be severe around Rights of Way. That part of the proposal that seeks to put solar panels into fields regularly used for recreational activities is strongly challenged. Local Sporting activities on land designated as an Asset of Community Value (ACV) such as the Cricket pitch will need to show that full funding for alternative suitable facilities nearby are in place. The Derby Airfield will need to be assured of the full aviation safety of any wires in the vicinity of their operation and a robust independent study of the impact of Glint and Glare on its landing operations.
- Further, broader analysis if the EIA is to provide a balanced analysis of the proposed development is required in regard to Agricultural Land and Soils, Air Quality, Archaeology, Greenhouse Gases, Climate Change Resilience, Ecology and Biodiversity, Glint and Glare, Visual Impact, Noise and Vibration, Transport and Access, Water Environment and Flood Risk, and Cumulative Effect.
 - The proposed Scope of the EIA must be extended for the reasons documented above.
- (06 July 2026).

Environmental Health -

I’ve no specific concerns or comments at this stage.
(09 July 2026).

Tree Officer -

- The proposed development does not appear to directly impact any trees protected by a Tree Preservation Order (TPO), nor are any trees located within a designated Conservation Area.
 - The submitted plans indicate that the development is located in close proximity to a number of small woodland blocks and a substantial number of mature field trees situated both within and adjacent to the site boundaries. These trees collectively make a significant contribution to the character of the local landscape, visual amenity, biodiversity, and ecological connectivity of the wider countryside.
 - Particular consideration should be given to several of the mature field trees, which may possess veteran characteristics and could potentially qualify as veteran or ancient trees. Such trees are an irreplaceable habitat and will require significant protection. Their retention and long-term safeguarding should therefore be a key consideration in the design and assessment of the proposal.
 - At the EIA scoping stage, insufficient detail has been provided to fully assess the potential impacts of the development on these trees and woodland features. Potential direct and indirect effects may arise from construction activities, changes in ground levels, excavation for infrastructure and cable routes, altered drainage patterns, increased access requirements, soil compaction and subsequent operational and maintenance activities.
 - The applicant should therefore be required to submit a comprehensive Arboricultural Impact Assessment (AIA), supported by a detailed tree survey undertaken in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Detailed Arboricultural Method Statements and Tree Protection Plans should also be provided for approval.
 - Given the scale of the proposed solar farm and the high amenity and ecological value of the existing field trees and woodland boundaries, it is essential that robust tree protection and long-term management measures are secured through the planning process to ensure these important landscape features are retained and protected for the lifetime of the development.
- (09 July 2026).

Local Flood Officer -

- Site A - Flood zone 1, Site B - Flood zone 1, Site C - Flood zone 3 (parts of site), Site D - Flood zone 3, and Site E - Flood zone 3 - EA flood defences in place to protect Egginton and the Greenways property.
- A site-specific flood risk assessment (FRA) will be needed, together with a successful sequential and exception test, and Environment Agency approval.
- This is a major development and the LLFA will need to be informed. Any works in or nearby an ordinary watercourse may require consent under the land drainage act.
- Full and comprehensive details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for

surface water storage. It is also noted that SDDC also have a high-risk balancing reservoir which protects Willington from flooding. This high-risk balancing reservoir is protected under the Reservoirs Act 1975.

- I can go into more details if required regarding surface water, hierarchy of drainage options, how will surface water be avoided during construction phase, applicant needs to obtain all the relevant information to the proposed discharge in land that is not within their control, surface water drainage plans, on site surface water management, climate change needs to be factored in.

(09 July 2026).

Biodiversity Officer -

At this early stage, the following matters require much fuller explanation and assessment.

1. Piecemeal and scattered nature of the development
2. Cable routes and connection infrastructure
3. River Dove, tributaries and floodplain
4. Flood risk and surface-water runoff
5. Riparian wildlife and watercourse buffers
6. Water quality
7. Hilton Gravel Pits Local Nature Reserve
8. Agricultural land and soil restoration
9. Farmland birds and skylarks
10. Landscape-scale aftercare and catchment restoration
11. Operational lifetime of the solar farm
12. Decommissioning and cable removal
13. Future agricultural use and biodiversity net gain
14. Information requested before the next consultation

Requested outcome

The layout should be substantially reconsidered where it would affect floodplain, riparian corridors, sensitive tributaries, Hilton Gravel Pits LNR, important soils or established wildlife networks.

The applicant should demonstrate that avoidance has genuinely guided site selection. Mitigation, drainage works and future BNG should not be used to justify avoidable development in environmentally sensitive locations.

No part of the project should proceed to application until there is sufficient evidence that the solar sites, cable routes, battery storage and grid connection can be constructed, operated and decommissioned without increasing flood risk or causing unacceptable harm to the River Dove catchment and its wildlife.

(10 July 2026).

Egginton Parish Council -

- An executive summary and final draft representations have been submitted for formal consideration.

- In overview, Egginton Parish Council (EPC) objects strongly to any approach in the Castle Way Energy Scoping Report that scopes out, narrows, or defers critical local environmental impacts. The proposed development is not a standard, routine solar installation. It is a highly complex, multi-site project spanning several local planning authority areas. The Council is deeply concerned by the applicant's generic approach. Subsuming Site E (Egginton and Stretton) into a broad project-wide categorisation ignores severe local constraints. The Planning Inspectorate must require BSSL Derbyshire 1 Ltd to assess Site E as a distinct, exceptionally sensitive parcel. The subsequent Environmental Statement (ES) must evaluate all key impacts at parcel level before any development consent is considered.

- Principal Environmental Concerns

1. Water Environment and Severe Flood Risk
2. Aviation Safeguarding, Glint, and Glare
3. Archaeology, Built Heritage, and Historic Landscape
4. Ecology, Biodiversity, and Local Health

- Required Technical Parameters for the Scoping Opinion

- Site E-Specific Assessments
- Sequential and Exception Testing
- Up-to-Date Modelling
- Aerodrome-Specific Methodology
- Cumulative Constraints Plan
- Decommissioning Scope

Full copies of both the executive summary and final draft representations received from Egginton Parish Council on 10 July 2026 are appended to this report for full consideration.

(10 July 2026).

Comments of the LPA at South Derbyshire District Council:

Noise and vibration

The Environmental Health Officer at SDDC has responded to the consultation undertaken in regarding to the Scoping Report. The Environmental Health Officer has set out that there would be no specific concerns or comments at this stage. It is expected that the proposals would be reviewed further as this NSIP progresses with technical consultation input to be provided later in the process when more details are submitted for review in support of this submission.

Officers would like to reiterate the importance that the Environmental Statement includes assessment of the impacts of the project, and mitigation for such impact. A detailed consideration of associated implications including in regard to noise and vibrations would be required. It would be recommended that noise sensitive receptors are avoided.

Design and conservation

An overarching conservation and heritage related consideration has been undertaken in regard to this proposal and the request for scoping. The Conservation Officer at SDDC has provide a technical consultation response for full review and consideration. It is acknowledged that the proposal spans a large geographical area of the district, and proposed sites are located close to key heritage assets, which require consideration. The proposed development, as stated within the supporting information, stands to have an impact and potential level of harm upon Designated Heritage Assets, Non-Designated Heritage Assets and Conservation Areas. Concerns have been formally set out by the Conservation Officer, regarding the proposal's harm to the historic environment and landscape character as, given the scale of the development proposed, it is possible for the impacts to be felt to the setting of heritage assets.

In terms of the Environmental Statement this should include:

- Baseline Heritage Assessment including archaeological desk-based assessment.
- Examination on the impact on South Derbyshire's villages and Conservation Areas as well as the concentration of Designated and Non-Designated Heritage Assets within the villages and neighbouring settlements
- Statement of Significance and a Heritage Impact Assessment to identify key significance and impact, plus options to mitigate the impacts of the proposed development.
- An assessment of each designated heritage assets should be reported.
- Consult with the Derbyshire Historic Environment Record for non-designated heritage assets and archaeological potential.
- Assessment of designated or non-designated heritage assets, including those of archaeological interest, that may be directly impacted upon during the operational phase. Also include assessment if the construction phase also has the potential to indirectly impact upon the heritage assets.
- Assessment of the contribution that heritage designations and heritage assets make to conservation interest and cultural associations of the landscape and to visual amenity. Consider the 'value' (and therefore, the sensitivity) of landscape character receptors.

In respect of below ground heritage assets South Derbyshire District Council would defer comment on the scope of the EIA to the Derbyshire County Council Archaeology Team.

SDDC unfortunately currently do not have the services of an inhouse landscape officer. It is recommended that the applicant and determining authority seek the services of specialists in regard to a proposal of this nature. SDDC would however advise that the proposal should not detrimentally impact upon the surrounding landscape of the environment. Landscape mitigations will most likely be required to be carefully designed and incorporated as the proposal progresses.

Highways, transport and construction phase compounds -

On the matters of highway safety and capacity for both the construction phase and operational phase of the development, SDDC would defer to the opinion of National Highways and Derbyshire County Council

Local Highway Authority. In addition, SDDC would like to highlight, that whilst it is appreciated that the project route and design are yet to be finalised, however it is understood that Nationally Significant Infrastructure Projects require large construction compounds that have potential to give rise to environmental impacts for the duration of the construction phase. It is recommended that the spatial scope of the Environmental Statement have regard for the potential locations within the limits of the sites where such compounds might be located and to provide a contingency, without of course, overstating the likely effects but enabling flexibility to the construction program and compound locations that would avoid the need for additional applications and processes of which the delivery of the project would be reliant.

Ecology, biodiversity and flood risk

The Biodiversity Officer at SDDC has reviewed the Scoping Report and provided for formal consideration a formal technical consultation response. A full copy of this response is appended to this report in full for full consideration.

A range of ecology and biodiversity related matters require much fuller explanation and assessment. A further and fuller assessment should be incorporated into any forthcoming Environmental Statement. It has been requested by the Biodiversity Officer, that the layout should be substantially reconsidered where it would affect floodplain, riparian corridors, sensitive tributaries, Hilton Gravel Pits LNR, important soils or established wildlife networks.

The applicant should demonstrate that avoidance has genuinely guided site selection. Mitigation, drainage works and future BNG should not be used to justify avoidable development in environmentally sensitive locations. No part of the project should proceed to application until there is sufficient evidence that the solar sites, cable routes, battery storage and grid connection can be constructed, operated and decommissioned without increasing flood risk or causing unacceptable harm to the River Dove catchment and its wildlife. It is Officers consideration that the scope of the EIA fully include matters in relation to site selection and avoidance of ecologically sensitive areas, demonstrating how less sensitive areas have been identified, assessed and discounted.

Arboricultural consideration

The Council's Tree Officer considers the scope of information detailed within the supporting information and initially advises that the proposed development does not appear to directly impact any trees protected by a Tree Preservation Order (TPO), nor are any trees located within a designated Conservation Area.

Particular consideration should be given to proximity to a number of small woodland blocks and a substantial number of mature field trees, together with several of the mature field trees, which may possess veteran characteristics and could potentially qualify as veteran or ancient trees. These trees collectively make a significant contribution.

At the EIA scoping stage, insufficient detail has been provided to fully assess the potential impacts of the development on these trees and woodland features. Potential direct and indirect effects may arise from construction activities, changes in ground levels, excavation for infrastructure and cable routes, altered drainage patterns, increased access requirements, soil compaction and subsequent operational and maintenance activities.

The applicant should therefore be required to submit a comprehensive Arboricultural Impact Assessment (AIA), supported by a detailed tree survey undertaken in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Detailed Arboricultural Method Statements and Tree Protection Plans should also be provided for approval.

SDDC would concur with the suggestions of the Tree Officer and encourage the applicant and determining authority to review and consider further.

Flood risk and drainage -

In regard to the flood risk and drainage related consideration a range of concerns have been presented for consideration by the Local Flood Officer at SDDC. It is noted that Site C, Site D and Site E all fall within

Flood Zone 3. Flood defences are currently in situ to protect Egginton and the Greenways property. A site-specific flood risk assessment (FRA) will be required, together with a successful sequential and exception test, and Environment Agency approval. A range of concerns have been presented by the Local Flood Officer for consideration and incorporation.

These concerns have been re-affirmed by the comments of representation received from Egginton Parish Council. This comment objects strongly to any approach in the Castle Way Energy Scoping Report that scopes out, narrows, or defers critical local environmental impacts. The Parish Council have stated that the proposed development is not a standard, routine solar installation. It is a highly complex, multi-site project spanning several local planning authority areas. The Council is deeply concerned by the applicant's generic approach. Subsuming Site E (Egginton and Stretton) into a broad project-wide categorisation ignores severe local constraints. The Planning Inspectorate must require BSSL Derbyshire 1 Ltd to assess Site E as a distinct, exceptionally sensitive parcel. The subsequent Environmental Statement (ES) must evaluate all key impacts at parcel level before any development consent is considered. A range of principal environmental Concerns are presented including in regard to water environment and severe flood risk. SDDC would agree with the suggestions put forward by the Egginton Parish Council and Local Flood Officer, and would encourage the applicant and determining authority to review and consider further.

Any forthcoming Environment Statement would require a further and fuller assessment on flood risk and drainage related grounds.

Scoping Out

In some areas, including 'Major Accidents and Disasters' for example, the LPA at SDDC is not commenting and considers that the scope of such chapters should be reviewed with relevant specialists including the Derbyshire Constabulary, Fire and Rescue Services. The responsibility remains with the applicant and determining authority in ensuring that the scheme is designed with a consideration of all eventualities.

Lighting is mentioned under the topic of 'Scoping Out'. The LPA at SDDC would suggest that as the majority of the proposal is situated within a rural location the potential for lighting related implications does arise given the context surrounding the sites under consideration. The LPA at SDDC would recommend giving due regard to British Standards and Best Practice in this regard in the interests of mitigating against light pollution.

In regard to minerals safeguarding, it is noted that Site A, D and E all fall within this designated constraint. Engagement and discussion will therefore be required with the County Council as technical experts before considering if there is potential for this consideration to be scoped out.

Other Issues

The LPA at SDDC would hereby advise of the presence of renewable energy proposals, and other industrial developments, with planning approvals in the nearby surrounding locality of this NSIP. Some sites are closely linked to this NISP proposal.

The relative proximity of Dove Valley Park to the sites for the NSIP is noted by the LPA at SDDC. As advised by the Economic Development Officer at SDDC, Dove Valley Park is the district's most prestigious business park. Dove Valley Park is home to numerous international investors, including companies manufacturing high tech products and producing/storing food and drink products.

It is recommended that DCO limits should be extended to avoid the need for additional applications and processes of which the delivery of the project would be reliant.

The ES should clearly justify why this project requires 5 separate sites and whether 5 are required for the quantum of energy that would be required. Each site should be assessed in the scope of the EIA and its environmental impact assessed on a site level and cumulatively as a project. This should also include other committed development within the vicinity of the site.

Should it become apparent that a lesser area of land is required for the proposed NSIP the Council would expect to see the most environmentally sensitive site to be removed from the proposals first.

Conclusion:

South Derbyshire District Council expects that the comments provided will be reviewed and formally considered in full.

SDDC would like to request regular updates on the progress and outcomes of this project.

Should you require clarification on any of the points raised in this response, please contact the Development Management team at SDDC via planning@southderbyshire.gov.uk

Kind regards,

Development Management
South Derbyshire District Council

Appendices:

- Appendix 1: Conservation Officer - 01 July 2026
- Appendix 2: County Archaeologist - 01 July 2026
- Appendix 3: Cllr Andrew (Hilton Ward) - 06 July 2026
- Appendix 4: Environmental Health - 09 July 2026
- Appendix 5: Tree Officer - 09 July 2026
- Appendix 6: Local Flood Officer - 09 July 2026
- Appendix 7: Biodiversity Officer - 10 July 2026
- Appendix 8: Egginton Parish Council (final draft) via Lisa Brown - 10 July 2026
- Appendix 9: Egginton Parish Council (executive summary) via Lisa Brown - 10 July 2026

From: Francesca Siviter
Sent: 01 July 2026 06:13
To: Alex Matthews
Cc: Sarah Atherton; Planning
Subject: Comments on Application DMOT/2026/0860

Dear Alex,

**Comments on Application DMOT/2026/0860
EIA Scoping Opinion for proposed Order granting Development Consent for the Castle Way
Energy NSIP (the proposed development) at
Castle Way, Willington**

The proposal spans a large geographical area of the district, and proposed sites are located close to key heritage assets, which require consideration.

Heritage

I have reviewed the proposals and consider that the proposed development, as stated within the supporting information, stands to have an impact and potential level of harm upon Designated Heritage Assets, Non-Designated Heritage Assets and Conservation Areas. I therefore have concern regarding the proposal's harm to the historic environment and landscape character as, given the scale of the development proposed, it is possible for the impacts to be felt to the setting of heritage assets.

I suggest the following points are required:

1. A Baseline Heritage Assessment including archaeological desk-based assessment to identify additional heritage assets of local significance that may be impacted upon by the proposed development. To include the identification of the adverse visual impact resulting from the development on Heritage Assets within the district and the landscape. Due to the scale of the development proposed, the impact is likely to be both direct and to the setting of assets that are intended to command extensive landscape views. Identify the sensitivity of heritage assets within the Site and within a Study Area of 1km surrounding the Site. To include a site visit and walk over survey.
2. Careful examination on the impact on South Derbyshire's villages and Conservation Areas as well as the concentration of Designated and Non-Designated Heritage Assets within the villages and neighbouring settlements. A gazetteer of designated heritage assets should include detailed review of non-designated heritage assets, including an archaeological and geoarchaeological baseline.
3. A Statement of Significance and a Heritage Impact Assessment to identify key significance and impact, plus options to mitigate the impacts of the proposed development. Identification of how proposals will incorporate primary mitigation measures embedded into the project's design; measures to avoid or mitigate against adverse effects through landscaping, planning, siting, access, and layout.

4. An assessment of each designated heritage assets should be reported, focussing on the impact during construction and the long-term level of harm after completion. An assessment should be provided for each designated heritage asset;
 - a. Scheduled Monuments
 - b. Registered Park & Gardens
 - c. Grade I, II* & II Listed heritage assets
 - d. Conservation Areas
5. Consult with the Derbyshire Historic Environment Record for non-designated heritage assets and archaeological potential.
6. Provide an assessment of designated or non-designated heritage assets, including those of archaeological interest, that may be directly impacted upon during the operational phase. Also include assessment if the construction phase also has the potential to indirectly impact upon the heritage assets through changes to their settings, primarily though changes in the character and extent of views. Assess both potential direct physical effects and potential indirect effects, resulting from changes to the experience of heritage assets from within their settings.
7. Assessment of the contribution that heritage designations and heritage assets make to conservation interest and cultural associations of the landscape and to visual amenity. Consider the 'value' (and therefore, the sensitivity) of landscape character receptors. Awareness of heritage assets, and the components associated with them – such as 'designed' or 'recorded' views, to inform judgements upon the sensitivity of visual receptors. Suggested visual receptors for:
 - a. Users of PRoWs and local roads.
 - b. Residents of villages including and other scattered settlement.
 - c. Users of National Cycle Route
 - d. Recreational users

Francesca Siviter
Conservation Officer

Direct Telephone: 07920 446894

From: Alex Matthews <Alex.Matthews@southderbyshire.gov.uk>

Sent: 30 June 2026 15:31

Subject: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Good afternoon,

SDDC Ref: DMOT/2026/0860

Proposal: EIA Scoping Opinion for proposed Order granting Development Consent for the Castle Way Energy NSIP (the proposed development) at Castle Way, Willington.

I hope you are well. We have recently received the above referenced EIA Scoping Opinion request in regard to the Castle Way Energy NSIP. I have attached for reference a copy of the request letter which gives links to the details of the proposed development. Could you kindly please review and provide any comments that you may have? Given that the response of the Council is soon required, please kindly provide any comments no later than by close of play on Tuesday 07 July 2026. A swift response would be very much appreciated.

Please kindly ensure the following are copied into any comments you wish to provide:
Planning@southderbyshire.gov.uk , Alex.Matthews@southderbyshire.gov.uk and
Sarah.Atherton@southderbyshire.gov.uk

Kind regards,

Alex Matthews
Senior Planning Officer
Place and Prosperity

Mob: 07976081939
General Planning Tel: 01283 228706



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Alex Matthews

From: Steve Baker (Place) <[REDACTED]@derbyshire.gov.uk>
Sent: 01 July 2026 16:38
To: Richard Sandbach (Place)
Cc: Adam Lathbury (Place); james.white; Gary Ellis (Place); Alex Matthews; Sarah Atherton; Planning
Subject: RE: 2026 06 22 Castle Way Energy scoping opinion EN0110037

CAUTION! This Email was sent from outside SDDC. Only open links and attachments you're expecting.

[Report](#)

Dear Richard,

Thank you for consulting on the scoping report submitted to PINS in relation to the forthcoming EIA for the Castle Way Energy proposals. I have been consulted previously by the applicant's archaeological consultants for informal pre-application comments in relation to scope and aim of the geophysical surveys, and on the archaeological/historic environment approach to the scheme in general, and have provided advice on appropriate methodologies and potential areas of concern. With regard to built heritage assets please be advised by my colleague James White. The following comments relate to known archaeological remains both designated and undesignated, and the probability of encountering previously unknown archaeological remains ('archaeological potential').

The draft order limits currently encompasses an area of 1,704ha, including five solar sites (A-E) and nine cabling corridor routes which are expected to be refined further as the EIA work progresses. The proposed solar sites amount to 383ha in total. By any measure therefore this as an extremely large scheme with corresponding potential for impacts on historic environment including historic landscape. The scheme footprint encompasses parts of the Trent and Dove Valleys proper (alluvial and gravel terrace geology), extending north onto the valley slopes (Mercia Mudstone clays and silts, with deposits of glacial till in some areas). The Trent and Dove valleys, particular around the Trent/Dove confluence, have an exceptional record of prehistoric archaeology known from cropmarks and a long history of archaeological investigation within sand and gravel quarries and encompassing complexes of ceremonial monuments from the Neolithic and Bronze Age periods (many designated as Scheduled Monuments), field systems and settlements from later prehistory and the Romano-British period, palaeolithic material largely from reworked gravel units, and palaeo-environmental remains including waterlogged wood structures and logboats from a rich palaeo-channel record within these historically highly active and mobile river systems. On the valley slopes the archaeological record is sparser, but there is potential for palaeolithic archaeology from or beneath Pleistocene deposits, significant evidence for Romano-British settlement, and well-preserved medieval landscapes of ridge and furrow earthworks sometimes associated with medieval village archaeology and moated sites.

Given the scale of the development and the archaeological importance of its footprint the archaeological response therefore needs to be correspondingly intensive and detailed. The appropriate approach would be to start from a landform and geo-archaeological analysis of the scheme footprint, aiming to divide the site into coherent geo-archaeological units against which the known archaeological resource and the potential for previously undiscovered archaeology can be assessed using appropriate prospective techniques and methodologies for each individual landform. For example, cropmark transcripts combined with geophysics and followed up by evaluation trenching would be a typical approach for gravel terrace archaeology, whereas 'wet' alluvial archaeology might be better approached through channel mapping and borehole survey; earthwork/LiDAR survey combined with evaluation trenching and historic landscape analysis would be best on mudstone geologies where geophysics (or at least traditional magnetometer survey) can be ineffective; Pleistocene units with palaeolithic potential would need a bespoke approach based on specialist guidance (cf [Curating the Palaeolithic | Historic England](#)). This landform based approach would ensure that prospective methodologies are suited to their context and likely targets, and that the project did not miss those archaeologies less visible to the standard commercial archaeology approach based on blanket magnetometer survey.

The applicant's scoping report includes a section on archaeology (Section 8). This section of the scoping report captures the likely baseline in terms of known conventional archaeology – i.e. what is known from HER records and designations, and provides for geophysical survey (a baseline magnetometer survey has been carried out though the results do not form part of the scoping report), possibly further non-intrusive study, and evaluation trenching as appropriate. While there is nothing to object to in this, the focus is currently too narrow – omitted from consideration at present are:

- Geo-archaeology – the history of landforms and their interaction with human agency: as noted above this is the best starting point for characterising the archaeological baseline of such a large study area;
- Palaeolithic archaeology – this is rare and potentially highly valuable, and should be assessed initially through a study of Pleistocene landforms and their likely potential;
- Historic landscape character and value – such a landscape scale project will potentially have major impacts on historic landscape, and historic landscape character should therefore form part of the baseline (Derbyshire HER has two relevant datasets which should be interrogated) both *per se* and in combination with archaeological earthworks and as a contributor to the setting of designated heritage assets;
- The setting of Scheduled Monuments – some of the Scheduled Monuments within the study area (cf the Barton Blount medieval village earthworks) may experience significant impacts through development within their settings. These Monuments should be subject to the same setting study approach within EIA as currently being proposed for designated built heritage assets, to include use of the relevant Historic England guidance on the setting of heritage assets, the appropriate use of viewpoints and visualisation photography to establish baseline and illustrate potential quanta of impact, and the appropriate consideration of historic landscape and Historic Landscape Character where this contributes to the setting of a Monument.
- Archaeological potential – emerging from the combined background work needs to be a nuanced understanding of where archaeology is likely across the landscape, and what types of archaeology might be found where and with what techniques. A key aim might be potential mapping, with areas characterised low, medium or high potential based on the known record, geology/geo-archaeology, soils and land-use history.

I recommend therefore that the EIA process for archaeology should start from the landform/geo-archaeological analysis as outlined above, with the input of a geo-archaeological specialist, and the baseline expanded using additional datasets including palaeochannel maps (Derbyshire HER), Historic Landscape Character (Derbyshire HER HLC and HLA datasets might both be useful here), Pleistocene landforms with the input of a palaeolithic specialist, and cropmark transcriptions (Derbyshire HER), to inform a landform-specific evaluation and prospection methodology which targets appropriate non-intrusive and intrusive techniques to specific landscapes and landforms to best assess and map the distribution of archaeological significance and research value across the study area. Non-intrusive techniques might include geophysics (e.g. magnetometer, earth resistance, electro-magnetic, Ground-Penetrating Radar), fieldwalking, LiDAR, UAV micro-topography and/or multi-spectral, geo-chemistry, review of existing BGS boreholes, while intrusive techniques might include monitoring/interpretation of GI boreholes, bespoke borehole/auger survey, test pitting and evaluation trenching. I am happy to provide further advice and input to the project as these methodologies are defined, refined and brought to bear on the project area.

Regards

Steve Baker MA MCifA | **Archaeologist** | Conservation, Heritage and Design | Place | Derbyshire County Council | direct dial: [REDACTED]
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CONTROLLED

From: Richard Sandbach (Place) [REDACTED]@derbyshire.gov.uk>

Sent: 19 June 2026 15:49

To: Adam Lathbury (Place) [REDACTED]@derbyshire.gov.uk>; Alex Back (Place) [REDACTED]@derbyshire.gov.uk>; Alison Noble (Childrens Services) [REDACTED]@derbyshire.gov.uk>; Anna Chapman (Place) [REDACTED]@derbyshire.gov.uk>; Chris Reed (Place) [REDACTED]@derbyshire.gov.uk>; Gary Ellis (Place)

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Brooks ([redacted]@derbyshire.gov.uk>

Cc: Rajlaxmi Gaware (Place) [redacted]@derbyshire.gov.uk>; Rebecca Kirkland (Place)
<Rebe [redacted]@derbyshire.gov.uk>

Subject: 2026 06 22 Castle Way Energy scoping opinion EN0110037

Dear all,

PINs have consulted DCC, as host authority, asking for our comments on the Environmental Statement Scoping Report submitted in support of the Castle Way Energy PV and BESS proposal (Letter attached). A link to the scoping report on the PINs DCO pages is included below.

[Documents | Castle Way Energy](#)

At this stage we are being asked by PINs whether or not we feel that the scoping report includes all of the matters that need to be considered in the Environmental Statement and, whether there are matters omitted or scoped out that we feel should be included. If scoped out matters are to be included, or new matters are to be suggested, we will need a short explanation, setting out why the topic should be included.

This is separate to the current non-statutory consultation on the proposal. There will also be further opportunities to comment on details of the proposal as it proceeds towards the statutory consultation and submission of an application to PINs.

We will need to provide Cllr Wood with our comments for information prior to submission to PINs. The deadline is therefore quite short and we must ask for your comments by **8th of July** to enable scrutiny and return to PINs within the time frame set out. This is a statutory deadline that cannot be extended.

Regards
Richard

Richard Sandbach | Principal Planner | Planning Services | Economy and Regeneration |
Place | Derbyshire County Council, County Hall, Matlock, Derbyshire, DE4 3AG

[redacted] [Derbyshire.gov.uk](#)

Direct dial: [redacted]

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Alex Matthews

From: Grahame Andrew (Councillor)
Sent: 06 July 2026 11:41
To: Alex Matthews; SDDC Planning Applications; Sarah Atherton
Cc: Jayne Davies (Councillor)
Subject: RE: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Hi Alex et Al,

As requested,.

The comments that follow relate to Castle Way Energy's (CWE) Environmental Impact Assessment Scoping Report of June 2026.

At the highest level I believe that CWE's proposal is particularly deficient in the following areas :

- 1.1 The Cultural Significance and heritage of the landscape with respect to Barton Blount Hall near the Church Broughton Site and Monks Bridge near the Egginton Site.
- 1.2 The Applicant is proposing to take an unreasonably narrow approach to Ecology and Biodiversity. The Scoping Report (specifically Table 11.2) seeks to "Scope Out" Bats – Roosting, Reptiles, Badgers, and Fish from appropriate consideration. This wildlife should remain "In Scope" and suitable commitments made about welfare and care.
- 1.3 The proposed approach to Visual Impact, and particularly lighting, is much too minimal.
- 1.4 The proposed analysis of Water and Flood Risk and Climate Change Resilience, given the regular flooding that already takes place in and around Egginton, is insufficient in a number of areas. Water run off into local brooks is also a major concern for many local communities downstream from several of the sites.
- 1.6 Many areas of Construction and Decommissioning are "Scoped Out", at least in part, as they are considered 'temporary' or 'short term'. The Applicant is trying to claim that many significant Decommissioning activities should be "Out of Scope". Construction and Decommissioning are fundamentally different activities, and Decommissioning should be suitably considered now.
- 1.7 The Scoping Report seeks to exclude Walkers, Horse Riders and Cyclists from the Receptors being considered for Glint and Glare analysis. These must be included. Solar panels, fencing, security cameras and the loss of visual amenity will be severe around Rights of Way. That part of the proposal that seeks to put solar panels into fields regularly used for recreational activities is strongly challenged. Local Sporting activities on land designated as an Asset of Community Value (ACV) such as the Cricket pitch will need to show that full funding for alternative suitable facilities nearby are in place. The Derby Airfield will need to be assured of the full aviation safety of any wires in the vicinity of their operation and a robust independent study of the impact of Glint and Glare on its landing operations.

Comments on Proposed Scope

The points below refer to Table 22.1 “Summary of Proposed Scope of the EIA”. They state the areas that need further, broader analysis if the EIA is to provide a balanced analysis of the proposed development.

Agricultural Land and Soils

All sections

The impact during **Construction and Decommissioning** should be included for all agricultural sections due to their potential impact on soil quality and future agricultural use.

Air Quality

A quantitative air pollution study over a suitable period of time and weather conditions is key to establish a background level of air pollution. The impact during **Decommissioning** should be scoped into the assessment.

Archaeology

The impact during **Construction and Decommissioning** should be scoped into the assessment.

Greenhouse Gases

The impact during **Construction and Decommissioning** should be scoped into the assessment. It seems counter-intuitive to include these considerations for Operations, but not for Construction or Decommissioning.

Climate Change Resilience

Increased frequency and magnitude of wind and storms

The impact during **Construction and Decommissioning** should be scoped into the assessment.

Changes in water availability

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment.

Ecology and Biodiversity

South Derbyshire Ecological Emergency

Full assessment of the impact of the scheme on the Ecological environment from a shift from traditional local farming practices to a relatively sterile environment need to be included for each site proposed, with each site having differing current uses supporting different habitats.

Irreplaceable habitats

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. Masking the current landscape with new planting for screening purposes, will have major impacts.

Badger

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. There are active badger setts within and close to a number of the proposed wiring routes in particular documented populations north of Hilton and south of Church Broughton.

All wildlife sections

The impact of **Decommissioning** on wildlife should be scoped into the assessment. There is little logic to why Construction should be considered for almost all species, but Decommissioning should not be.

Glint and Glare

Construction and decommissioning phases

The impact during **Construction and Decommissioning** should be scoped into the assessment.

Road Safety, Residential Amenity, Aviation Safety and Railway Operations

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment.

Visual Impact

Lighting assessment

The impact during **Construction, Operation and Decommissioning** should be scoped into the assessment. The impact of illumination placed at could be very impactful on the local area. More broadly the implications during the extended Construction and Decommissioning phases could be very notable after dark.

Lighting during operation

The impact during **Operation** should be scoped into the assessment.

Changes to views and visual amenity of people at their place of work

The impact during **Operation** should be scoped into the assessment.

Noise and Vibration

Temporary noise changes during decommissioning

The impact during **Decommissioning** should be scoped into the assessment. The applicant does not appear to be giving due consideration to decommissioning issues and these should be included in full.

Transport and Access

Changes in traffic flows and non motorised user delay amenity on: People at home / work, sensitive and or vulnerable groups / locations and collision clusters and routes with road safety concerns.

The impact during **Operation** should be scoped into the assessment. The access to nearly all the sites is via very narrow country lanes, without adequate width to sustain HGV's passing each other. Any mitigations such as one way traffic orders need to be included in a full submission. Existing road surfaces are in many cases not sufficient to withstand construction traffic, full reinstatement of road surfaces after construction will need to be in scope.

Water Environment and Flood Risk

Document local flood considerations

The NPPF requires a sequential risk-based approach to be taken for all planning applications in areas known to be at risk now or in future from any form of flooding. The Sequential and Exception Tests should be applied in order to steer development to land at lowest risk of flooding from any source. This has been completely missed out of the Scoping Report. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Cumulative Effect

The document makes no attempt to assess the impact of this scheme alongside existing similar Solar Farms and BESS installations in the same geographic area.

SDDC has approved a number of such schemes in the local area, each with differing connection routes to the Willington hub. Apart from the cumulative impact of all these schemes on the local area from the area of fields covered by solar panels, the number of overhead connections will further impact unduly on local amenity.

The proposed Scope of the EIA must be extended for the reasons documented above.

Kind regards,

Cllr Grahame Andrew

Pronouns He/Him

Lib Dem Group Leader

District Councillor Hilton Ward

M:

@SouthDerbyshire.gov.uk

www.southderbyshire.gov.uk

From: Alex Matthews @southderbyshire.gov.uk>

Sent: 30 June 2026 15:31

Subject: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Good afternoon,

SDDC Ref: DMOT/2026/0860

Proposal: EIA Scoping Opinion for proposed Order granting Development Consent for the Castle Way Energy NSIP (the proposed development) at Castle Way, Willington.

I hope you are well. We have recently received the above referenced EIA Scoping Opinion request in regard to the Castle Way Energy NSIP. I have attached for reference a copy of the request letter which gives links to the details of the proposed development. Could you kindly please review and provide any comments that you may have? Given that the response of the Council is soon required, please kindly provide any comments no later than by close of play on Tuesday 07 July 2026. A swift response would be very much appreciated.

Please kindly ensure the following are copied into any comments you wish to provide:
Planning@southderbyshire.gov.uk , [REDACTED]@southderbyshire.gov.uk and
[REDACTED]@southderbyshire.gov.uk

Kind regards,

Alex Matthews
Senior Planning Officer
Place and Prosperity

[REDACTED]
General Planning Tel: [REDACTED]



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Alex Matthews

From: John Mills
Sent: 09 July 2026 11:59
To: Sarah Atherton; Alex Matthews
Cc: Sarah Beeby
Subject: RE: Castle Way Energy Scheme - DCO Application: Noise & Vibration Assessment

Hi Sarah,

I've no specific concerns or comments at this stage.

Many thanks,

John Mills
Principal Environmental Health Officer
Directorate of Environment & Community



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From: Sarah Atherton [REDACTED]@southderbyshire.gov.uk>
Sent: 29 June 2026 08:29
To: Alex Matthews [REDACTED]@southderbyshire.gov.uk>; John Mills [REDACTED]@southderbyshire.gov.uk>
Cc: Sarah Beeby [REDACTED]@southderbyshire.gov.uk>
Subject: FW: Castle Way Energy Scheme - DCO Application: Noise & Vibration Assessment

Hi Both,

We have received a Scoping Opinion Consultation for this project from the Planning Inspectorate. It is being made up and will be allocated to Alex shortly.

We will be consulting the Environmental Health Team for their opinion on noise, vibration, etc. I think it might be useful to convene this meeting and let the applicant provide an overview to help shape the response to the scoping opinion. [REDACTED] If you think this would be of use, please can you let me and Alex know and it will be arranged?

Thanks both

Kind regards,
Sarah

M: 0 [REDACTED]



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From: Innes Urbanski [REDACTED] <[\[REDACTED\]@watermangroup.com](mailto:[REDACTED]@watermangroup.com)>

Sent: 22 May 2026 13:29

To: Sarah Beeby [REDACTED] <[\[REDACTED\]@southderbyshire.gov.uk](mailto:[REDACTED]@southderbyshire.gov.uk)>; Steffan Saunders [REDACTED] <[\[REDACTED\]@southderbyshire.gov.uk](mailto:[REDACTED]@southderbyshire.gov.uk)>; Sarah Atherton <[\[REDACTED\]@southderbyshire.gov.uk](mailto:[REDACTED]@southderbyshire.gov.uk)>; [REDACTED] <[\[REDACTED\]@derbyshiredales.gov.uk](mailto:[REDACTED]@derbyshiredales.gov.uk)>; [REDACTED] <[\[REDACTED\]@derbyshiredales.gov.uk](mailto:[REDACTED]@derbyshiredales.gov.uk)>; [REDACTED] <[\[REDACTED\]@derbyshire.gov.uk](mailto:[REDACTED]@derbyshire.gov.uk)>; [REDACTED] <[\[REDACTED\]@derbyshire.gov.uk](mailto:[REDACTED]@derbyshire.gov.uk)>; [REDACTED] <[\[REDACTED\]@derbyshire.gov.uk](mailto:[REDACTED]@derbyshire.gov.uk)>; [REDACTED] <[\[REDACTED\]@eaststaffsbc.gov.uk](mailto:[REDACTED]@eaststaffsbc.gov.uk)>; [REDACTED] <[\[REDACTED\]@staffordshire.gov.uk](mailto:[REDACTED]@staffordshire.gov.uk)>; [REDACTED] <[\[REDACTED\]@staffordshire.gov.uk](mailto:[REDACTED]@staffordshire.gov.uk)>; Environmental Health <Environmental.Health@southderbyshire.gov.uk>; envhealth@derbyshiredales.gov.uk; ehsupport@eaststaffsbc.gov.uk

Cc: Diane Corfe [REDACTED] <[\[REDACTED\]@watermangroup.com](mailto:[REDACTED]@watermangroup.com)>; Victoria Williams [REDACTED] <[\[REDACTED\]@watermangroup.com](mailto:[REDACTED]@watermangroup.com)>; Lara Knapman [REDACTED] <[\[REDACTED\]@watermangroup.com](mailto:[REDACTED]@watermangroup.com)>; Ellie Holderness [REDACTED] <[\[REDACTED\]@iceniprojects.com](mailto:[REDACTED]@iceniprojects.com)>; Daniel Ramsay [REDACTED] <[\[REDACTED\]@iceniprojects.com](mailto:[REDACTED]@iceniprojects.com)>; Alice O'Kane [REDACTED] <[\[REDACTED\]@iceniprojects.com](mailto:[REDACTED]@iceniprojects.com)>; Mark Maclagan [REDACTED] <[\[REDACTED\]@watermangroup.com](mailto:[REDACTED]@watermangroup.com)>; Stefan Fox-Marshall [REDACTED] <[\[REDACTED\]@watermangroup.com](mailto:[REDACTED]@watermangroup.com)>

Subject: Castle Way Energy Scheme - DCO Application: Noise & Vibration Assessment

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Dear All,

I am the Technical Lead on noise who will be overseeing the noise and vibration assessment of the construction and operational phases of the proposed Castle Way Energy Scheme which will form part of the Development Consent Order (DCO) application. The purpose of this email is to introduce myself as the Technical Lead on noise and vibration and to provide a high-level overview of the early-stage proposals of the scheme. In addition, this email also provides a brief overview of the proposed baseline noise survey strategy, the results of which will form the basis of the assessment, together with the proposed assessment methodology. It should be noted that the proposed monitoring locations are indicative and may change based on site access constraints.

Following this email, it may be best to organise a meeting where more detail about the Castle Way Energy Scheme can be presented together with further details on the baseline noise survey strategy and assessment methodology. If you could let me know if you would like a meeting to be organised together with a list of your attendees that would be greatly appreciated.

Castle Way Energy Scheme Overview

The early-stage proposal comprises of five Sites (A, B, C, D and E) for ground mounted solar farms and a point of connection at Willington Sub-Station. The location of the BESS (Battery Energy Storage System) is still to be confirmed. Four of the five solar farm locations (A, B, C & D) together with the point of connection at Willington Sub-Station are located within the area of Derbyshire County Council and South Derbyshire District Council. Some of the receptors near location A are within the boundary of Derbyshire Dales District Council. Location E is within the boundary of Staffordshire County Council and East Staffordshire Borough Council. Despite this, the email has been issued to all host local planning authorities, to allow an appreciation of the proposed scheme as a whole with regard to noise and vibration rather than in isolation.

Baseline Survey

Attached are a number of aerial images illustrating the proposed location of the five solar farms and Willington Sub-Station. The first image presents all the locations followed by images of each site individually showing the order limits illustrated as red lines, proposed environmental noise logger locations (pink dots), short-term attended measurement locations (yellow dots) and the nearest sensitive receptors (blue dots) to the Sites. The objective of the baseline survey is to establish prevailing ambient (dB LAeq) and background (dB LA90) noise levels representative of that experienced at the nearest sensitive receptors to the Sites. The noise survey results will form the basis of the noise assessments. The proposal is to install unattended environmental noise loggers for a period of 5 days covering a weekday and weekend period supported by attended short-term noise measurements at key locations. The following noise criteria would be measured in 5-minute contiguous data sets, LAeq, LAFmax, LA10 and LA90 together with 1/3 Leq octave noise levels. Baseline vibration levels will be taken as zero.

Ideally, we would like to get confirmation from yourselves if you agree in principle with the baseline noise survey approach or if there is anything else that you would like us to include or for us to be aware of.

Assessment Methodology

The assessment methodology that we intend to use are as follows:

- Construction Noise: BS5228-1 ABC Methodology
- Construction Vibration: BS5228-2 Table B1.
- Road Traffic Noise: CRTN calculation methodology and assessment criteria of DMRB LA111 (short-term).
- Operational Noise (on-site): BS4142:2014+A1:2019

We would like to get confirmation that you agree in principle with the assessment methodology. Further to this, regarding on-site operational noise, it would be greatly appreciated if you could confirm the specific noise criterion that you would like to be satisfied at the noise sensitive receptor locations?

Please share this email with the relevant persons within your authority who on not on this email list and I look forward to receiving your replies.

Kind regards

Innes Urbanski

MSc, BSc (Hons)

Associate Director

Waterman Infrastructure & Environment Ltd

6th Floor | Trinity Court | 16 John Dalton Street | Manchester M2 6HY

t +44 [REDACTED] | d +44 [REDACTED]

[REDACTED]



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Alex Matthews

From: PlanningandTrees
Sent: 09 July 2026 13:29
To: Alex Matthews
Cc: Sarah Atherton; Planning
Subject: RE: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Hi Alex,

The proposed development does not appear to directly impact any trees protected by a Tree Preservation Order (TPO), nor are any trees located within a designated Conservation Area.

The submitted plans indicate that the development is located in close proximity to a number of small woodland blocks and a substantial number of mature field trees situated both within and adjacent to the site boundaries. These trees collectively make a significant contribution to the character of the local landscape, visual amenity, biodiversity, and ecological connectivity of the wider countryside.

Particular consideration should be given to several of the mature field trees, which may possess veteran characteristics and could potentially qualify as veteran or ancient trees. Such trees are an irreplaceable habitat and will require significant protection. Their retention and long-term safeguarding should therefore be a key consideration in the design and assessment of the proposal.

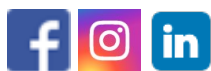
At the EIA scoping stage, insufficient detail has been provided to fully assess the potential impacts of the development on these trees and woodland features. Potential direct and indirect effects may arise from construction activities, changes in ground levels, excavation for infrastructure and cable routes, altered drainage patterns, increased access requirements, soil compaction and subsequent operational and maintenance activities.

The applicant should therefore be required to submit a comprehensive Arboricultural Impact Assessment (AIA), supported by a detailed tree survey undertaken in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The assessment should identify the quality and category of all affected trees, assess any veteran or ancient tree features and evaluate likely impacts arising from both the construction and operational phases of the development. Detailed Arboricultural Method Statements and Tree Protection Plans should also be provided for approval, clearly demonstrating how retained trees and woodland edges will be protected throughout all phases of the development. Protection measures should include the establishment of appropriate Root Protection Areas (RPAs), exclusion fencing, ground protection where required, restrictions on material storage and vehicle movements and measures to avoid adverse impacts from service runs, drainage works and construction compounds.

Given the scale of the proposed solar farm and the high amenity and ecological value of the existing field trees and woodland boundaries, it is essential that robust tree protection and long-term management measures are secured through the planning process to ensure these important landscape features are retained and protected for the lifetime of the development.

Thanks
Mark

Tree Officer
Parks and Green Spaces



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From: Alex Matthews <[REDACTED]@southderbyshire.gov.uk>

Sent: 30 June 2026 15:31

Subject: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Good afternoon,

SDDC Ref: DMOT/2026/0860

Proposal: EIA Scoping Opinion for proposed Order granting Development Consent for the Castle Way Energy NSIP (the proposed development) at Castle Way, Willington.

I hope you are well. We have recently received the above referenced EIA Scoping Opinion request in regard to the Castle Way Energy NSIP. I have attached for reference a copy of the request letter which gives links to the details of the proposed development. Could you kindly please review and provide any comments that you may have? Given that the response of the Council is soon required, please kindly provide any comments no later than by close of play on Tuesday 07 July 2026. A swift response would be very much appreciated.

Please kindly ensure the following are copied into any comments you wish to provide:

Planning@southderbyshire.gov.uk, [REDACTED]@southderbyshire.gov.uk and

[REDACTED]@southderbyshire.gov.uk

Kind regards,

Alex Matthews
Senior Planning Officer
Place and Prosperity

Mob: [REDACTED]
General Planning Tel: 01283 228706



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Alex Matthews

From: Alan Grist
Sent: 09 July 2026 18:23
To: Alex Matthews
Subject: RE: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Hi Alex,

Apologies for the late reply.

Not sure where to go with this one, never done a preapplication before.

Site A – Flood zone 1

Site B – Flood zone 1

Site C – Flood zone 3 (parts of site)

Site D – Flood zone 3

Site E – Flood zone 3 - EA flood defences in place to protect Egginton and the Greenways property

A site-specific flood risk assessment (FRA) will be needed.

A successful Sequential and exception test.

EA approval.

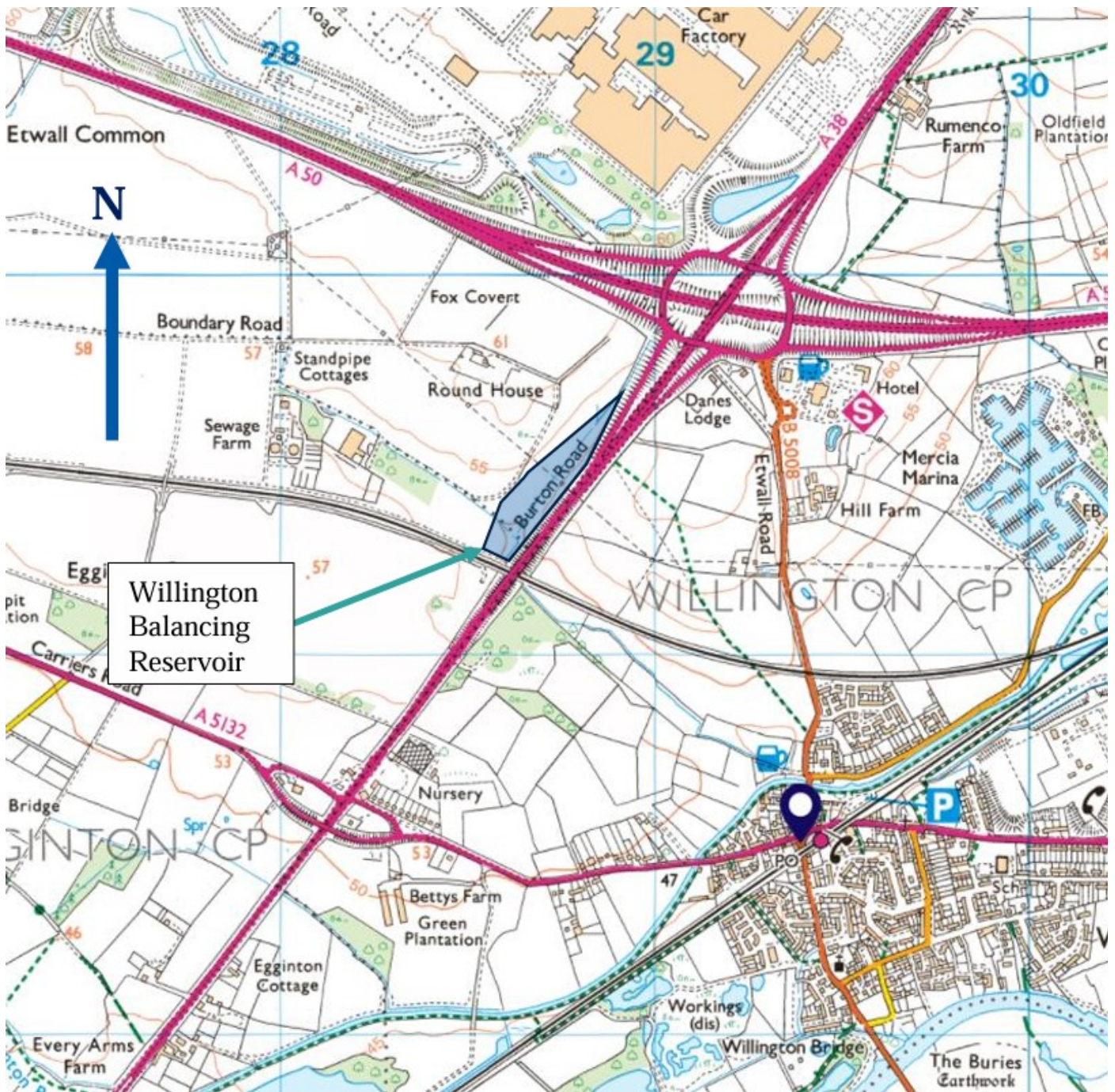
This is a major development and the LLFA will need to be informed.

Any works in or nearby an ordinary watercourse may require consent under the land drainage act – will need to contact Flood.Team@derbyshire.gov.uk

- Site plan and impermeable area
- Topographic survey of the site
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
- Basic calculations of the greenfield/brownfield runoff and discharge rates
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep
- Basic ground investigation (desktop survey as a minimum)
- Major developments should incorporate sustainable drainage systems, which should provide multifunctional benefits wherever possible (as per National Planning Policy Framework 182). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout.

These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

Just to let you know SDDC also have a high-risk balancing reservoir which protects Willington from flooding and is located as below:



This high-risk balancing reservoir is protected under the Reservoirs Act 1975.

I can go into more details if required regarding surface water, hierarchy of drainage options, how will surface water be avoided during construction phase, applicant needs to obtain all the relevant information to the proposed discharge in land that is not within their control, surface water drainage plans, on site surface water management, climate change needs to be factored in.

I hope this helps but do let me know if you require more information.

Kind Regards

Alan Grist
Cultural Services Technician
Environment and Communities



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From: Alex Matthews [redacted]@southderbyshire.gov.uk>
Sent: 09 July 2026 13:29
To: Alan Grist [redacted]@southderbyshire.gov.uk>
Subject: FW: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Good afternoon Alan,

I hope you are well. Apologies to chase-up on this. If you could kindly please provide an emailed comment in response to my email below that would be very much appreciated.

Currently I am pulling together my draft so a swift response would be very much appreciated if possible.

Thanks very much,

Alex Matthews
Senior Planning Officer
Place and Prosperity

Mob: [redacted]
General Planning Tel: 01283 228706



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From: Alex Matthews
Sent: 30 June 2026 15:31
Subject: DMOT/2026/0860 - EIA Scoping Opinion - Consultation

Good afternoon,

SDDC Ref: DMOT/2026/0860

Proposal: EIA Scoping Opinion for proposed Order granting Development Consent for the Castle Way Energy NSIP (the proposed development) at Castle Way, Willington.

I hope you are well. We have recently received the above referenced EIA Scoping Opinion request in regard to the Castle Way Energy NSIP. I have attached for reference a copy of the request letter which gives links to the details of the proposed development. Could you kindly please review and provide any comments that you may have? Given that the response of the Council is soon required, please kindly provide any comments no later than by close of play on Tuesday 07 July 2026. A swift response would be very much appreciated.

Please kindly ensure the following are copied into any comments you wish to provide:
Planning@southderbyshire.gov.uk , [REDACTED]@southderbyshire.gov.uk and
[REDACTED]@southderbyshire.gov.uk

Kind regards,

Alex Matthews
Senior Planning Officer
Place and Prosperity

Mob: [REDACTED]
General Planning Tel: 01283 228706



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Draft early-consultation response: Castle Way Energy NSIP

The proposal comprises several separate solar development areas, identified as Sites A–E, together with battery storage and extensive electrical connections across land west of Derby. The developer states that the scheme could export up to 300 MW of electricity and provide up to 200 MW of battery storage.

At this early stage, the following matters require much fuller explanation and assessment.

1. Piecemeal and scattered nature of the development

The proposal appears as a widely dispersed collection of solar sites rather than a single coherent development. The separate areas extend across a large rural landscape and are linked by cable corridors and other infrastructure.

The applicant should explain:

- Why this particular scattered configuration has been selected.
- Whether the layout has been driven primarily by landowner availability and grid economics rather than environmental suitability.
- What alternative sites and layouts have been considered, including fewer, more consolidated development areas.
- Provide the strategic thinking behind the configuration and how the development fits into Local Policy and Plans, biodiversity and landscape corridors.
- Whether previously developed land, industrial land, rooftops, lower-quality agricultural land and land closer to the grid connection were properly considered.
- Why each individual parcel is necessary and what generating capacity each site would contribute.

- Whether any site or part of a site could be removed without undermining the overall project.
- How the cumulative landscape, ecological, agricultural and community effects of all five sites and their connections will be assessed as one project.

A transparent site-selection report should be published. This should include the criteria used, the alternatives rejected and the reasons for rejecting them. The assessment should not treat the cable routes, substations, battery storage and solar areas as separate impacts.

2. Cable routes and connection infrastructure

The connecting infrastructure may cause substantial effects even where no solar panels are proposed. The proposed underground cable infrastructure is a major component of the development and should not be treated as a secondary or merely temporary impact.

The working width for cable installation is expected to be approximately 40 metres, allowing for cable trenches, construction haul roads, soil storage, machinery movements and safe working areas. However, the currently shown cable corridors are approximately 100 metres wide to provide flexibility in selecting the final route.

When viewed across the whole scheme, these broad and interconnected corridors resemble a “spider’s web” extending between the separate solar sites, substations and grid connection. The total area disturbed by cable construction could therefore be very substantial. In some locations, the cable routes may cause greater ecological, hydrological and agricultural harm than the solar arrays themselves.

Potential impacts include:

- removal or severance of hedgerows, trees and field margins;
- trenching through grassland, arable soils, floodplain and riparian habitats;
- crossings of the River Dove, Sutton Brook, Etwall Brook, Radbourne Brook, Trusley Brook and smaller drainage channels;

- disturbance to habitats connected with Hilton Gravel Pits Local Nature Reserve;
- soil compaction from haul roads and heavy construction traffic;
- mixing of topsoil and subsoil;
- alteration or damage to field drainage systems;
- increased sediment runoff and pollution risk;
- disruption of wildlife corridors;
- disturbance to protected species;
- temporary dewatering of trenches;
- long-term restrictions on tree planting above retained cables; and
- repeated impacts where several cable corridors converge or cross the same landscape.

Although some construction effects may be described as temporary, the damage may persist for many years. Species-rich grassland, wet ground, mature hedgerows, riparian vegetation and undisturbed soils cannot necessarily be restored quickly or successfully after trenching and haul-road construction.

The applicant should therefore calculate and disclose the total land area likely to be disturbed by:

1. the 40-metre working width;
2. the wider 100-metre search corridors;
3. temporary haul roads;
4. compounds and storage areas;
5. watercourse-crossing works;
6. jointing bays and inspection chambers; and
7. any permanent easements or access requirements.

The environmental assessment should show the cable route as part of the development's overall land take. It should not assess only the narrow final cable trench while excluding the full construction footprint.

Route flexibility must not weaken the environmental assessment

A 100-metre corridor may allow flexibility to avoid individual constraints, but it also creates uncertainty about where impacts will occur. The application should therefore assess the realistic worst-case effects across the full corridor.

The Development Consent Order should not permit the final route to move anywhere within a broad corridor without clear environmental controls. Sensitive areas that must be avoided should be identified and excluded from the authorised corridor before consent is granted.

These exclusion areas should include, where appropriate:

- watercourse and riparian buffers;
- floodplain flow routes;
- ponds and wetlands;
- ancient and veteran trees;
- species-rich grassland;
- Local Wildlife Sites and other designated habitats;
- areas supporting protected species;
- high-quality hedgerows;
- woodland;
- priority habitats; and
- land where soil restoration would be particularly difficult.

Detailed micro-siting should be used only for minor adjustments within an environmentally acceptable corridor. It should not be used to postpone fundamental route-selection decisions until after consent.

Need for a clear alternatives assessment

The applicant should demonstrate that the cable network has been designed to minimise its overall length and environmental impact.

The alternatives assessment should explain:

- why the development has been divided among widely scattered sites;
- whether the number of separate solar sites could be reduced;
- whether generation areas could be consolidated closer to the grid connection;
- whether shared cable routes could replace multiple parallel or diverging routes;
- whether existing roads, utility corridors or previously disturbed land could be followed;
- whether some sites should be removed because the connection impacts are disproportionate to their generating contribution;
- how different grid-connection options were compared; and
- whether the environmental cost of connecting each site outweighs the benefit of including it.

Each solar site should be assessed together with the cable infrastructure needed to connect it. A site should not be described as environmentally acceptable where its associated cable route would cause unacceptable harm elsewhere.

Watercourse crossings

Every proposed crossing of the River Dove, its tributaries, ordinary watercourses and drainage ditches should be individually identified and assessed.

The applicant should provide a schedule showing:

- the name and location of each watercourse;
- the proposed crossing method;
- the width of the working area;

- the depth of the cable;
- the distance of entry and exit pits from the bank;
- vegetation removal;
- construction access;
- pollution risks;
- effects on flood conveyance;
- effects on fish, otter, water vole and aquatic habitats; and
- restoration and monitoring arrangements.

Open-cut crossings should be avoided wherever they could damage important watercourses or riparian habitats. Trenchless techniques may reduce surface disturbance, but they also carry risks such as drilling-fluid escape, ground collapse and disturbance from entry and exit compounds. These risks must be assessed rather than assuming trenchless installation is impact-free.

Construction traffic and haul roads

The 40-metre working width includes a haul road capable of carrying heavy machinery and cable-delivery vehicles. The effects of this road may include deep soil compaction, disruption of drainage, sediment runoff and prolonged damage during wet weather.

The applicant should set out:

- the proposed haul-road construction;
- whether stone, geotextile or temporary matting would be used;
- how water would cross the haul road;
- how compacted soils would be restored;
- controls on working during wet conditions;
- locations of vehicle crossings over watercourses;
- wheel-washing and road-cleaning arrangements; and

- how imported stone and geotextile would be fully removed.

Temporary haul roads should not be routed through floodplain, wetland, species-rich grassland or important riparian habitat merely because the final buried cable would occupy a narrower strip.

Long-term effects and decommissioning

The applicant must also confirm whether underground cables will remain in place for the full operational lifetime of the project and what will happen at decommissioning.

Leaving cables underground could create permanent restrictions on future land management, including tree planting, habitat creation, drainage works and agricultural operations. Removing them could cause a second period of major trenching and habitat disturbance.

The applicant should therefore provide a cable decommissioning strategy before consent is granted. This should compare the environmental effects of removal and retention for each type of location.

There should be a presumption in favour of removing cables and associated infrastructure where this can be achieved without causing greater environmental harm. Where cables are proposed to remain, the applicant should explain:

- their precise location and depth;
- the materials that would remain in the ground;
- future land-use restrictions;
- responsibility for maintenance and records;
- risks from deterioration;
- implications for agriculture and habitat management; and
- how the retained infrastructure would be legally secured and monitored.

Requested conclusion

The cable network should be treated as a principal environmental issue in its own right. Because the scheme consists of widely separated sites, the cumulative disturbance caused by the connecting infrastructure may be more extensive and damaging than the solar-panel areas.

The applicant should be required to reduce the number and length of cable routes, consolidate corridors wherever possible, avoid sensitive land and publish a complete assessment of the full 40-metre construction width and the wider 100-metre routing corridors.

Consent should not be granted on the basis of indicative “spider’s web” corridors where the final route, crossing points and environmental impacts remain unresolved.

Cable installation could involve trenching, construction compounds, access tracks, haul routes, watercourse crossings, hedgerow removal, soil disturbance and temporary dewatering.

3. River Dove, tributaries and floodplain

The proximity of parts of the scheme and its connection infrastructure to the River Dove and its floodplain is a major concern. The River Dove and its tributaries form an interconnected ecological network. Effects should therefore be assessed at catchment scale rather than watercourse by watercourse.

Particular attention is required for:

- The River Dove.
- Sutton Brook.
- Etwall Brook.
- Radbourne Brook.
- Trusley Brook.
- Smaller tributaries, ditches, ponds and field-drainage systems.
- Hydrological links with Hilton Gravel Pits Local Nature Reserve.

The assessment should consider construction, operation, maintenance and decommissioning. It must address direct habitat loss as well as indirect effects caused by sediment, pollution, altered runoff, soil compaction, groundwater changes, artificial lighting and disturbance.

4. Flood risk and surface-water runoff

Parts of the development appear close to floodplain land and areas already affected by river and surface-water flooding. Solar infrastructure should not displace floodwater, obstruct overland flow routes or increase the rate at which water reaches local brooks and the River Dove.

The applicant should prepare a project-wide Flood Risk Assessment and drainage strategy which:

- Uses current climate-change allowances.
- Assesses river flooding, surface-water flooding, groundwater and ordinary-watercourse flooding.
- Considers interactions between the River Dove, its tributaries and local drainage ditches.
- Maps existing overland flow routes rather than relying solely on nationally mapped flood zones.
- Uses local evidence of flooding supplied by residents, landowners and parish councils.
- Assesses the combined effects of panel drip lines, access tracks, substations, battery compounds and compacted construction soils.
- Demonstrate that flood risk would not be increased elsewhere.
- Includes exceedance routes for storms beyond the design standard.
- Provides long-term inspection and maintenance arrangements for drainage features.

Panel rows should not be positioned across known flow paths. Infiltration basins, swales and other drainage features must not be used as justification for building in locations that should first have been avoided.

There should be no vulnerable electrical equipment or battery infrastructure within functional floodplain unless exceptional circumstances are demonstrated and safe access, flood resilience and pollution containment can be guaranteed.

5. Riparian wildlife and watercourse buffers

The River Dove corridor and its tributaries are likely to support or provide movement routes for species including otter, water vole, bats, breeding and wintering birds, amphibians, reptiles, fish and aquatic invertebrates.

The applicant should undertake appropriately timed surveys. Surveys should cover the full likely zone of influence, including cable routes, access routes and downstream receptors.

Substantial undeveloped buffers should be retained beside rivers, brooks, ditches, ponds and wetland habitats. These buffers should:

- Be measured from the top of the bank or outer edge of riparian habitat, whichever is wider.
- Remain free from panels, fencing, tracks, compounds, lighting and storage.
- Be sufficiently wide to protect habitat, allow natural river processes and maintain wildlife movement.
- Include native riparian vegetation appropriate to local conditions.
- Remain accessible for watercourse maintenance where required.

The precise buffer width should be evidence-led. A narrow standard strip should not automatically be assumed adequate for the River Dove, floodplain wetlands or high-value tributaries.

6. Water quality

Construction could release soil, silt, fuel, concrete washout, drilling fluids and other pollutants. Solar-farm maintenance may also involve herbicides, cleaning products or oils from electrical equipment.

A water-management plan should therefore include:

- Baseline water-quality monitoring.
- Pollution-prevention measures.
- Silt-control measures installed before earthworks begin.
- Secure fuel and chemical storage.
- Procedures for concrete washout.
- Emergency spill response.
- Monitoring during and after construction.
- Clear stop-work thresholds where pollution is detected.
- Measures to prevent contaminated runoff from battery and substation areas.

The applicant should demonstrate that the project would not cause deterioration of any water body or frustrate measures intended to improve the River Dove catchment.

7. Hilton Gravel Pits Local Nature Reserve

The potential hydrological and ecological relationship between the project, the cable route and Hilton Gravel Pits Local Nature Reserve must be assessed in detail.

The assessment should establish:

- Whether groundwater or surface-water pathways connect the development to the reserve.
- Whether changes in sediment or nutrient input could affect wetland habitats.
- Whether construction noise, lighting or human activity could disturb birds and other wildlife.
- Whether the reserve forms part of a wider functional habitat network used by species associated with the River Dove.

A precautionary approach should be taken where hydrological connections are uncertain.

8. Agricultural land and soil restoration

The applicant should identify the Agricultural Land Classification of every proposed solar parcel, cable corridor and compound. Particular scrutiny is required where Best and Most Versatile agricultural land may be affected.

A detailed soil-management plan should cover:

- Pre-construction soil surveys.
- Separate handling of topsoil and subsoil.
- Storage-mound locations and maximum storage periods.
- Prevention of compaction and waterlogging.
- Restrictions on working during unsuitable soil conditions.
- Restoration standards for cable routes and temporary compounds.
- Post-restoration monitoring and remediation.

Simply stating that land beneath panels can continue to be grazed would not adequately address the effects on agricultural productivity, drainage and soil structure.

9. Farmland birds and skylarks

The Environmental Statement should include a comprehensive assessment of farmland bird populations across all proposed development sites, cable corridors and surrounding farmland. Of particular concern are breeding skylarks, together with other declining farmland birds such as yellowhammer, linnet, reed bunting, lapwing, meadow pipit and kestrel where present.

Skylarks are highly sensitive to disturbance during the breeding season and require open, relatively undisturbed farmland. The construction of solar arrays, battery storage, substations and extensive cable corridors has the potential to:

- disturb established breeding territories;
- result in temporary or permanent loss of nesting habitat;
- fragment open farmland used by breeding birds;
- increase disturbance from construction traffic and personnel;
- alter predator behaviour through the installation of fencing and infrastructure; and
- reduce habitat connectivity between breeding and foraging areas.

The applicant should undertake at least two years of breeding bird surveys where possible, together with wintering bird surveys, to establish robust baseline data before the application is submitted.

Where breeding skylarks and other farmland birds are affected, mitigation should not be confined within the fenced solar arrays. Instead, replacement habitat should be provided adjacent to, and connected with, the affected sites to allow breeding pairs to disperse naturally during construction and recolonise suitable habitat afterwards.

The applicant should demonstrate that suitable habitat is established before construction commences, avoiding any net loss of breeding opportunities.

10. Landscape-scale aftercare and catchment restoration

Given the dispersed nature of the Castle Way Energy proposal and the extensive interaction with the River Dove catchment, the project presents an opportunity to deliver environmental enhancement at a landscape scale rather than simply mitigating individual impacts.

Rather than isolated habitat creation within fenced solar sites, the applicant should prepare a River Dove Catchment Enhancement Strategy covering the River Dove and its tributaries, including:

- Sutton Brook;

- Etwall Brook;
- Radbourne Brook;
- Trusley Brook; and
- associated drainage channels and wetlands connected to Hilton Gravel Pits Local Nature Reserve.

This strategy should seek to restore ecological connectivity across the catchment through measures such as:

- riparian woodland planting in appropriate locations;
- restoration of floodplain grassland;
- enhancement of wetland habitats;
- creation of wider buffer strips alongside watercourses;
- restoration and strengthening of hedgerow networks;
- creation of ponds and seasonal wetlands;
- improved habitat for farmland birds and pollinators;
- improved fish and aquatic invertebrate habitat;
- natural flood management measures to slow surface-water runoff; and
- long-term management secured for the lifetime of the project and, where appropriate, beyond decommissioning.

Such measures would help offset unavoidable impacts while delivering wider public benefits through improved biodiversity, water quality, climate resilience and flood management.

Importantly, these enhancements should be delivered within the River Dove catchment, ensuring that ecological compensation benefits the communities and wildlife directly affected by the development.

Long-term legacy

If the project is ultimately consented, it should leave the landscape in a measurably better ecological condition than it is today. The applicant

should therefore commit to a long-term aftercare programme that extends beyond routine management of the solar arrays.

A catchment-wide landscape restoration project would represent a lasting environmental legacy, helping to improve the ecological health of the River Dove and its tributaries while supporting nationally declining farmland birds such as skylark. This approach would be more meaningful than small, isolated habitat measures within the solar sites and would better reflect the landscape-scale nature of the impacts arising from this Nationally Significant Infrastructure Project.

I would also recommend adding a request for independent monitoring for at least 30 years, covering breeding birds, water quality, floodplain habitats, and riparian ecology, with a requirement to adapt management if biodiversity targets are not being met. That would be a proportionate safeguard for a project of this scale.

11. Operational lifetime of the solar farm

The early consultation material should clearly state the intended operational period. The lifetime must not be left to later detailed design because it affects the duration of landscape, agricultural and ecological impacts.

The applicant should confirm:

- The proposed operational life of the solar farm and battery storage system.
- Whether panel replacement or “repowering” could extend the project beyond the stated period.
- Whether any extension would require a new consent.
- The expected replacement cycle for panels, inverters, transformers and batteries.

Any Development Consent Order should contain a clear time limit. It should not allow indefinite operation through repeated component replacement.

12. Decommissioning and cable removal

The Development Consent Order should require a detailed decommissioning plan and secured financial provision before construction begins.

At the end of the authorised operational period, all unnecessary infrastructure should normally be removed.

A detailed examination to whether the cables be removed or left in-situ should be considered individually and supported by an environmental assessment particular in light of BNG gains and disturbance or damage to those.

13. Future agricultural use and biodiversity net gain

The applicant must clearly distinguish between:

1. temporary habitat management during the operational solar-farm period;
2. mitigation required to address the development's ecological impacts; and
3. additional habitat relied upon to deliver Biodiversity Net Gain.

NSIP applications submitted on or after 2 November 2026 will be required to deliver at least 10% Biodiversity Net Gain under the NSIP regime.

The applicant should explain:

- Whether the affected land is intended to return to agricultural use after decommissioning.
- Which ecological features would be temporary, and which would be retained permanently.
- How any BNG commitment would be secured legally and funded.
- Whether BNG land would remain subject to habitat-management obligations after the solar equipment is removed.

- How conflicts between agricultural restoration and long-term habitat obligations would be resolved.
- Whether watercourse and wetland gains would be delivered within the relevant catchment.
- Who would own and manage retained habitats following decommissioning.

BNG could continue beyond the operational life of the solar farm where it is secured through the Development Consent Order, a planning obligation, conservation covenant or another enforceable mechanism. However, this must be explicitly designed and funded. It should not be assumed that habitat beneath panels will automatically provide a lasting net gain.

Where land is promised for both agricultural restoration and permanent BNG, the two commitments must be compatible and mapped precisely. The same area should not be presented simultaneously as fully restored productive farmland and as permanently protected habitat unless the proposed management genuinely supports both outcomes.

14. Information requested before the next consultation

Before statutory consultation, the applicant should publish:

- A complete site-selection and alternatives assessment.
- Detailed maps of all cable-route options and watercourse crossings.
- A preliminary Flood Risk Assessment and drainage strategy.
- Preliminary ecological survey results.
- A hydrological assessment covering the River Dove, tributaries and Hilton Gravel Pits LNR.
- Agricultural Land Classification and soil surveys.
- A draft Landscape and Ecological Management Plan.

- Preliminary BNG calculations for area, hedgerow and watercourse habitats.
- A draft decommissioning and restoration strategy.
- The proposed operational lifetime and repowering provisions.
- An outline financial-security mechanism for decommissioning.
- A cumulative-effects assessment covering other solar, grid, industrial and infrastructure development in the area.

Requested outcome

The layout should be substantially reconsidered where it would affect floodplain, riparian corridors, sensitive tributaries, Hilton Gravel Pits LNR, important soils or established wildlife networks.

The applicant should demonstrate that avoidance has genuinely guided site selection. Mitigation, drainage works and future BNG should not be used to justify avoidable development in environmentally sensitive locations.

No part of the project should proceed to application until there is sufficient evidence that the solar sites, cable routes, battery storage and grid connection can be constructed, operated and decommissioned without increasing flood risk or causing unacceptable harm to the River Dove catchment and its wildlife.

Environmental Services
Infrastructure Decisions and Applications Service
Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN
By email: CastleWayEnergy@planninginspectorate.gov.uk

PINS reference: EN0110037

06 July 2026

Dear Sir or Madam,

Formal Response to the Scoping Report submitted by BSSL Derbyshire 1 Ltd for the proposed Castle Way Energy Development Scoping Report

1. INTRODUCTION

- 1.1. Egginton Parish Council (EPC) submits this response as a 'consultation body' defined in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) as a response to your email (Reference: EN0110037) of the 17th of June 2026 to the Scoping Report prepared by Brockwell Energy for the Castle Way Energy development.
- 1.2. We comment on the proposed scope and level of detail, of the information proposed to be provided in the Environmental Statement (ES) relating to the proposed development. We have identified critical information and local baseline data that we consider must be provided in the ES, with particular emphasis on Site E (Egginton and Stretton). Our response ensures the deep-seated local concerns are fully contextualised, while also including comments that apply to other sites within the proposed development.
- 1.3. Our response has been informed by many residents, farmers, road users, walkers and cyclists, who use the area, and understand their local environment, who have made representations to EPC. Our comments are, therefore, well informed and based on local experience and knowledge.
- 1.4. Our principal concern is that Site E is described in the Scoping Report to be entirely within Environment Agency (EA) Flood Zone 2 and 3, it is largely within EA Flood Zone 3, the EA's highest risk category mapped for planning purposes, representing land with a high probability of river flooding.
- 1.5. The scoping report identifies Site E as containing and adjoining a concentration of nationally and locally important constraints, including the River Dove corridor, Flood Zone 3b land, Scheduled Monuments, listed buildings, Local Wildlife Sites (LWS), priority habitat, Public Rights of Way and strategic highway infrastructure. The Council considers Site E to be a highly constrained floodplain, heritage and ecological landscape, not a routine solar parcel, and asks that the Environmental Statement assess it on that basis.

- 1.6. It should also be noted that:
- a) Site E is largely subsumed into the same broad parcel categorisation (A–E) used elsewhere in the report, and several material risks are scoped out at parcel level on grounds that do not hold once Site E is examined on its own terms.
 - b) Several surveys have not been undertaken in relation to Site E that have already been undertaken at other sites, and some risks have already been scoped out of Site E that have not been surveyed.
- 1.7. The Council objects to any approach that scopes out, narrows, defers or treats as capable of generic management those matters that are central to the environmental acceptability of Site E, including Flood risk, water resources, surface-water quality, sewer flooding, heritage harm, archaeology, landscape and visual effects, ecology, glint and glare, aerodrome safeguarding, Public Rights of Way, construction and decommissioning traffic, emergency access, and the A38 trunk road must all remain within the scope of the ES. Where the Scoping Report proposes to rely on later management plans, outline commitments or generalised mitigation, the Council considers that approach inadequate unless the underlying effects are first assessed at parcel level for Site E.
- 1.8. The Council therefore asks the Planning Inspectorate to require the ES to assess Site E as a distinct and exceptionally sensitive parcel, not merely as one part of a wider scheme. Site E should be subject to a cumulative constraints assessment which brings together flood risk, drainage, heritage, archaeology, ecology, landscape, Public Rights of Way, glint and glare, aerodrome safeguarding, construction traffic, decommissioning effects, emergency access and the A38.
- 1.9. A general comment on process that Egginton PC wishes the Planning Inspectorate to consider is that although the Applicant is promoting Castle Way Energy as a Nationally Significant Infrastructure Project (NSIP) to be authorised by Development Consent Order (DCO) under the Planning Act 2008, there are serious questions as to whether the form and scale of this scheme are well-suited to the NSIP regime, given that it is in effect a bundle of multiple medium-scale solar schemes and cable corridors scattered across several local planning authority areas; each site having its own distinct characteristics and constraints.
- 1.10. It should be noted that in the Scoping Report there is misspelling of our village name Egginton; incorrectly spelled 'Eggington'. This could affect searches and may lead to confusion and misrepresentation because there is a village in Bedfordshire spelt Eggington.
- 1.11. It is also noted that the application is being brought forward by BSSL Derbyshire 1 Ltd as a subsidiary vehicle of Brockwell Energy Limited, backed by institutional investment partners including Pioneer Point Partners. Given the owners' public commitments to robust Environmental, Social, and Governance (ESG) standards, we fully expect Brockwell Energy to hold its upcoming Environmental Impact Assessment (ES) to the highest possible technical and statutory standards.
- 1.12. To ensure the final Environmental Statement (ES) is legally robust and fully accounts for the unique constraints of the River Dove valley, the Council request that the following technical parameters and local environmental receptors are explicitly "scoped in" and modelled as set out below.
- 1.13. Our comments are presented below in order of environmental significance to Site E, as understood by Egginton PC.

2. WATER ENVIRONMENT AND FLOOD RISK (Scoping Report Chapter 19)

Baseline Information and Comments on the Scoping Report

- 2.1. The Council's strongest objection concerns any attempt to understate or scope out flood-related effects on Site E. The Scoping Report identifies that Site E to be entirely within EA Flood Zone 2 and 3 extents, associated with the floodplain of the nearby River Dove, Hilton and Egginton Brooks, 'Main River' watercourses. The site is predominantly within Flood Zone 3b, the EA's highest risk category mapped for planning purposes and is intersected by the River Dove, with widespread surface-water flood risk and formal flood defences nearby. This alone requires a full, site-specific Flood Risk Assessment, hydrological assessment, hydraulic modelling, drainage strategy, climate-change assessment and emergency access assessment. These matters are not secondary design issues; they go to whether development on Site E is environmentally acceptable at all.
- 2.2. The Council considers that the following matters must be expressly scoped into the ES for Site E: fluvial flooding from the River Dove, Hilton Brook, Egginton Brook and associated ordinary watercourses; surface-water flooding; groundwater flooding; sewer flooding; floodplain storage; flood-defence performance; effects on Monks Bridge and Narrow Road Bridge; emergency access during flood events; obstruction by floating debris; interaction between floodwater and electrical infrastructure; potential impact on Severn Trent Water assets; and the risk of flooding or disruption to the A38 strategic highway as well as local residential and business receptors.
- 2.3. In the Council's view, these issues cannot be left to outline drainage measures or a later Construction Environmental Management Plan. The ES must demonstrate, before consent is sought, how the proposed panels, piles, access tracks, fencing, compounds, BESS infrastructure, substations, cabling and construction routes would affect flood storage, flow paths, velocities, water quality, scour, debris movement and access during flood conditions.
- 2.4. The PC sets out below comments and considerations from residents to provide context to its submission and information that should be provided and inform the Environmental Impact Assessment (ES).
- 2.5. The scoping report significantly underplays the scale and depth of flooding and incorrectly references a flood level of 300 mm. Flooding arises in the area and specifically in Site E, to considerable depth and velocity several times every year and the area remains in flood for a week at a time, cutting off our access roads - specifically Church Road and Etwall Road which are impassable by vehicles (see figures below). This is due to fluvial flooding, a high winter water table and drainage problems for flood waters as the River Dove, the Hilton and Egginton Brooks and other minor watercourses which surround and flow through Egginton cannot drain into the River Trent in peak flood. Site E could not be accessed from Church Road at such a time. Waters back up and inundate the entire area.



Figure 2.1: Church Road Egginton under flood - proposed access to site showing extent of flood at Egginton Church Road Sewage Pumping Station (SPS)



Figure 2.2: Site E from Egginton Flood Defence Bank

- 2.6. During a flood event, it is difficult for emergency vehicles to access the village area except via Ash Grove Lane in Egginton and impossible to access Monks Bridge via the slip road off the A38 by any vehicle, should the need arise in an emergency.
- 2.7. This area is strategically sensitive as it represents one of the principal holding and drainage points for flood waters in the Lower River Dove catchment. Floodwater drainage is via Monks Bridge. The area of Site E acts effectively as a “storage reservoir” for the entire catchment. Monks Bridge is a pinch point for floodwaters. This is a fragile scheduled sandstone monument (dating from c1257, with later additions) and there is a real risk that it could not withstand the onslaught of increased water pressure from flooding. It could be at significant risk of collapse. The siting of solar panels directly adjacent to this bridge not only undermines the heritage value of this Grade II listed structure but could place enormous strain on the structure during a flood event through volume and immediacy of runoff. Collapse of this bridge is a real consideration and could be calamitous for the area and for our heritage. We have experienced bridge failure twice in Egginton in the 1970s, both Egginton Brook Bridge and Saltersford Bridge on the Hilton Road collapsed during flood events. This risk is not covered in the scoping report. Bridge collapse and a flood emergency management plan for the whole of Site E should be included in the Scoping Report.
- 2.8. In the year 2000, over 2,000 houses in the Lower River Dove catchment, Nestle factory Tutbury and other businesses were flooded. There is a body of (dated) photographic evidence to support this.
- 2.9. In 2011, Halcrow produced a flood model for the lower River Dove to inform the building and engineering of the new and existing flood defences for Egginton and other communities of the lower River Dove. Completed in 2013. Regrettably, not all properties and farmland could be protected, and these are still at very high risk, including Site E, as referenced in Annex A by local resident and business owner Tom Meyer.
- 2.10. The Halcrow hydraulic flood model is not included in the scoping document and should be included to inform flood risk. The designed height of the flood-defence banks gives an indication of flood level calculations. Accurate and recent flood data should be used to inform the Scoping document; these are currently incomplete and flood impacts for and from Site E should include impacts on surrounding communities, flood defences, heritage assets, roads and public footpaths.
- 2.11. This proposed large solar development (with access roads, raised haul roads, security fencing, large 3.8-meter-high solar panels, construction compounds) was never part of the Halcrow hydraulic model. The run-off from large solar panels of 3.8m will be speeded up and the panels will face south in effect, directing water run off with immediacy into the River Dove. It will take up important greenfield/drainage land and cannot be mitigated through any workable detention ponds, swales or sustainable drainage systems (SuDS) as almost the entire area of Site E and beyond is subject to frequent and high levels of flooding.
- 2.12. In the year 2000, our biggest ever flood, an Environment Agency (EA) report indicated that the A38 flooded. It is at risk along with the Severn Trent Water (STW) drinking water abstraction works (located within Site E) and the Severn Trent pumping stations, particularly that on Church Road, Egginton, which floods every year and are already inaccessible at peak floods.
- 2.13. The Toyota Motor Manufacturing UK, Car Factory, located in Burnaston, Derby a short distance from Site E effluent is channelled through this facility. Sewers are scoped out of the report, and it is imperative that they are included.

- 2.14. The flooding of the A38 as a strategic highway should be considered and modelled for impacts on traffic and should include potential logistics considerations for the EMIP (East Midlands Intermodal Park) Freeport site in Egginton. This is a planned 173-hectare Strategic Rail Freight Interchange (SRFI) located at Egginton Common, which sits directly adjacent to the Toyota Burnaston plant and the A50/A38 Interchange.



Figure 2.3: Site E from the A38 looking west - flood of 2022 showing the STW abstraction plant



Figure 2.4: Canal aqueduct 21 Feb 2022 flood water over arch level

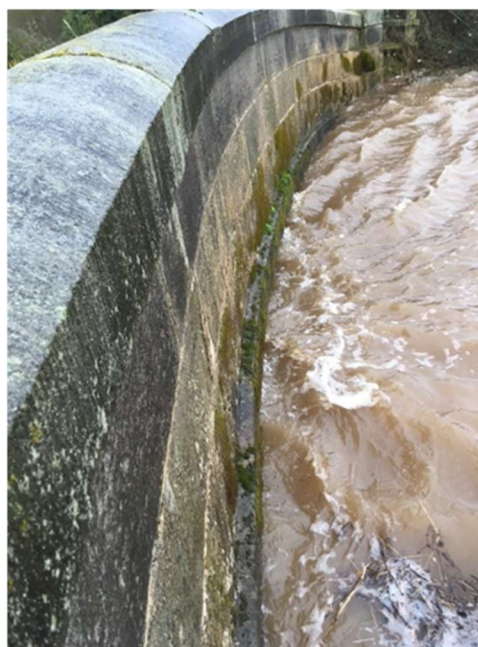


Figure 2.5: Monks Bridge Complex showing 21 Feb 2022 flood water up to top of arch

- 2.15. The removal of the Dovecliff Weir at Egginton (on the Derbyshire / Staffordshire border) completed in October 2021 by the EA has removed an important filter to catch debris arriving from upstream in times of flooding.
- 2.16. During a flood event, should a single solar panel, fence or associated debris become dislodged and block an arch of the Monks Bridge (a protected, Scheduled Monument spanning the River Dove, connecting Stretton in Staffordshire to Egginton in Derbyshire) (only three arches function), it could cause a flooding catastrophe, flooding the A38, Severn Trent Water (STW) infrastructure, local properties and the village of Egginton. Its effect is very likely to be felt further upstream due to the strategic importance of this area, which is effectively a retention reservoir for the whole catchment area.
- 2.17. Emergency services would have difficulty accessing the area until the floodwaters receded, which could take days.
- 2.18. The raising of solar panels so that floodwater passes beneath as required by the EA, would make them especially vulnerable to storm battering and damage, increasing the risk of this scenario. The scheme poses a real risk to public safety. The scoping report appears to screen this out and any such related emergency. This should be addressed within the ES and be modelled.
- 2.19. Egginton also has considerable drainage problems as outfalls are to flooded rivers and do not function during a flood event. This is made worse by a very high-water table which routinely causes flooding inside the village flood defence banks and has historically threatened properties along Main Street and Duck Street in Egginton from flooding. The development would add to stress on ground conditions and groundwater. Driving spikes into the ground in Site E will unpredictably alter groundwater patterns. The scoping report does not properly consider this. These impacts should be modelled and defined in the ES.
- 2.20. A comprehensive drainage strategy is important at an early stage, as solar farms can increase concentration of surface water and intensify erosion between rows of panels and flow channels can increase peak rates and runoff volume.
- 2.21. It should be noted that our flood banks have no foundations but are merely earth embankments built to withstand a 1 in 100-year flood event and without freeboard. They were designed to work alongside unimpeded water meadows. Percolation is a risk and a reality. The EA must consider impacts on the functioning of our flood defences, including the effects of climate change.
- 2.22. The Drain, which runs from Egginton Hall Lake, through Site E into Egginton Brook, is an ordinary watercourse which is a feature of the heritage cluster of buildings and their woodland settings - the Church of St Wilfrid's and the adjacent Old Rectory. This ordinary watercourse which borders the application site, enters and leaves the flood defences. It will almost certainly be impacted by drainage and runoff from solar panels and associated structures and a construction phase, as will our flood defences in this location.
- 2.23. A public footpath is located here and runs through the churchyard and woodland, and over the proposed Site E, towards Monks Bridge. Forest Schools regularly take place here.
- 2.24. The impact on the Drain of this development should be subject to sensitive, detailed modelling and drainage detail. Should there be an increase in flood risk or increased ground water, it is very likely to have an adverse impact on the important heritage structures (Grade I and II) and their Egginton Church Wood Local Wildlife Setting (LWS) setting of trees, landscape, walls and fences and could pose a risk to public safety and nuisance, particularly to children and walkers.

- 2.25. This area, although on the dry side of the flood defences, is already vulnerable to flooding due to a high-water table and an inlet point flap valve to the flood defence which closes sluggishly in a flood event. It is all in very low-lying Flood Zone 3 land.
- 2.26. The ES should include details of how drainage is to be managed in this very sensitive location. Such details should include possible additional drainage around the toe of the flood banks and the possibility of re-routing part of the ordinary watercourse to reduce flood risk and impact on adjacent farmland, gardens and heritage. This would be an area for inclusion for biodiversity enhancement which is not currently referred to in the scoping document or published biodiversity plans or maps.
- 2.27. The cumulative effects of greenfield take up from this development in Sites A, B, C and D and its associated cable corridors should be understood and modelled for downstream impact and impact on flood levels. Several of the upstream development areas are sited in Flood Zone 3 land.

Comments on Chapter 19 of the Scoping Report

- 2.28. The National Planning Policy Framework (NPPF) requires a sequential risk-based approach to be taken for all planning applications in areas known to be at risk now or in future from any form of flooding. The Sequential and Exception Tests should be applied to steer development to land at lowest risk of flooding from any source. This has been completely missed out of the Scoping Report. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 2.29. The sites must be assessed individually and reasonably available alternative sites at lower risk of flooding from all sources must be considered. Having applied the Sequential Test, if it is not possible for development to be in areas with a lower risk of flooding, the Exception Test will need to be applied.
- 2.30. The following should also be noted and included:
- The EA commissioned Halcrow model to inform the construction of flood defences;
 - South Derbyshire District Council (SDDC) emerging Local Plans Part 1 & 2;
 - Egginton Brook river level gauge data;
 - River Dove level gauge data collected at Marston on Dove;
 - Derbyshire County Council (DCC) River Dove Catchment Storm Babet report;
 - SDDC flooding news, February 2026; and
 - Minutes from SDDC flood liaison meetings relevant to the lower River Dove catchment.

Comments on Specific Paragraphs of Chapter 19

- 2.31. The following inaccuracies or areas of clarification should be noted in the paragraphs listed below relating to Chapter 19, Water Environment and Flooding:
- 19.2.3 states; “The managing LLFA for the Solar Development Sites A-D is SDDC, for Solar Development Site E the LLFA is SCC....”. That is incorrect; the LLFA for Sites A-D is DCC; for Site E, part is DCC and part is SCC.
 - 19.4.5: The opening sentence is incorrect; the Lead Local Flood Authorities (LLFA’s) for site E DCC and SCC.

- 19.4.6: The meaning of this paragraph is not clear. In some instances, the sources and impacts of flooding or water supply may be greater than 1-2km. The geographical extent should extend to the full extent of the impacts of any flooding and water resources issues and not be limited to an arbitrary radius. While a standard 2km radius is often used as a baseline for gathering local historical data or mapping minor watercourses, flood impacts are determined by hydrological boundaries (catchments and topographies) rather than strict arbitrary distances. Altering natural drainage paths, increasing surface runoff, or reducing floodplain storage can displace water and cause significant environmental or structural impacts many kilometres downstream as in Site E.
- 19.4.8: The draft Order Limits associated with Site E is mischaracterised. It is a rural location characterised by ancient grazing water meadows and is the setting for the villages of Egginton and Stretton, some 5 miles from Burton-on-Trent. Located adjacent to Site E are two significant Seven Trent Water (STW) infrastructure facilities – a drinking water plant on the River Dove and a sewerage pumping station (Church Road, Egginton). The site is bounded by a strategic highway (A38) and is intersected by the adopted River Dove, several ordinary watercourses and waterbody features including Local Wildlife Site (LWS) including the River Dove (Egginton/ Stretton Section) a Regionally registered Wildlife Corridor / Candidate and the Clay Mills Junction Ditches, a Candidate LWS with a series of ancient boundary hedgerows and drainage dykes near the Clay Mills treatment zone which forms the southwestern boundary of the Site E envelope and serves as a major foraging corridor for local bat species and several Sites of Special Scientific Interest (SSSI); including the Old River Dove, Marston on Dove SSSI, located just slightly upstream/north-east of Site E, near Marston-on-Dove and south of Rolleston-on-Dove which captures a cut-off meander of the River Dove. Natural England monitors it strictly to maintain its favourable ecological status. Because Site E features 3.8-metre-high panels on both sides of the active River Dove channel, the old riverbed's delicate standing-water ecosystem and rare aquatic flora are highly sensitive to surface run-off changes and Hilton Gravel Pits SSSI located a few miles north of Site E, just outside the nearby village of Hilton. This is a premier wetland SSSI (also managed as a Derbyshire Wildlife Trust Nature Reserve) renowned for its diverse populations of dragonflies, amphibians, and breeding birds. Environmental surveyors monitor it closely regarding any localised shifts in the flight paths and breeding zones of regional waterfowl.
- 19.4.10: Further mischaracterisation; there are no urban towns or motorways.
- 19.5.3: This list should include the current government Planning Practice Guidance on Flood Risk and Coastal Change (produced by the Environment Agency).
- 19.5.5: Site E receptors should also include Hilton Brook, two ordinary watercourses (the Drain and a tributary of Hilton Brook), a lake, flood defences for Egginton village, numerous heritage assets and two STW facilities (drinking water abstraction and sewerage).
- 19.6.8: This section mischaracterises Site E. The Site is almost entirely within EA Flood Zone 3, associated with the flood plains of the intersecting River Dove, Egginton Brook, Hilton Brook and its tributaries, and the Drain. These are all tributaries of the River Trent and hydrological assessment, and hydraulic modelling is required to assess the effects of the solar development at Site E and should be included in the Flood Risk Assessment.
- 19.6.20: This section understates the high risk of surface water flooding within Site E which is likely to become more extensive in the 2040-2060 period. There are significant high risk surface

water flooding events associated with the adopted and ordinary watercourses in which the flood depths greatly exceed the 300mm described in this section.

- 19.6.26: Ground water risk assessment must be supplemented with up-to-date groundwater data. The SDDC 2008 groundwater map and records are significantly out of date.
- 19.6.37: The data relied upon in this section's assessment of Site E appears to be out of date, and the Council respectfully asks that the classification of groundwater flood risk as medium be reconsidered. Local evidence indicates that groundwater flood risk is high.
- 19.6.41: The Council considers that the potential risk of reservoir failure should be assessed in relation to Site E, notwithstanding the regulatory safeguards provided by the Reservoirs Act 1975. The EA should also recognise that there is a second designated reservoir on Egginton Common. In addition, the ES should assess potential additional flooding associated with the Trent and Mersey Canal.
- 19.6.42: It is stated that the South Derbyshire District Council (SDDC) Strategic Flood Risk Assessment (SFRA) does not provide historical sewer flood incident data. When evaluating a large-scale project like Castle Way Energy, the developer cannot just look at river levels. Under the National Planning Policy Framework (NPPF) and the SDDC SFRA mandates, a site-specific Flood Risk Assessment (FRA) must explicitly appraise all sources of flood risk, including the local sewer network. We request this should be required given its local infrastructure on Church Road Egginton which takes the discharge from the Toyota Manufacturing site.
- 19.6.43: Site E is very close to STW Church Road pumping station and sewer flood risk must be included.
- 19.6.66: This is a mischaracterisation for land close to and within Site E which is at high risk of surface water flooding.
- 19.7.1: The Council considers that the approach to SuDS should be revised to reflect the floodplain conditions at Site E. Infiltration-based SuDS are unlikely to be feasible within Flood Zone 3 or in areas already affected by surface-water flooding. Where SuDS are proposed, the Environmental Statement should demonstrate that they are technically deliverable, appropriately located and capable of managing surface-water run-off without reducing floodplain capacity or increasing flood risk elsewhere.
 - Bullet point 3 should be strengthened. Rather than stating that SuDS "would restrict and control" surface-water run-off, it should require SuDS to restrict and control both the rate and volume of surface-water run-off from the Proposed Development to greenfield rates and volumes.
 - Bullet point 5 should also be amended. Hydrological and hydraulic modelling of nearby and intersecting watercourses should be a firm requirement, not an optional exercise, to determine the actual fluvial and surface-water flood risks affecting the Sites.
 - The Flood Risk Assessment should also be informed by consultation with local landowners and flood wardens, whose knowledge of actual flood mechanisms, access constraints and historic flood behaviour is essential. The assessment should not rely solely on theoretical modelling or desk-based data.
- 19.8.1: The Scoping Report refers to loss of floodplain during construction and operation of the development. However, the risks from floating debris catching on the forest of panel supports or

other infrastructure which could obstruct flows and significantly increase flood water levels has not been mentioned.

- The combined dangers of electricity and flood water have not been considered. Access to the sites for emergency work during times of flooding has not been considered. This should be assessed for all sites, but particularly for Site E which is located almost entirely in Flood Zones 3a and 3b (the functional floodplain).
- 19.9.2: The Scoping Report states that; “Where parcels are solely located within a Flood Zone 1, fluvial flood risk has been scoped out”. This is not acceptable as some sites have other areas of higher flood zones adjacent to them or in them.
- 19.9.3: States that; For parcels which largely have a very low risk of water flooding surface water flood risk has been scoped out”. This is incorrect for Site E which has a very high risk of surface water flooding; we therefore request it is scoped in for Site E.
- 19.9.5: Site E is close to STW Church Road, Egginton Sewerage Pumping Station and sewers must be scoped in as risk of flooding from sewers is a tangible environmental consideration in this location. In addition, if sewerage and water facilities are to be provided within the Sites (at any stage of development), flood risk from sewers should not be scoped out.
- Table 19.1: Water Resources and Flood Risk Topics to be Scoped In/Out:
 - The potential effects on surface water / water quality should also cover contaminant run off to STW drinking water abstraction plant / SSSI / LWS (Site E).
 - The sewer flood risk needs to be scoped in for all sites if there is any foul water runoff.
 - All sites (particularly Site E) need surface water flood risk to be scoped in for increased runoff from impermeable surfaces and increased runoff affecting water quality during operation of the development.
 - The potential effects of increased run off affecting receiving water on surface water / water quality should be scoped in for Site E.
 - All sites (particularly Site E) need to be scoped in for any increase in sewer flooding where sewerage facilities are used during operation of the development.
 - During decommissioning, the surface water flood risk from compaction of the soil needs to be included for all sites (particularly Site E).
- 19.10: As noted at the start of these comments, the Sequential and Exception Tests need to be applied to all sites to ensure that development is steered to areas at lowest risk of flooding from all sources. There is no mention of applying the Sequential Test to the proposed development in the Scoping Report. This is a basic requirement of the National Planning Policy Framework (NPPF) and the Environment Agency’s Flood Risk and Coast Change Planning Practice Guidance.
- 19.10.1: The identification of sensitive receptors within the vicinity of the draft order limits needs to be wide enough to ensure that it covers all affected areas of flood risk upstream and downstream of the site and all areas impacted by changes in water resources (such as change in groundwater levels affecting local and local businesses).

- 19.11.3: Flood risk assessment in these rural areas requires input from local people with local knowledge (including photos) about existing flood risks and causes, existing infrastructure affecting flood risk and flood patterns, not just a desk study, see Annex A.

Concluding Remarks on Section 19.0 Water Environment and Flood Risk

2.32. The Scoping Opinion should require the ES to:

- Produce a Site E-specific Flood Risk Assessment in accordance with the NPPF, PPG Flood Risk and Coastal Change, and the latest EA climate change allowances for the River Trent basin and the Lower River Dove catchment using current data and not place over reliance on the 2008 SFRA data set which predates more than 15 years of additional fluvial events in this catchment including Storm Babet.
- Prepare a drainage strategy to cover construction, operation and decommissioning. The strategy should include, inter alia, the mapping of overland flow paths, culvert capacities, drainage ditches, ordinary water courses and informal storage across Site E, and model the interaction of the proposed layout (panels, piles, access tracks, BESS pads, compounds, fencing and any flood-compensation storage) with the floodplain and the EA flood defences.
- Apply the Sequential and Exception Tests at parcel level, demonstrating that arrays, inverters, BESS and other built infrastructure have been steered away from Flood Zone 3 (and FZ2) by design, not merely managed at construction-method-statement stage.
- Confirm that floodplain compensation (if any), will be assessed within Site E rather than offset against unrelated parcels elsewhere.
- Prepared a flood emergency management plan is required for Site E, which includes alternative access arrangements for the Site and the possibility of bridge collapse and flooding of the A38 trunk road.

3. ARCHAEOLOGY, BUILT HERITAGE AND THE HISTORIC LANDSCAPE (Chapter 8)

Baseline Information

- 3.1. The Council welcomes the fact that several heritage assets are recognised in the Scoping Report, but it objects to any selective or inconsistent treatment of Site E's heritage receptors.
- 3.2. Site E contains and adjoins a concentration of designated and non-designated heritage assets whose significance is inseparable from the open floodplain, water-meadow and river-crossing landscape. The EA must therefore assess both direct archaeological effects and indirect effects on setting, views, historic landscape character, tranquility and appreciation of significance
- 3.3. It is uniquely rich in sensitive and fragile heritage and archaeology, containing internationally significant scheduled monuments, a possible Saxon Hall and Grade I and II listed buildings. There are more than 23 important archaeological features and 16 heritage assets. It is an archaeological treasure trove; undisturbed for centuries. It should be comprehensively explored before any development. The village pound (pinfold) is scoped out and should be scoped in along with the crinkle-crinkle wall bounding St Wilfrid's Church, see Table 1.
- 3.4. Their significance is not limited to their fabric; it includes their relationship with the River Dove, the floodplain, historic routes, surviving ridge and furrow, water meadows, public footpaths and the wider rural setting of Egginton, a landscape currently of large scale industrial built infrastructure.

Name	Heritage Category	Grade	Entry Number	Location
Monks Bridge See also DERBYSHIRE 15	Scheduling		1003809	Egginton, South Derbyshire, Derbyshire
Monks Bridge See also STAFFORDSHIRE 261	Scheduling		1007077	Egginton, South Derbyshire, Derbyshire
Whitehouse Farmhouse	Listing	II	1040052	WHITEHOUSE FARMHOUSE, MAIN STREET, Egginton, South Derbyshire, Derbyshire
Benby House Farmhouse (known as the Old Rectory) including crinkle-crankle wall	Listing	II	1096521	BENBY HOUSE FARMHOUSE, CHURCH ROAD, Egginton, South Derbyshire, Derbyshire
Canal Bridge at OS 279 279	Listing	II	1096522	CANAL BRIDGE AT OS 279 279, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
High Bridge House	Listing	II	1096523	HIGH BRIDGE HOUSE, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
Monks Flood North Bridge	Listing	II	1096524	MONKS FLOOD NORTH BRIDGE, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
Canal Aqueduct at SK 268 269	Listing	II	1096525	Canal Aqueduct at SK 268 269, Off Derby Road, Egginton, South Derbyshire, Derbyshire
Manor Farmhouse	Listing	II	1096526	MANOR FARMHOUSE, 44, FISHPOND LANE, Egginton, South Derbyshire, Derbyshire
Pinfold Or Pound	Listing	II	1096527	PINFOLD OR POUND, MAIN STREET, Egginton, South Derbyshire, Derbyshire
Footbridge (On Former Egginton Estate at SK 264277)	Listing	II*	1140125	FOOTBRIDGE (ON FORMER EGGINTON ESTATE AT SK 264277), Egginton, South Derbyshire, Derbyshire
Church of St Wilfrid	Listing	I	1334567	CHURCH OF ST WILFRID, CHURCH ROAD, Egginton, South Derbyshire, Derbyshire
High Bridge	Listing	II	1334568	HIGH BRIDGE, DERBY ROAD, Egginton, HIGH HARGATE, South Derbyshire, Derbyshire
Monks Flood Bridge	Listing	II	1334569	MONKS FLOOD BRIDGE, DERBY ROAD, Egginton, South Derbyshire, Derbyshire
Park Hill	Listing	II	1372020	PARK HILL, HILTON ROAD, Egginton, South Derbyshire, Derbyshire
Dovecliffe (known as Dovecliff Hall Hotel) including curtilage listed buildings	Listing	II	1038464	DOVECLIFFE, Stretton, East Staffordshire, Staffordshire

Table 1: List setting out relevant local heritage assets

3.5. The Council also requests that decommissioning is scoped in for heritage and archaeology. Decommissioning would involve renewed access, removal, excavation, ground disturbance, heavy vehicles and restoration works, and could cause effects comparable to construction, particularly in wet floodplain soils and in proximity to archaeological remains.

Specific Comments on the Scoping Report

3.6. Specific comments relating to archaeology in relation to Site E include:

- Site E is uniquely rich in sensitive and fragile heritage and archaeology, containing internationally significant scheduled monuments, a possible Saxon Hall and Grade I and II listed buildings. There are more than 23 important archaeological features and 13 heritage assets. It is an archaeological treasure trove; undisturbed for centuries. It should be comprehensively explored before any development. The village pound (pinfold) is scoped out and should be scoped in along with the crinkle-crankle wall bounding St Wilfrid's Church.
- The site contains a possible Iron Age settlement, characterised by Iron Age and Roman enclosures, ring ditches and linear crop marks dating back to the Bronze Age. The field boundaries date back to the Iron Age and Roman times. Areas of post Medieval Ridge and Furrow are still clearly visible and characterise the terrain throughout Site E, around the villages of Egginton and Stretton, providing an historical and agrarian setting for these ancient communities.

- In Site E, undisturbed ancient water meadows, that have been grazed by cattle for centuries, frame the village of Egginton, providing an important context for the heritage cluster of St Wilfrid's Church (Grade I) and the Old Rectory (Grade II) (formally Benby Farmhouse) with its remarkable crinkle-crankle wall; all enjoyed by the visiting public from public footpaths and surrounding roads.
- Many of these features, especially the ridge and furrow and the built heritage, are enjoyed by the public from unimpeded viewpoints, public footpaths, cycleways and highways, including the A38 dual carriageway, which is on the line of the Roman Road, Rykneld Street.
- The construction and operation of a large-scale industrial solar farm would replace this pastoral wetland setting with an incongruous form of development comprising solar panels, fencing, pylons and associated infrastructure. In combination with the potential for increased surface-water run-off and altered flood flows, the development could cause irreversible harm to heritage and archaeological assets. The full cumulative impact of the development across Site E should therefore be comprehensively assessed and expressly scoped into the Environmental Statement.
- Adjacent to Monks Bridge is the Trent and Mersey Canal Conservation Corridor and the James Brindley Aqueduct (Grade II); this is a remarkably tight cluster of heritage assets which, together with other heritage assets including Canal Bridge, High Bridge, High Bridge House, Monks Flood North Bridge and Monks Flood Bridge. Part of the proposed development area forms the foreground for this tight heritage cluster and the specific effects on these heritage assets should be evaluated for cumulative impact and harm.
- Section 8.7 discusses mitigation but fails to describe HARM and LOSS.
- Decommissioning activities have been scoped out and should be scoped in, including site restoration when life of the development ends or when the farm stops generating. There should be a requirement for an up-front decommissioning bond.
- The applicant recognises two Scheduled Monuments on or immediately adjacent to Site E:
 - Narrow Road Bridge over the River Dove (NHLE 1003809, HER MST4512); a medieval bridge identified in Table 8.1 of the Scoping Report as the Site E Scheduled Monument; and
 - Monk's Bridge, Egginton (NHLE entry via Historic England List; Wikipedia overview; Derbyshire HER DDR6168 listing record); a Scheduled Monument identified in the landscape chapter of the Scoping Report as immediately adjoining Site E.

3.7. As previously described, both are medieval river-crossing structures whose significance is inseparable from the river itself, the floodplain landscape, and the open agrarian setting that is currently free of large-scale built infrastructure. It should be noted:

- There are discrepancies and omissions in the Scoping Report within the chapters on archaeology, heritage and landscape in terms of assets for assessment. Monks Bridge is recognised as a scheduled monument but is not taken into the archaeology chapter assessment alongside Narrow Road Bridge. This is a substantive inconsistency within the document.
- Egginton has a small but coherent historic core including the Church of St Wilfrid (Grade I) and several Grade II listed buildings whose settings extend into the riparian and agricultural landscape that Site E proposes to occupy. The Scoping Report does not identify these

designated assets at parcel level for Site E, nor does it set out how their settings will be characterised.

3.8. The Scoping Opinion should require the ES to:

- Include all heritage and scheduled monuments with full scale full Stage 1–4 GPA3 setting assessment in each case.
- Reconcile any discrepancies between the chapters on archaeology, heritage and landscape.
- Identify all designated and non-designated heritage assets within Egginton including the Church of St Wilfrid and the Egginton listed-building cluster and Stretton including the Dovecliff Hall Hotel, Grade II listed and associated curtilage listed building at parcel level for Site E, with a Site E-specific setting assessment.
- Apply the mitigation hierarchy at parcel level; avoidance through red-line contraction around the medieval bridges and their riverine setting before any reliance on screening, layout adjustment or recording; and
- Address heritage and floodplain constraints jointly, recognising that the fields most at risk of fluvial and surface-water flooding are also the fields that frame the medieval bridges and heritage assets and contribute to their significance.

4. Glint and Glare (Chapter 12)

Baseline Information

- 4.1. The baseline environment for the development reflects a largely flat, agricultural environment in a flood plain with a multi-tiered aviation context which ranges from distant regional commercial hubs to immediate, bordering general aviation facilities.
- 4.2. The baseline environment for the development predominantly comprises a gently undulating, agricultural landscape intersecting regional flood risk zones, set within a complex, multi-tiered aviation framework. This operational context ranges from the overarching regional airspace requirements of East Midlands Airport (EMA) to localised, immediate interface constraints with adjacent general aviation facilities, notably Derby Airfield.
- 4.3. There is no reference within the scoping report to either airport.
- 4.4. East Midlands Airport (EGNX) lies approximately 10.5 nautical miles south-east (EGNX AIP entry, NATS / Rossiya AIP mirror) and is the relevant safeguarded major aerodrome to the south-east. It serves as the primary regional international and cargo hub. The project's proposed western draft Order Limits fall broadly under EMA's wider Controlled Airspace (CTA).
- 4.5. Derby Airfield (EGBD) represents a highly sensitive, localised baseline feature directly adjacent to the development footprint. Situated as a small, grass-strip licensed aerodrome between the villages of Egginton and Hilton, this private airfield shares a direct physical boundary with Site D (Hilton) and Site E (Egginton).
- 4.6. It is licensed by the UK Regulator, the Civil Aviation Authority (CAA), a requirement for any type of commercial aviation activity which is predicated on aircraft safety.

- 4.7. Derby Airfield is the only licensed aerodrome in Derbyshire and came about after landmark Department of the Environment decision following a four-week public inquiry in 1991.



Figure 4.1: Derby Airfield (EGBD)

- 4.8. Derby Airfield is therefore fully in line with HM Govt planning rules and stated policy; “to make the UK the best place in the world for general aviation.” There is no aviation without Aerodromes.
- 4.9. It is in the top classification of the UK’s Strategic Airfields Network (SAN). This study was established by the All Party Parliamentary Group – General Aviation (APPG-GA) and is technically an Airport granted under the Airports Act 1986 and is therefore a “statutory undertaker.” This status grants powers to take action to prevent any activity that is prejudicial to the safe operation of the Airport.
- 4.10. The commercial activity at Derby is flying training and therefore must be a consultee and included in the ES.
- 4.11. In relation to Derby Airfield the ‘agent of change’ principle in planning should be applied which requires that any new development must not impair a pre-existing business. Derby Airfield has been operating and growing since 1991. The Castle Way Energy proposals represent a series of clear safety problems and hence business activity. Derby Airfield is one of the largest land uses orientated employers in the locality.
- 4.12. Derby Airfield, East Midlands Airport where relevant, the Civil Aviation Authority and appropriate safeguarding consultees should be undertaken as part of the ES. This assessment should consider worst-case panel orientation, tracker technology, bifacial panels, panel coating, reflection from BESS and inverter infrastructure, cumulative glare, pilot-eye receptors and any necessary no-build or setback zones.

Impact on Derby Airfield

- 4.13. Because the airfield operates active flight training circuits and low-altitude light aircraft approaches over these exact land parcels, its active runways and operational airspace create a constrained visual baseline. This proximity legally mandates a specialised Glint and Glare impact assessment within the ES to evaluate potential solar reflection safety risks to pilots on their final approach thresholds.

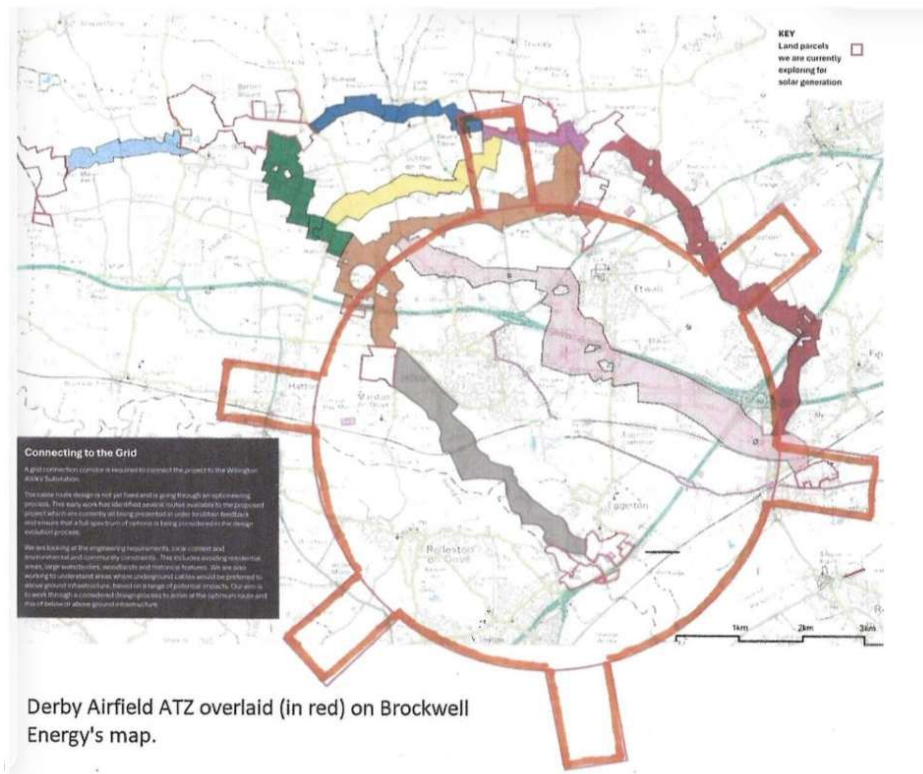


Figure 4.2: Derby Airfield (EGBD) showing impact of development on the Aerodrome Traffic Zone (ATZ)

- 4.14. A large-scale solar array immediately adjacent to a licensed grass aerodrome is not a routine glint-and-glare receptor case: the airfield operates visual-flight-rules circuits at low altitude directly over the parcel; aircraft are constrained in their ability to manoeuvre around reflective sources during base-leg and final approach; and the proximity falls within the consultation distance for aerodrome safeguarding under the DfT/CAA Safeguarding of Aerodromes – ODPM Circular 1/2003 regime and CAP 738 – Safeguarding of Aerodromes.

Safety Concerns for Derby Airfield

- 4.15. The ES must consider the following impacts on safety for Derby Airfield:

- Transmission lines:** Height, voltage and routing. Fundamental safety problem for aircraft. The indicated routes for the proposed 400kV lines on 30 – 40m high pylons pass down on both sides of the aerodrome. See above map showing the extent of the Aerodrome Traffic Zone and the extensions for the runways resulting in the Flight Restricted Zone.
- Glint and glare:** Problems caused that interfere with pilot's vision at critical phases during approach and landing. Problem is specific to the location of each and every solar farm, orientation of the panels, runway in use (wind direction and weather dependent) and time of day. Comprehensive, specific and inclusive evaluation is vital to safety of aircraft. All air traffic at Derby Airfield is flown under Visual Flight Rules (VFR).
- Electromagnetic interference:** Possible interference with aircraft radio, navigation and electronic conspicuity equipment. Potential aircraft safety problem.
- Reduction of safe emergency contingency landing areas:** Practice of Engine Failure After Take Off (EFATO) is a mandatory part of the internationally recognised pilot training syllabus. Panel

arrays, BESS installations, pylons and particularly, high tension cables are obvious hazards local to an active, training aerodrome. Safety problem.

- e) *Flooding impacts:* Flooding for Derby Airfield is already problematical and has been getting worse in recent years. Standing water is an obvious hazard for aircraft operations but even after flood water has dissipated, the ground is softened for many days leading to the curtailment of business for safety reasons. Drainage and flood modelling of the proposed development is required for impacts at all stages, construction, operation and decommissioning.
- f) *Access routes:* For construction, maintenance, repair and decommissioning of the transmission lines and the farms require a multiplicity of suitably hard roads for heavy vehicles and equipment. Visibility impairment by dust. The pylons require substantial concrete foundations. Crane operators must by law obtain permission from Derby Airfield to operate within the Aerodrome Traffic Zone. Aircraft safety problem.

Deficiency: Aerodrome and Glint/Glare Scoping

4.16. The Scoping Report's generic glint-and-glare methodology, which relies on standard Solar Glare Hazard Analysis Tool outputs against highway and dwelling receptors, does not address:

- The licensed aerodrome at Derby Airfield (EGBD) and its circuits.
- The visual flight paths used by general-aviation aircraft transiting between EGBD and EGNX.
- Pilot-eye reflection during landing and take-off, including the effect of dual-axis tracker arrays and bifacial panels under the Rochdale Envelope; and
- Cumulative reflection from BESS enclosure surfaces, inverter housing and security infrastructure in addition to panels.

Requested Scope Requirements

4.17. The Scoping Opinion should require the ES to:

- Consult Derby Airfield (EGBD) and East Midlands Airport (EGNX) safeguarding officers and the CAA at scoping stage, not only at application stage, and record their responses.
- Apply a glint-and-glare assessment to Site E using aerodrome-receptor methodology consistent with CAP 738 and the CAA's aerodrome safeguarding guidance, not only the standard ground-receptor SGHAT approach.
- Define within the Rochdale Envelope a worst-case tracker tilt angle, panel coating, and BESS enclosure finish, so that aerodrome impacts cannot be re-opened by post-consent design changes; and
- Treat aerodrome safeguarding as a parcel-level design constraint for Site E, with avoidance (red-line contraction or layout setback) tested before any reliance on operational mitigation such as panel coatings or screening.

5. TRANSPORT AND ACCESS (Chapter 18)

Baseline

- 5.1. The local transport and access baseline for the development is defined by a high-capacity strategic road network (A38, A50) feeding into a sensitive rural road network, with local access largely dependent on narrow country lanes. The baseline incorporates existing traffic pressures from industrial sites, cumulative impacts from energy infrastructure near the Willington Substation, and a dense network of public rights of way (PRoW) prone to severance.
- 5.2. The proposed Site E sits either side of the A38 (Rykneld Street) trunk road, a nationally important strategic highway, which cuts directly through this section of the development:
 - *The East Side (Derbyshire)*: This parcel sits on the Egginton side of the highway, covering the low-lying agricultural fields and water meadows stretching back toward the village.
 - *The West Side (Staffordshire)*: This parcel sits on the Stretton and Clay Mills side of the highway.
- 5.3. Locating solar development on both sides of a major trunk road introduces specific problems that must be addressed as part of the ES and should not be scoped out:
 - *Solar Glare for Drivers*: Having panels facing the road from both left and right means that as the sun moves throughout the day, drivers on the A38 could face dangerous, blinding reflections (glint and glare) in both the northbound and southbound lanes.
 - *Severing the Landscape*: The A38 already splits the geographic border between Derbyshire and Staffordshire. Wrapping solar farms on either side completely industrialises the rural "green gateway" that commuters see when driving between Burton and Derby.
 - *Grid Cabling Hazards*: Because the panels are split by a major national highway, the developer will have to dig massive trenches underneath the A38 or install high-voltage overhead lines to link the two sides together before routing the power to Willington.
 - *Flood Risk*: Any risk of flood impact on the A38 should be addressed and scoped into the ES.
 - *Construction disruption*: abnormal-load conflict or emergency-access constraint affecting the A38 should be scoped into the ES.
- 5.4. The local transport network surrounding Site E stretches across the county and parish boundaries, directly intersecting the road network of Stretton (East Staffordshire) just across the River Dove. Because Site E spans land parcels on both sides of the river, the Stretton network introduces a critical secondary layer of local routing constraints.
- 5.5. The local road network within and immediately surrounding Egginton village is a classic rural network, characterised by narrow geometries, historic pinch points, and a complete lack of strategic capacity. It is structurally designed for light village and agricultural traffic, making it highly sensitive to external pressures and is subject to flooding.
- 5.6. The network is defined by three distinct layers:
 - a) The Village Spine: Main Street / Church Road:
 - *The Corridor*: This is the central spine road that runs directly through the historic core of Egginton from north to south.

- *The Constraints:* It is a narrow, winding single carriageway bordered tightly by residential properties, historic frontages, and parked cars. It features sharp, blind bends—particularly near the church—and lacks continuous pavement infrastructure. It is entirely unsuited for heavy commercial vehicles or HGV routing.

b) Rural Access Links: Blacksmiths Lane and Fishpond Lane:

- *The Corridor:* Tertiary lanes which feed off the main spine, looping around the southern and western perimeters of the village toward the agricultural fields and the River Dove corridor.
- *The Constraints:* These are exceptionally narrow, single-lane tracks, often with soft verges and no street lighting. They are primarily used by residents, walkers, and light agricultural machinery. Any influx of construction or industrial traffic here would cause immediate physical road damage and gridlock.

c) Peripheral Boundary Distributors: The A5132 and A38:

- *The A5132 (Carriers Road / The Castle Way):* This road runs just north of the village boundary, acting as the primary buffer road. While it is wider than the village lanes, it remains a single carriageway with no pedestrian footpaths on its southern side. It serves as the main conduit connecting Egginton's northern lanes to the wider region.
- *The A38 Trunk Road:* This major dual carriageway runs immediately along the eastern edge of the Egginton parish boundary. While it provides high-capacity strategic access, its local slip roads and junctions (such as the turn-offs for Egginton/Stretton/Willington) are notorious local pinch points during peak commuting hours.

5.7. The Council objects to any scoping approach that treats transport and access as a generic project-wide issue. Site E is affected by the A38 trunk road, local lanes with limited capacity, flood-prone access routes, heritage-sensitive crossings and emergency access constraints. The Environmental Statement should assess Site E construction, operation and decommissioning traffic separately, including abnormal loads, HGV movements, staff trips, route suitability, road safety, junction capacity, cumulative construction traffic and interaction with flood events.

Deficiency: A38 Treatment in The Transport Chapter

5.8. The Scoping Report's transport baseline should include:

- Identification of the A38 / A50 / A516 junction complex around Egginton, Hilton and Etwall as a parcel-specific constraint for Site E construction and decommissioning traffic.
- Set out abnormal-load routes for solar modules, BESS containers, transformers and piling rigs from the strategic road network onto local rural lanes in and around Egginton, Stretton, Hilton, Hatton and Marston on Dove.
- Address the cumulative impact of Site E construction overlapping with construction at Site D (Hilton/Marston on Dove), where the same A38 junctions and local lanes would carry traffic for both parcels at the same time; and
- Demonstrate engagement with National Highways as a statutory consultee on access to and from the A38, in line with DfT Circular 01/2022.

Requested Scope Requirements

5.9. The Scoping Opinion should require the ES to:

- Provide a Site E-specific Transport Assessment (TA), including abnormal-load routing studies onto and off the A38, junction capacity assessment at the relevant A38 junctions, and accommodation works where required.
- Identify and assess every local rural lane to be used by construction or decommissioning traffic for Site E (including Hilton Road, Church Road, in both Egginton and Stretton, Etwall Road the lanes through Stretton, and Monk's Bridge), with a clear receptor list and intervisibility with housing, sensitive receptors such as schools and heritage assets.
- Assess cumulative construction traffic across Site D and Site E rather than treating them as sequential or independent; and
- Confirm engagement with National Highways, Derbyshire and Staffordshire County Councils at scoping stage and incorporate any access constraints they identify into the Rochdale Envelope before red-line confirmation.

6. ECOLOGY AND BIODIVERSITY (Chapter 11)

Baseline

- 6.1. The Dove Valley is a protected wildlife corridor and landscape designation. It follows the River Dove across Staffordshire and Derbyshire and includes.
- *The Lower Dove Valley (Burton-upon-Trent to Egginton)*: The valley floor acts as a strategic green wildlife corridor and is monitored by the Transforming the Trent & Dove Valley project. Local nature hubs include the Old River Dove (a Site of Special Scientific Interest at Marston-on-Dove), Willington Wetlands and the Drakelow Nature Reserve.
- 6.2. The scoping report identifies Hilton Gravel Pits, Site of Special Scientific Interest (SSSIs), Old River Dove, SSSI, River Dove Local Wildlife Site (LWS) and several other LWS within 5 km of the scheme. The ecology chapter does not, however, articulate specific impact pathways between Site E and those designations, despite the parcel lying directly within the Dove Valley corridor that links them.
- 6.3. Site E forms part of the River Dove ecological corridor and includes or adjoins sensitive habitats including floodplain grazing marsh, the River Dove LWS, Egginton Church Wood LWS and the wider functional landscape associated with Hilton Gravel Pits SSSI and Old River Dove SSSI. The Council considers that ecological assessment should not be limited to habitat accounting or a narrow Biodiversity Net Gain (BNG) boundary. The ES must assess ecological function, hydrological dependency, species movement, water quality, disturbance, lighting, fencing, reflectance and construction/decommissioning effects.
- 6.4. The Council is particularly concerned that solar panels, fencing, access tracks and associated infrastructure could fragment floodplain habitat, alter grazing-marsh character, affect waterbird movement, affect bats, otter, water vole, breeding and wintering birds, and increase pollution risk to watercourses during flood events. These matters should be scoped in and surveyed at appropriate seasonal periods and assessed on a precautionary basis.

Impacts in Relation to Ecology and Biodiversity

- 6.5. In relation to Ecology and Biodiversity, the impacts on Site E (Egginton and Stretton) are highly sensitive due to its location along the River Dove riparian corridor and its intersection with a functional floodplain.
- 6.6. The primary ecological and biodiversity impacts, risks, and proposed enhancements for Site E are structured around four critical areas:
- a) Disruptions to the Riparian Corridor and Aquatic Habitats:
 - *River Dove Connectivity*: Site E directly interfaces with the River Dove corridor. Construction runoff, soil compaction, and accidental fuel spillages during the installation of panels present a high risk of siltation and pollution entering the river ecosystem, which could severely degrade water quality.
 - *Impacts on Protected Species*: The river and its intersecting wet ditches are known or high-potential habitats for protected species, including Otters (*Lutra lutra*) and Water Voles (*Arvicola amphibius*). Construction noise, vibration, and the physical presence of security fencing risk disrupting their foraging routes and severing habitat connectivity.
 - b) High Displacement Risk for Farmland Birds:
 - *Ground-Nesting Birds*: The large, open agricultural parcels of Site E currently provide breeding and nesting grounds for notable farmland bird species of conservation concern, particularly the Skylark (*Alauda arvensis*). Transitioning these open fields into rows of solar panels will cause direct habitat fragmentation, forcing these species to abandon their traditional nesting territories.
 - *The "Raptor Triangle"*: Local parish records highlight that this open landscape sits within a vital regional hunting corridor for birds of prey, including Kestrels, Hobbies, Barn Owls, and Red Kites. The dense coverage of panels will physically alter their open-ground hunting dynamics.
 - *Hedgerow Fragmentation and Wildlife Corridors*
 - *Physical Breeches*: Installing the solar arrays, perimeter security fencing, and new gravel internal maintenance roads will require physical breeches and clearings within the existing mature network of ancient native hedgerows.
 - *Bat Foraging Forcing*: These hedgerows serve as critical linear commuting and foraging features for local bat populations. Fragmenting these corridors disrupts their echolocation paths and separates roosting sites from their feeding grounds.

Omissions in the Scoping Report Relating to Ecology and Biodiversity

- 6.7. The Scoping Report for Site E (Egginton/Stretton) contains significant omissions regarding River Dove riparian impacts, raptor hunting corridors, and specialised micro-habitats. Furthermore, the developer proposes to "scope out" crucial field studies, including wintering bird surveys, aquatic invertebrate sampling, continuous bat activity tracking, and comprehensive, non-eDNA-dependent, amphibian surveys.

Requested Scope Requirements

- 6.8. The Scoping Opinion should require the ES to:

- Define explicit impact pathways between Site E and each of Hilton Gravel Pits SSSI, Old River Dove SSSI and River Dove LWS, addressing runoff quantity and quality, hydrological regime, polarised-light "lake effect" reflectance on waterbird flight lines, and habitat-connectivity changes.
- Treat any functional linkages between Site E and Hilton Gravel Pits SSSI (including waterbird commuting between the SSSI, the gravel-pit complex and the wider Dove floodplain) as a parcel-level constraint, not a generic landscape-level statement.
- Undertake the Chartered Institute of Ecology and Environmental Management (CIEEM) 2024-standard Ecological Impact Assessment (EcIA) surveys across Site E and along any cable corridor crossing the Dove or Egginton Brook, including otter, water vole, bats, breeding and wintering waterbirds, and farmland priority species.
- Additionally, an etymological assessment of lepidopterology (moths and butterflies) and odonatology (dragonflies) should be made on the potential impact on the unique flora and habitat in Site E which supports rare insect species such as hairy dragonfly (*brachytron pratense*).
- Assess BNG with all habitats within the Site E order limits realistically at risk of direct or indirect effect included in the baseline, rather than allowing the BNG boundary to be narrowed for accounting purposes.
- Assess the effects on the full range of wildlife including roosting bats, reptiles, badgers and fish. The River Dove is highly protected, and the lower Dove receives special protection for aquatic life. Wild brown trout and grayling live in this stretch of the Dove along with many other species. The scoping should include suitable commitments to be made about welfare, care and precautions to avoid contamination or pollution.
- Conform to the South Derbyshire District Council statement of an ecological emergency declared in 2023. That statement recognised the essential role that nature plays and provided a statement of intent, to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees, and to resist the destruction of such habitats through a considered and sustainable local planning policy. Site E is within this local authority area and all development should conform to this statement and be subject to a full assessment of the impact on the ecological environment from a shift from traditional long established farming practices to the industrialised environment being proposed.

Rural Landscape, Visual Amenity and Public Rights of Way

- 6.9. The Council objects to any approach that treats Site E as visually ordinary or capable of mitigation through screening alone. Site E is an open, low-lying rural landscape of water meadows, floodplain pasture, historic field patterns, ridge and furrow, ancient hedgerows, watercourses and views toward the heritage core of Egginton. The introduction of 3.8m solar panels, fencing, access tracks, cameras, compounds, substations, BESS infrastructure and construction traffic would fundamentally change the experience of this rural landscape.
- 6.10. Public Rights of Way through and around Site E are not incidental receptors. They are how residents and visitors experience the Dove valley, the churchyard, the woodland setting, the floodplain, Monks Bridge and the historic landscape. The ES must include a route-by-route assessment of Public Rights of Way, including temporary construction effects, permanent

operational effects, decommissioning effects, safety during flood conditions, amenity, views, access continuity and cumulative effects with other parcels and cable corridors.

7. HEALTH (Chapter 14)

Baseline

- 7.1. It is noted that Chapter 14.0 Scoping Report includes a dedicated assessment for Health which sets out a range of health impacts and their associated mitigation frameworks, including:
- a) *Air Quality*: Potential dust and particulate matter (PM_{10} and $PM_{2.5}$) during grid groundworks.
 - b) *Noise and Vibration*: Construction-phase noise impacts from small-scale piling machines and delivery vehicles.
 - c) *Glint and Glare*: Visual distraction or safety risks stemming from the solar array reflections.
 - d) *Electromagnetic Fields (EMF)*: Generated by electrical infrastructure (though this specific matter is earmarked to be scoped out of deep assessment in Section 20.2 due to standard low-risk profiles).

Impacts to be Scoped out of the ES

- 7.2. While we recognise the national importance of renewable energy infrastructure, we object to the proposals in Chapter 20.0 to scope out Electric, Magnetic and Electromagnetic Fields (EMF), Lighting, and Wind Microclimate, Daylight, Sunlight and Overshadowing as they relate specifically to Solar Development Site E.
- 7.3. Site E possesses a unique and highly sensitive geographic profile. It is split into distinct parcels surrounding the densely populated settlement edges of Stretton, Rolleston on Dove, and Egginton, runs immediately adjacent to the high-speed A38 Derby Road strategic transport corridor, and directly interfaces with the River Dove corridor. Due to these acute local sensitivities, a blanket scoping-out of these aspects is inappropriate, and a detailed, localised assessment must be scoped into the final Environmental Statement (ES).

Justification for Scoping in Impacts

- a) *Electric, Magnetic, and Electromagnetic Fields (EMF)*: The Scoping Report suggests that EMF impacts can be entirely dismissed across the board. However, Site E is uniquely fragmented and highly constrained, forcing infrastructure close to residential boundaries and heavily utilised public rights of way (PRoWs), see email from resident Annex B.
 - *Proximity to Residents and Schools*: The parcels comprising Site E closely border established residential neighbourhoods and community spaces. Without detailed EMF baseline modelling, the community has no empirical assurance regarding cumulative exposure, particularly where high-voltage internal cabling or inverter groupings may concentrate near boundary lines.
 - *Public Rights of Way (PRoWs)*: Site E contains heavily used local footpaths and green infrastructure corridors. It is vital that localised EMF modelling is undertaken to assess the impact on recreational users, horse riders, and vulnerable individuals (such as those with active medical implants) who pass directly over or adjacent to undergrounded high-voltage collection circuits, see Annex B
- b) *Lighting Impacts*: excludes lighting at Site E from the EIA based on the assumption that security illumination will be minimal. The Parish Council strongly asserts that the unique location of Site E renders this approach flawed.

- *A38 Road Safety Risks*: Site E wraps directly around the A38 Derby Road corridor which is elevated and the site will be highly visible. Any sudden illumination from motion-activated, unshielded security lights, or bright emergency maintenance lighting during hours of darkness presents a severe risk of sudden driver glare and distraction on a high-speed dual carriageway. This risk to public safety requires formal assessment and cannot be left to post-consent management plans.
 - *Ecology of the River Dove Valley*: Site E directly interfaces with the River Dove corridor. This river valley acts as a critical dark-sky ecological corridor for nocturnal wildlife, including protected bat species and waterbirds. Even intermittent or motion-triggered artificial lighting could disrupt wildlife corridors and sever the ecological continuity of the valley.
- c) *Wind Microclimate, Daylight, and Overshadowing*: the scoping report dismisses localised microclimate changes due to the ground-mounted nature of solar panels. We challenge this exclusion specifically regarding the unique topography and flood patterns of Site E.
- *River Dove Microclimate and Floodplain Interaction*: Site E spans a gently undulating river valley landscape divided by the River Dove. The placement of thousands of solar arrays changes the roughness of the land. This alteration has the potential to modify micro-wind currents and natural air drainage patterns across the valley floor, which could inadvertently alter frost-pocket formations or localised humidity levels over adjacent agricultural fields and domestic gardens.
 - *Overshadowing and Land Thermal Profiling*: Because the panels stand up to 3.8 meters in height, their extensive coverage will significantly alter the amount of daylight reaching the ground, changing the thermal dynamics and moisture-retention properties of the soil adjacent to the river ecosystem. The local community requires scientific confirmation that these microclimate shifts will not negatively affect neighbouring land usage or riverside biodiversity.

Requested Actions

- The EIA must include localised EMF modelling specifically for the Site E parcels, mapping the precise peak field strengths at residential boundaries and along intersecting PRowS.
- Lighting must be scoped in for Site E. A formal Light Spill and Glare Impact Assessment must be conducted to evaluate the visual effects of temporary, emergency, and motion-activated security lighting on both A38 motorists and the sensitive River Dove ecosystem.
- The ES must include a microclimate localised sensitivity study evaluating how the massive spatial footprint of panels up to 3.8m tall will affect airflow, wind shielding, and ground daylighting in the immediate vicinity of the River Dove valley properties.

8. CUMULATIVE AND PARCEL-SPECIFIC CONSTRAINTS PLAN (Chapter 21)

- 8.1. The Scoping Report does not yet provide a Site E-specific cumulative constraints plan showing how flood risk, water, aerodrome safeguarding, heritage, landscape, ecology, soils and access constraints will be considered together when the Rochdale Envelope is defined.
- 8.2. For Site E, that omission is material. The parcel sits at the intersection of a designated floodplain, a licensed aerodrome circuit, a strategic trunk road, Scheduled Monuments, numerous heritage assets and a Dove-valley designated-site corridor. A scheme that is "broadly acceptable" against

any one of those constraints in isolation could be acceptable but unacceptable when all six are mapped on a single plan.

8.3. The Scoping Opinion should require the ES to produce, for Site E, a single cumulative constraints plan at an appropriate scale, drawing together:

- Flood Zones 2 and 3, modelled surface-water flow paths and proposed floodplain compensation.
- Derby Airfield (EGBD) circuit and approach surfaces, and any safeguarding consultation responses.
- A38 access and abnormal-load routing, including on local roads in both Egginton and Stretton.
- Scheduled Monument footprints, listed-building clusters and their assessed settings; including the effects on vibration on foundations.
- Ecological designations and connectivity corridors; and
- The proposed Rochdale Envelope layout, with explicit no-build zones derived from each of the above.

9. REASONABLE ALTERNATIVES FOR SITE E

- 9.1. The alternatives section of the Scoping Report does not yet identify Site E as a uniquely constrained parcel, nor does it indicate that its exclusion, severe contraction, or redesign around the Dove floodplain, Derby Airfield circuit and medieval bridges or heritage assets have been considered as a reasonable alternative.
- 9.2. Given the constraints set out above, a no-development or peripheral-development-only option for Site E is plainly a reasonable alternative that should be assessed transparently in the ES. The Scoping Opinion should require that this is addressed expressly.

10. CLOSING STATEMENT

- 10.1. In summary, the Scoping Report does not yet provide an adequate framework for assessing the likely significant effects of the Proposed Development at Site E. The parcel is a textbook example of where avoidance under the mitigation hierarchy should drive red-line and layout decisions, not where mitigation by management plan can substitute for site-specific assessment.
- 10.2. Unless the matters identified above are addressed expressly in the Scoping Opinion, there is a real risk that the subsequent ES will under-assess flood risk, aerodrome safeguarding, A38 / local road access, heritage harm and loss and ecological effects at Site E and will instead present a Rochdale Envelope wide enough to accommodate worst-case effects that were never properly tested.

Yours faithfully,

For and on behalf of Egginton Parish Council

Ms Nikki Lawton

Chairman

NOTE:

Declaration on the Use of Artificial Intelligence (AI)

In accordance with the Planning Inspectorate's guidance on casework / evidence, Egginton Parish Council declares that generative AI tools such as ChatGPT / Microsoft Copilot were used to assisting to prepare these.

The AI tool was utilised to extract key themes from the applicant's scoping report and help format our council's written feedback.

The final text and all local or policy facts have been fully reviewed and verified by the Parish Council and local experts. The Council takes full professional responsibility for the accuracy and integrity of these comments.

Annex A: Email to Egginton Parish Council from a village resident - Thomas Meyer

My property lies immediately adjacent to Site E and within the River Dove floodplain system. I understand that Egginton Parish Council has serious concerns about this proposal, and I would like to offer my own case and evidence as direct local support for resisting the development of Site E.

The applicant's own EIA Scoping Report identifies Site E as land around Stretton, Rolleston on Dove, Egginton and the A38 Derby Road corridor. It also confirms that Site E is closely associated with the River Dove, with the River Dove intersecting the parcels, and that the site is affected by significant flood risk, including Flood Zone 3 / Flood Zone 3b functional floodplain and widespread surface water flood risk. The report also states that flood risk, surface water, groundwater, drainage and cumulative effects will need detailed assessment through the Environmental Statement, Flood Risk Assessment and Drainage Strategy.

My property has flooded previously, most recently in 2019 and 2022. This is not a theoretical or general concern; it is direct evidence that properties in this immediate area are already vulnerable to flooding. Any alteration to the River Dove floodplain, flood storage capacity, flow routes, surface water behaviour or groundwater conditions could have a direct and material impact on my property.

In addition, The Lodge is not only our home. We also operate a boarding kennels and are associated with the Greyhound Trust from this location. Any increase in flood risk would therefore not only affect our residence, but could also place animals, staff, customers and visitors at risk.

I believe my case could be highly relevant to the Parish Council's objection because it provides a clear example of an existing property and local business that has already experienced flooding and could be directly affected by any changes to Site E.

I am particularly concerned that development within Site E could result in:

- Loss or displacement of floodplain storage*
- Obstruction or redirection of River Dove flood flows*
- Increased surface water runoff from access tracks, foundations, compounds and infrastructure*
- Soil compaction during construction reducing infiltration*
- Changes to groundwater behaviour in a low-lying floodplain*
- Increased flood depth or velocity affecting nearby homes, including mine*
- Risk to the safe operation of our boarding kennels and Greyhound Trust activities*
- Risk to animals housed on site during flood events*
- Disruption to emergency access, evacuation and business continuity*

Given that the applicant's own scoping material identifies Site E as a highly sensitive floodplain location, I would support the Parish Council in arguing that Site E is an inappropriate location for this development unless the applicant can prove, beyond reasonable doubt, that there will be no increase in flood risk to existing residents, businesses, animals, staff, customers or visitors.

I would be grateful if the Parish Council could consider using my case as part of its formal objection to the proposal. In particular, I believe the Parish Council could refer to:

- 1. The documented flooding of my property in 2019 and 2022.*
- 2. The proximity of The Lodge to Site E.*
- 3. The fact that Site E lies within the River Dove floodplain system.*
- 4. The applicant's own acknowledgement that Site E is affected by significant flood risk.*
- 5. The increased risk to a local business, boarding kennels, Greyhound Trust activities, staff, customers, visitors and animals in our care.*

6. The need for the Environment Agency, Planning Inspectorate and relevant authorities to apply strict scrutiny to the Flood Risk Assessment, hydraulic modelling, drainage strategy and floodplain compensation proposals.

I fully understand the importance of renewable energy, but this must not come at the expense of increasing flood risk to existing residents, local businesses or animals in our care. The River Dove floodplain already performs a critical flood storage and conveyance function, and any development within Site E should be treated with extreme caution.

I would be happy to speak with the Parish Council, provide further details of the previous flooding at my property, or assist in any way that may help support the Parish Council's objection to this proposal.

Please keep me informed of any Parish Council discussions, meetings or submissions relating to Castle Way Energy and Site E.

Yours faithfully,

Thomas Meyer

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Annex B: Email's to Egginton Parish Council from a village resident – Ian Russell

From: Ian Russell

Date: 8 July 2026 at 12:41:41 GMT

To: XXXX

Subject: Re: Egginton Parish Council- response to PINS CASTLEWAY APPLICATION

"I am concerned about the project because to me with a background in project management within the energy industry it seems very diffuse. It's almost if they have firstly consulted with farmers who will rent the land and anyone who has accepted their rental circa £1200/ acre/ anum then have designed the project around that.

To deliver NSIP status they have connected these sub 100mw projects together and aggregated them by the use of 400kv lines and cables with a single point of connection at Willington 400kv substation -they have then called it an NSIP. It is not it is a collection of < 100mw schemes cobbled together to deliver an NSIP aggregate. This is not in the spirit of the legislation.

For me the risk and nuisance does not stack up. The health effects from the 400kv lines are well understood by the ENA, the cancer trust and the world health organisation. I think the risk is necessary if properly managed for the shipping of power south from northern wind farms because there is no choice as wind resources are concentrated in the North, but I am failing to see the benefit of this when solar farms could be situated nearer the point of power demand I.e. further south!!!! Avoiding the transmission risk and infrastructure all together.

For the developers it's all about money. The project will be at the high end of £800/ kw installed and with the unnecessary interconnection at 400kv will probably stand them at £300m. The last auction for solar on CFD is at £65/Mwhr so even allowing for just an 11% utilisation it will fetch in £25m /year which is a big number. Even if the finance charges are £80m (reasonable) then it will make them £200m-£400m over the project life. So it's attractive for developers.

Not so attractive for the folk it impacts, in my previous career I met parents of children who had suffered childhood unusual cancers. They attributed these conditions and loss to the impact of overhead lines. As an industry, at that time, we couldn't disprove the link. Statistically it is real.

After writing to my MP I attended a webinar by the developers it was high on spin but short on substance. I asked 8 questions via the webinar not one was answered! Maybe it was in the too difficult box for them. I truly believe this project will cause harm. It will certainly help people into starvation somewhere in the world. Closer to home there is a real risk it will cause childhood cancers. No one knows what effect the HV harmonics generated by the inverters had as no studies have ever been done. They discounted the risk in their proposal. As well as the risk to mental health and wellbeing of the population affected by transformer buzzing, fan noise etc which is all low frequency and not attenuated by distance.

So this is why I was so concerned. A good project not so diffuse with minimal HV connections and therefore a reduced risk of the childhood cancer risk that poses would be better. It struck me they are mal using NSIP legislation here. I am sure a judicial review would see this. It is not a good project it is diffuse and badly conceived. The driving factor is who will rent the land to them and that has driven the design with the (unnecessary) attendant HV connections. My daughter and some friends get approached weekly for their land for these projects. It is not a good choice to turn good crops into energy. Especially since the future seems to be delivering a world where feeding 8 billion people will be a priority."

From: Ian Russell

Date: 8 July 2026 at 13:05:51 GMT+1

To: XXXX

Subject: Solar farm

Maybe we should ask the developers a simple question.

"With the known link between childhood cancers and low frequency EMFs generated by power lines and substations and given the fact that children raised within 200m of a power line are 3 times as likely to develop cancers as a result and the fact that the corridors identified for the construction of your HV power grid traverse urban area's. What is your estimate of the number of children that will be killed due to this project?"

There is a known link which cannot be disproven and no studies have been done re the health effects of the harmonic frequency generated EMFs from inverters so what studies can they point to to say there is not a link. All the evidence is that there is. The harmonic EMF health effects have not been studied in any depth if at all- I can't find any info.

Many journalists have investigated normal 50hz EMFs including Paul Brodeur, who also proved the link between Asbestos and mesothelioma. Its an inconvenient truth for HV grid operators.

Children need to be raised as far away from this risk as possible because if not it can affect them.

The pylons will be enormous, some on the Willington- Chesterfield 400kv line extension are scheduled to be 66m high!! and because our project is going to be on 8m stilts that means our towers will have to be at least 58m high and possibly higher. This means more folk potentially affected by the EMFs.

Ian

EXECUTIVE SUMMARY

Overview of Response

Egginton Parish Council (EPC) objects strongly to any approach in the Castle Way Energy Scoping Report that scopes out, narrows, or defers critical local environmental impacts. The proposed development is not a standard, routine solar installation. It is a highly complex, multi-site project spanning several local planning authority areas.

The Council is deeply concerned by the applicant's generic approach. Subsuming Site E (Egginton and Stretton) into a broad project-wide categorisation ignores severe local constraints. The Planning Inspectorate must require BSSL Derbyshire 1 Ltd to assess Site E as a distinct, exceptionally sensitive parcel. The subsequent Environmental Statement (ES) must evaluate all key impacts at parcel level before any development consent is considered.

Principal Environmental Concerns

1. Water Environment and Severe Flood Risk

- **Functional Floodplain:** Site E sits almost entirely within Environment Agency (EA) Flood Zone 3, much falling under Flood Zone 3b (functional floodplain).
- **Inaccurate Baseline Data:** The Scoping Report drastically understates actual flood levels by referencing a depth of only 300 mm. Local experience and photo evidence prove the area floods to considerable depths and high velocities multiple times per year, leaving local roads impassable for up to a week in every flood event.
- **Critical Local Receptors:** Runoff from 3.8-metre-high solar panels will accelerate water movement into the River Dove, threatening local homes, two Severn Trent Water infrastructure plants, and the A38 strategic highway.
- **Structural Risk to Heritage:** Increased floodwater pressure and floating debris caught on panel structures create a realistic danger of collapse for Monks Bridge, a fragile, Scheduled Sandstone Monument.

2. Aviation Safeguarding, Glint, and Glare

- **Omitted Airfields:** The Scoping Report completely fails to mention or evaluate the project's proximity to regional aviation facilities.
- **Direct Airfield Interface:** Site E shares a direct boundary with Derby Airfield (EGBD)—the only licensed airfield in Derbyshire and a top-tier asset in the UK's Strategic Airfields Network. The western boundary also falls under the Controlled Airspace of East Midlands Airport (EGNX).
- **Severe Visual Flight Risks:** Derby Airfield operates low-altitude visual flight training circuits directly over the site parcels. Glint and glare from panels and infrastructure pose severe safety risks to pilots on final approach thresholds. High pylon transmission lines and electromagnetic interference also threaten aircraft radio and safety.

3. Archaeology, Built Heritage, and Historic Landscape

- **Archaeological Treasure Trove:** Site E contains a dense concentration of undisturbed heritage, including over 23 archaeological features (such as Iron Age, Bronze Age, and Roman enclosures) and 13 distinct heritage assets.
- **Landscape Industrialisation:** The proposed development would replace ancient, grazing water meadows and visible medieval ridge-and-furrow terrain with an incongruous industrial footprint of panels, sub-stations, security fencing and cameras. These meadows form the rural setting for the heritage core of the Church and its Rectory in Egginton.
- **Omitted Assets:** Crucial historical assets—including the Grade II listed Village Pinfold and the unique crinkle-crinkle wall bounding the Grade I listed St Wilfrid's Church—were inappropriately scoped out and must be scoped back in.

4. Ecology, Biodiversity, and Local Health

- **Riparian Corridor Disruption:** Site E interfaces directly with the protected River Dove wildlife corridor. Construction pollution and habitat fragmentation threaten protected species like otters, water voles, and rare aquatic flora and fauna.
- **Farmland Bird Displacement:** Rows of solar panels will cause direct habitat loss for ground-nesting birds of conservation concern, such as the Skylark, and will disrupt the open hunting dynamics of regional birds of prey.
- **Unexamined Health and Microclimate Shifts:** The Council objects to blanket exemptions for Electric, Magnetic, and Electromagnetic Fields (EMF), lighting, and microclimate impacts. High-voltage cables routing close to residential borders, light spill affecting A38 drivers, residential receptors and nocturnal wildlife, and altered valley airflow patterns must all be rigorously assessed.

Required Technical Parameters for the Scoping Opinion

The Parish Council formally requests that the Planning Inspectorate incorporates the following mandatory requirements into its final Scoping Opinion:

- **Site E-Specific Assessments:** Direct the applicant to produce standalone, parcel-level Flood Risk, Drainage, Transport, Glint and Glare, Archaeological and Heritage Assessments for Site E, rather than relying on generalised project-wide conclusions.
- **Sequential and Exception Testing:** Enforce a strict risk-based approach to steer arrays, inverters, and battery storage infrastructure entirely out of Flood Zones 2 and 3.
- **Up-to-Date Modelling:** Reject reliance on outdated 2008 flood data. Require hydraulic and hydrological modelling to use current data that accounts for recent severe weather events like Storm Babet.
- **Aerodrome-Specific Methodology:** Mandate a specialised glint and glare assessment tailored to low-altitude pilot eye receptors, utilising CAP 738 safeguarding standards in direct consultation with Derby Airfield and East Midlands Airport.
- **Cumulative Constraints Plan:** Require a single, comprehensive plan mapping flood zones, airfield approach surfaces, heritage impact and settings, and ecological corridors onto one document to define clear, multi-layered "no-build zones".
- **Decommissioning Scope:** Keep the construction and decommissioning phases fully scoped in across all chapters to assess the long-term impact of heavy machinery and soil compaction on wet floodplain soils and fragile archaeology and heritage; including also EA defences and residential receptors and businesses.

[REDACTED]

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Dear Sir/Madam

Proposed application by BSSL Derbyshire1 Ltd for an Order granting Development Consent for the Castle Way Energy – Scoping Consultation

We refer to your letter of 17th June in relation to the request from the applicant to the Planning Inspectorate for its written opinion on the scope and level of detail of information to be provided in the Environmental Statement for the proposed development. We have reviewed the applicants EIA scoping report and consider the following additional matters need to be considered.

Landscape

Site E

Site E is partially within Staffordshire, where the landscape character type is 'Riparian Alluvial Lowlands (farmland) in the Trent Valley Washlands. Development should be informed by, and sympathetic to landscape character and quality, and should contribute to Landscape Restoration (the landscape policy objective for this area).

A Landscape and Visual Impact Assessment is proposed as part of the Environmental Statement. This should follow the Landscape Institute 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition (GLVIA3) and use suitable methodology for the site. The applicant must demonstrate that views from within Staffordshire will not be significantly affected by the proposed development. A Zone of Theoretical Visibility extending to 3Km should be sufficient to determine visual effects. The LVIA will be expected to provide visual representations of the proposed development in accordance with Landscape Institute Technical Guidance Note 06/19. Night time effects must be included, with proposed mitigation to reduce any potential light pollution.

There are views from residential properties on Rose Avenue, Forge Lane and limited views from Claymills Road which overlook the proposed site. While there are trees and hedgerows along these residential roads, it is possible that direct views will be available into the site particularly during winter and early spring, when vegetation coverage is much reduced. A Public Right of Way from Dovecliff Road to The Forge (Stretton 5) crosses a tributary of the River Dove, with potential for views across the site.

Direct open views will be experienced by road users on the A38, particularly as the A38 road level rises to cross the River Dove and there are views from the A5121 as it crosses the A38. Whilst views from moving vehicles may not be

considered significant, the cumulative effect at the proposed scale will be detrimental.

The proposed development extends in a north westerly direction towards a weir on the River Dove. Located to the west is Dovecliff Hall Hotel, which is a Grade II building. Proposals must not adversely affect the setting.

The section of proposed development to the east of the A38 will adversely affect the setting of Scheduled Monument Monk's Bridge. Proposals may also affect views from the Trent and Mersey Canal Conservation Area, particularly with views affected from the River Dove aqueduct. The towpath here is a Public Right of Way (Stretton 8). This section is also a site of Biological Importance (Trent and Mersey Canal: Monk's Bridge).

Details of a proposed landscape restoration plan upon cessation of the development will be required.

Site D

Site D is wholly within Derbyshire. The landscape character appears to be similar to Site E. However, the existing tree and hedgerow cover and gently undulating topography appear to satisfactorily mitigate visual effects which could be experienced in Staffordshire. There may be a possibility of occasional, fleeting glimpses from some main roads, but it is unlikely to cause significant visual harm.

Due to distance, existing land cover, and undulating topography, I am of the view that the remaining proposed sites within Derbyshire are unlikely to cause significant visual harm to views from Staffordshire or adversely affect the setting of any designated sites.

Ecology

Biodiversity Net Gain and Mitigation

It is noted that:

An important objective of the Proposed Development is to deliver biodiversity enhancement, including measures that will be assessed through the Ecological Impact Assessment ('EcIA') and presented within a Biodiversity Net Gain ('BNG') Assessment Report. As the DCO application is expected to be submitted after 2 November 2026 (the anticipated commencement date for mandatory BNG requirements for DCO applications), mandatory BNG requirements will apply to the Proposed Development.

The applicant should confirm that if for any reason the mandatory requirement is not in place the minimum 10% BNG requirement will still be met.

Mitigation for species

Additional mitigation may be needed for species with specific habitat requirements, such as nesting skylark. We are concerned that there is a potential for cumulative effects of solar farms on this and other ground-nesting species. There is general expectation that mobile species will simply be displaced, which is now unacceptable when the available land with good suitability in the area continues to decrease. The applicant should confirm that off-site mitigation in east Staffordshire and/ or west Derbyshire, with feeding, and predator restriction / control interventions will be secured if breeding pairs are found.

Impact Risk Zone (IRZ) for Great Crested Newt (GCN).

Site E is in an amber Impact Risk Zone (IRZ) for Great Crested Newt, according to the modelling for the [Staffordshire District Licensing Scheme](#), meaning it is likely this species will be present in the Staffordshire part of the site.

Other species

Table 11.2 refers to various species being scoped in for survey. These are agreed. Beaver should now also be scoped in as it is now widely recorded and moves over large distances.

Badgers are scoped out of survey, however mitigation (11.9.2) should include badger access points in security fences, which need to be planned according to frequently used routes. It is noted that some surveys have already been completed.

11.10.2 '*All ecological assessment will be undertaken in accordance with CIEEM guidance for EcIA*' is welcomed.

Desk study

11.6.2 refers to data search of Derbyshire Local Records Centre. Ecological records from [Staffordshire Ecological Record](#) should also be obtained.

11.6.11 refers to Local Wildlife Sites. It is not clear whether this includes Staffordshire Sites. One LWS, Trent and Mersey Canal, is adjacent to Site E, as noted in Landscape, above.

11.6.14 refers to the Natural England Ancient Woodland Inventory. It should be noted that this is in the process of being updated for Staffordshire (and possibly Derbyshire.) In Staffordshire the process is expected to add many more sites therefore updated information should be included once published.

Surveys

Surveys should cover veteran and near veteran trees as habitats in their own right, rather than solely as landscape features or bat / bird sites. Where veteran trees are identified further surveys for specialist invertebrates may be required. All veteran trees should be regarded as irreplaceable habitat (NPPF [Section 15](#) paragraph 180 (c) applies.)

General Considerations

Lighting for both construction and operational phases should comply with Bat Conservation Trust / Institution of Lighting Professionals *Guidance Note 08/23 Bats and Artificial Lighting At Night* <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

The applicant should ensure contour diagrams are submitted that demonstrate minimal levels of lighting on receptor habitats such as hedges, trees.

Boundary fences will present solid barriers to wildlife, particularly hedgehogs. This is important because a third of hedgehogs have been lost in the last 20 years, and one major cause is barriers to foraging behaviour that force them onto roads or other unsuitable places. Hedgehogs are listed as a species of Principal Importance under the NERC Act (2006), and is classed as 'vulnerable' in England (Mammal Society, 2020). A 13 x13 cm gap should be provided at the base of fences every 10m running length so that all space remains accessible.

Archaeology / Historic Environment

The proposals have been reviewed against the information held by the Staffordshire Historic Environment Record (SHER) and associated datasets such as the Staffordshire Historic Environment Character Assessment (SHECA BREZ 3: Burton upon Trent and Rolleston on Dove - South of Rolleston and West of Outwoods), historic mapping and LiDAR. It is also pertinent to note here that we have also had some cursory discussions with regards to the archaeological constraints/requirements with the applicant and their archaeological advisors.

With regards to the part of Site E in Staffordshire, we certainly are of the opinion that cultural heritage (archaeology and historic environment) should be scoped into the ES. From an archaeological point of view, the Cultural Heritage chapter should be supported by an Archaeological Desk-based Assessment (ADBA),

which itself should be informed by a programme of non-intrusive archaeological evaluation (the details of which to be agreed with this office, but elsewhere for solar developments in the county we have agreed a suite of non-intrusive works including magnetometry, magnetic susceptibility, multispectral imagery, enhanced LiDAR, and geochemical analysis). Such an approach would be in line with the recently published [Archaeology and Solar Farms Good Practice Guide](#) that has been agreed by both the archaeology and solar energy sectors and Historic England's [Commercial Renewable Energy Development and the Historic Environment Advice Note](#). Also, given relatively recent experience on a site nearby at Dovecliff Weir, where a medieval/post medieval timber weir structure was revealed within a palaeochannel (i.e. a former channel of the river), it is recommended that the ADBA includes a geoarchaeological assessment.

In addition to the above, given the presence of medieval ridge and furrow (i.e. evidence of historic ploughing) within the part of Site E in Staffordshire, the ADBA should be supported by an earthwork survey (the likely requirement for enhanced LiDAR, geophys survey and the site walkover required as part of the ADBA process will provide most of the information required to produce a Level 3 earthwork survey in line with the relevant Historic England [Archaeology of Landscapes](#) good practice guidance). The ridge and furrow covers much, if not all, of the part of Site E in Staffordshire, and we would be keen for the proposals to consider the possibility of retaining this *in situ* (it is likely that this would be possible if this area is to be covered by solar arrays) as it represents a key part of the historic landscape character of the area.

The ADBA/non-intrusive works should be carried out by appropriately experienced and skilled archaeologists/archaeological organisations in line with the relevant standard and guidance and informed by the relevant Model Briefs in our [Archaeology Standard](#).

With regards to the built heritage/the historic built environment, again, consideration of this should be scoped into the ES. There are a number of designated heritage assets in the wider area, including Conservation Areas, Listed Buildings, and Scheduled Monuments, and the proposals have the potential to indirectly impact (i.e. on the setting) these. It is strongly recommended that the applicant liaises with the relevant Conservation Officers from [East Staffordshire Borough Council](#), their equivalents within Derbyshire, and [Historic England](#), with regards to the methodology they should employ in assessing these impacts. This will include consideration of appropriate viewpoints (perhaps in co-ordination with the Landscape Assessments and will certainly need to follow the Historic England guidance on the [Setting of Heritage Assets](#).

Finally, one of the aforementioned designated heritage assets (i.e. nationally important) is the scheduled and listed medieval Monks Bridge, which, is immediately to the south of Area E. As well as considering the setting of this, the archaeological potential of any groundworks in its vicinity (there is potential that this is the site of an earlier bridge), the assessment will also need to consider any likely direct impacts of the proposals (before, during and after its lifespan) such as from construction/decommissioning traffic, and any need for the bridge to be used by emergency services etc. in the event of a fire or other emergency in the site. It is strongly recommended that the applicant liaises with Historic England on this matter at an early stage to understand what their likely requirements for the assessment would be.

Minerals

It is noted that minerals is proposed to be scoped out as the site is not within a Minerals Safeguarding Area (MSA) this is incorrect Site E is within a MSA and should be scoped into assessment. Site E and associated infrastructure would need to be assessed in terms of its effect on the underlying sand and gravel resource having regard to Policy 3 of the Minerals Local Plan. It is acknowledged

that the proposal is not permanent, but the applicant would need to assess the effect of development and decommissioning works on the underlying resource.

Note that proposals for quarrying in the vicinity of Site E are being considered in the draft Derbyshire and Derby Mineral Local Plan.

Transport

For the purposes of the EIA the scope is broadly acceptable based on the limited scheme information available to date.

Table 18.1 lists the Study Area links for Site E, however no detail is given on where construction traffic access will be taken to Site E in which case the A5121, Claymills Road, Forge Lane and Norman Terrace may also require assessment.

A more detailed Transport Assessment will also need to be prepared to assess the highway implications of the site, the scope of this will need to be first agreed with the relevant local Highway Authorities.

Regards



James Chadwick
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Castle Way Energy NSIP - EIA Scoping Opinion consultation

From [REDACTED] <[REDACTED]@StaffsMoorlands.gov.uk>
Date Wed 15/07/2026 17:49
To Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

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Dear PINS

Your ref: EN110037
Our ref: CON 2026 0049

With regard to your letter to the Council dated 17.6.26, I confirm that Staffordshire Moorlands District Council does not have any comments on the above.

Regards

Chris Johnston Senior Planning Officer

Planning

High Peak Borough Council and Staffordshire Moorlands District Council

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PLANNING INSPECTORATE

CASTLE WAY ENERGY

Planning Inspectorate Reference EN0110037

FULL PLANNING REPRESENTATION

Objection to the Inclusion of Solar Development Site E

Prepared for submission during the pre-application / EIA scoping and consultation stage

Objector: Stretton Parish Council

Address: c/o 22 Field Rise, Burton on Trent, Staffordshire, DE13 0NR

Date: July 2026

Important status note

The Planning Inspectorate project record currently concerns the EIA scoping and early engagement stage. This representation is therefore based principally on the Castle Way Energy EIA Scoping Report (June 2026), the Made Stretton Neighbourhood Development Plan, current national policy, and the adopted East Staffordshire Local Plan. It should be reviewed and updated when the Development Consent Order application, Environmental Statement, Flood Risk Assessment, Heritage Assessment, Landscape and Visual Impact Assessment, ecological reports and glint-and-glare assessment are published.

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Executive Summary

This representation objects to the inclusion of Solar Development Site E within the Castle Way Energy proposal. It recognises the urgent national need for renewable and low-carbon electricity infrastructure, but submits that the need for the project does not remove the requirement to select and design sites that are safe, resilient and environmentally acceptable.

The Applicant's June 2026 EIA Scoping Report identifies Site E as a particularly constrained part of the project. The River Dove separates the eastern and western parcels; the site is stated to lie entirely within Environment Agency Flood Zones 2 and 3, with the majority described elsewhere in the report as Flood Zone 3b and with widespread surface-water flood risk. The Scoping Report also identifies Priority Habitat - Coastal and Floodplain Grazing Marsh, nearby Local Wildlife Sites, the Scheduled Monument at Monks Bridge immediately adjacent to the southern parcels, listed bridges, archaeological remains, public rights of way, high-quality Grade 2 agricultural land, and residential receptors in Stretton immediately to the west.

First-hand local evidence indicates that the site does not become readily usable when visible floodwater has receded. The soils can remain saturated, unstable and impassable for people, agricultural machinery and all-terrain vehicles for extended periods. That observation is relevant to the baseline assessment of floodplain function, construction feasibility, emergency response, inspection, repair and routine maintenance.

The representation's central submission is that flood risk is the defining characteristic of Site E and interacts with nearly every other issue. Solar arrays, fencing, cable trenches, inverter and transformer equipment and permanent access tracks could affect flood storage, conveyance and routing; raised or compacted access routes may create local barriers or increase runoff; and altered hydraulic conditions may affect Stretton, the River Dove ecosystem and heritage assets including Monks Bridge.

Current national policy strongly supports renewable energy but requires energy infrastructure to be climate-resilient, safe throughout its lifetime, and designed so that it does not increase flood risk elsewhere. The 2025 Overarching National Policy Statement for Energy (EN-1) addresses climate adaptation at section 4.10, biodiversity at section 5.4, flood risk at section 5.8, the historic environment at section 5.9, and landscape and visual effects at section 5.10. The National Planning Policy Framework (December 2024, amended February 2025) provides consistent principles in chapters 14 to 16.

At local level, the East Staffordshire Local Plan remains in date and fully effective for decision-making following the Council's 2025 review. Relevant policies include SP1, SP24, SP25, SP27, SP28, SP29, DP1, DP5 and DP6. The Made Stretton Neighbourhood Development Plan is especially important to local effects and includes Policies S1 to S4 and S6 to S8, together with Objective 11 that flooding should be neither created nor exacerbated.

Because the project is at the scoping and pre-application stage, this representation does not assert that every identified adverse effect will necessarily occur. Instead, it identifies the matters that the Applicant must demonstrate through robust evidence. Unless that evidence shows that Site E can be safely developed without unacceptable effects, the preferred outcome is that Site E should be removed from the project.

Requested outcome

Solar Development Site E should be omitted from the proposed Development Consent Order. If it remains under consideration, the Applicant should be required to provide a full site-specific Flood Risk Assessment and hydraulic model, a sequential site-selection justification, an emergency and post-flood access strategy, electrical flood-resilience evidence, a heritage assessment addressing scour and erosion at Monks Bridge, a hydrologically informed ecological assessment, a detailed landscape assessment, and an aviation glint-and-glare assessment.

Principal Issues and Requested Outcome

1. Whether the Applicant has demonstrated that Site E can be developed without increasing flood risk to Stretton and the neighbouring parishes of Rolleston on Dove and Eggington, adjoining land or other receptors.
2. Whether flood storage, conveyance and routing within the River Dove floodplain would remain effective after construction of arrays, fencing, cable works and access tracks.
3. Whether critical electrical infrastructure would remain safe, accessible and operational during and after design flood events.
4. Whether prolonged post-flood saturation has been incorporated into the assessment of construction, maintenance, inspection and emergency access.
5. Whether changes to flood hydraulics could cause scour, erosion, prolonged inundation or setting effects at Monks Bridge and the nearby listed bridges and assets.
6. Whether the proposal would conserve Priority Habitat floodplain grazing marsh, wildlife corridors and the hydrological function of the River Dove ecosystem.
7. Whether the open floodplain landscape and rural setting of Stretton would be unacceptably industrialised.
8. Whether aircraft using routes associated with East Midlands Airport and Derby Airfield on Hilton Road could experience unacceptable glint or glare.
9. Whether less constrained land or a revised layout could deliver the project's benefits without the cumulative harm associated with Site E.

1. Introduction and Status of the Representation

1.1 Purpose

This document is a formal planning representation concerning Castle Way Energy, a proposed nationally significant solar photovoltaic generating station with co-located battery energy storage and associated grid-connection infrastructure. It focuses on Solar Development Site E and the effects most likely to be experienced by Stretton.

The representation has been prepared using the Castle Way Energy EIA Scoping Report, the Made Stretton Neighbourhood Development Plan, the adopted East Staffordshire Local Plan, current national policy and the first-hand observations described below.

1.2 Project stage

The Planning Inspectorate reference is EN0110037. At the date of this representation, the project is at an early pre-application and EIA scoping stage. The Scoping Report is not the final Environmental Statement and does not contain the full technical evidence that would accompany a Development Consent Order application. Accordingly, the correct present question is whether the proposed scope and future evidence will be sufficient to test the site's suitability.

1.3 Local evidence

The Objector's local evidence is that parts of Site E experience extensive flooding and that the land can remain saturated and physically impassable after visible floodwater has cleared. The phrase 'impassable' is used deliberately: local experience is that walking may be unsafe or impracticable, ordinary agricultural vehicles may be unable to cross, and even all-terrain vehicles may be unable to operate without unacceptable risk of becoming immobilised or damaging the soils.

Photographs, dates, witness statements and Parish Council records should be appended where available. The absence of such appendices from this version does not make the observations irrelevant; it means they should be verified through site investigation, soil-moisture evidence, construction access testing and consultation with land managers and emergency services.

2. The Proposed Development and Site E

2.1 Project description

The Scoping Report describes Castle Way Energy as a ground-mounted solar PV generating station with an associated on-site Battery Energy Storage System, underground and above-ground electrical infrastructure and grid connection to the existing National Grid Willington 400 kV substation. The project could generate and export up to 300 MW and store up to 200 MW, subject to detailed design.

2.2 Site E

Site E comprises parcels associated with the River Dove floodplain close to Stretton. The Scoping Report states that the River Dove divides the eastern and western parcels. Stretton lies immediately west, properties on Church Road lie to the east, and two public rights of way cross the eastern part of the site.

The Scoping Report identifies the Scheduled Monument at Monks Bridge immediately adjacent between southern parcels, with Grade II listed Monks Flood Bridge and Monks Flood North Bridge nearby. It records extensive archaeological potential, including prehistoric and Roman features, and states that the Trent and Mersey Canal Conservation Area is approximately 105 metres to the south.

Ecologically, the River Dove is both a hydrological and habitat feature. The report identifies Priority Habitat floodplain grazing marsh and nearby River Dove and Egginton Church Wood Local Wildlife Sites. The site is visually sensitive because of its open, low-lying character, the River Dove landscape, nearby homes and businesses, and views from Stretton.

3. Legislative and Planning Policy Framework

3.1 Planning Act 2008 and National Policy Statements

A future application would be determined under the Planning Act 2008. The relevant energy National Policy Statements are the principal policy framework. The most relevant are EN-1, the Overarching National Policy Statement for Energy; EN-3, the National Policy Statement for Renewable Energy Infrastructure; and EN-5, the National Policy Statement for Electricity Networks Infrastructure.

The current EN-1 was designated in 2025. Section 4.10 requires climate-change effects and adaptation to be assessed across the lifetime of energy infrastructure. Section 5.4 deals with biodiversity and the mitigation hierarchy; section 5.8 deals with flood risk, safe operation, access and risk elsewhere; section 5.9 addresses heritage assets and setting; and section 5.10 concerns landscape and visual effects.

3.2 National Planning Policy Framework

The current operational NPPF is the December 2024 Framework, amended in February 2025. Chapter 14 addresses climate change and flooding, chapter 15 the natural environment and landscapes, and chapter 16 the historic environment. Although the NPPF does not replace the energy NPS framework for a DCO, its principles are important and relevant.

The Framework's flood-risk policies seek to direct development to areas at lowest risk, apply the sequential approach, avoid increasing flood risk elsewhere, and ensure development is safe for its lifetime. The natural-environment policies seek to protect and enhance biodiversity, ecological networks and the intrinsic

character of the countryside. The historic-environment policies require significance and setting to be understood and great weight to be given to conservation of designated assets.

3.3 East Staffordshire Local Plan

East Staffordshire Borough Council confirms that its adopted Local Plan 2012-2031 remains in date and fully effective following its 2025 Regulation 10A assessment. The Local Plan therefore remains an important and relevant consideration.

Policy	Relevance to Site E
SP1 - East Staffordshire Approach to Sustainable Development	Requires, among other matters, integration with landscape and townscape, conservation of heritage and historic landscape character, avoidance of unacceptable flood and drainage problems, and enhancement rather than harm to biodiversity.
SP24 - High Quality Design	Requires development to respond positively to context and landscape, incorporate green infrastructure and achieve high-quality design.
SP25 - Historic Environment	Provides strategic protection for heritage assets, their setting and historic landscape character.
SP27 - Climate Change, Water Body Management and Flooding	Requires flood risk to be managed, the sequential approach to be applied, sustainable drainage to be incorporated and water environments to be protected.
SP28 - Renewable and Low Carbon Energy Generation	Supports renewable energy subject to effects including landscape, heritage, ecology, amenity, transport and cumulative impacts being acceptable.
SP29 - Biodiversity and Geodiversity	Requires protection and enhancement of biodiversity, ecological networks, priority habitats and species.
DP1 - Design of New Development	Requires proposals to respond positively to context, landscape and surrounding character.
DP5 and DP6 - Historic Environment	Protect designated and non-designated heritage assets, archaeology, setting, strategic views and distinctive character.

3.4 Stretton Neighbourhood Development Plan

The Made Stretton Neighbourhood Development Plan 2014-2031 forms part of the Development Plan within its designated area. It records the importance of the open countryside, historic landscape, wildlife corridors, floodplain habitats and the community's relationship with surrounding green space.

Objective 11 seeks to ensure that flooding is neither created nor exacerbated and that new development uses flood-risk mitigation and sustainable drainage. Policies S1 and S2 protect the countryside setting and landscape character; Policies S3 and S4 protect local wildlife, corridors and stepping stones; Policy S6 addresses flooding; and Policies S7 and S8 protect archaeology and locally important heritage.

4. Site E: Environmental Constraints

4.1 Flood zones and water environment

The Scoping Report states that Site E is entirely within Environment Agency Flood Zones 2 and 3 associated with the River Dove and Egginton Brook. Its site description further states that the majority lies in Flood Zone 3b, with Flood Zone 2 at the north-western boundary, and that surface-water flood risk is widespread.

Flood Zone 3b is the functional floodplain: land where water has to flow or be stored in times of flood. The designation is not merely a warning that water may be present. It describes land with a continuing catchment function. That function must be understood before any conclusion is reached on developability.

4.2 Heritage

Monks Bridge is a Scheduled Monument immediately adjacent to Site E. The two nearby Grade II listed flood bridges and the relationship with the River Dove give the southern part of Site E particular heritage sensitivity. The Scoping Report also identifies substantial archaeological potential within the parcels.

4.3 Ecology

The site contains or adjoins floodplain grazing marsh, riparian habitat, hedgerows and watercourses. These are not isolated features. They form a connected ecological system dependent on periodic inundation, groundwater and surface-water conditions.

4.4 Landscape and residents

Site E lies in Riverside Meadows and Riparian Alluvial Lowlands landscape character types. Its flat topography does not remove sensitivity; it produces broad open views and makes extensive arrays and associated compounds legible across the floodplain. The proximity of Stretton means effects would be experienced as a change to the village's immediate rural setting.

4.5 Agricultural land and public access

The Scoping Report identifies Site E as Grade 2 agricultural land. Two public rights of way cross the eastern part. These matters reinforce the need to consider construction disturbance, permanent severance, soil compaction, recreation and long-term restoration.

5. Flood Risk, Floodplain Function and Climate Resilience

5.1 Policy requirement

EN-1 section 5.8 requires energy projects in areas at risk of flooding to be assessed through a site-specific Flood Risk Assessment and designed so they are safe, do not increase flood risk elsewhere and, where possible, reduce risk overall. Climate-change effects, flood depth, velocity, duration, hazard, access and residual risk are material.

EN-1 section 4.10 additionally requires a high level of climate resilience to be built in from the outset and for proposals to remain adaptable over their predicted lifetime. For Site E, this includes both direct flooding of equipment and indirect effects such as flooded or saturated access routes.

5.2 Storage is not the only issue

A flood assessment that considers only the volume occupied by posts or equipment would be inadequate. Floodplains operate through storage, conveyance, routing and attenuation. A scheme can preserve a nominal volume while changing flow direction, local velocity, flood depth, timing or the distribution of water.

The hydraulic model should therefore represent panel tables, fencing, inverter and transformer compounds, cable crossings, culverts, access tracks, ground raising, temporary construction areas and vegetation changes. It should extend far enough beyond the Order Limits to identify changes affecting Stretton and other receptors.

5.3 Sequential approach and alternatives

The Applicant should demonstrate how the sequential approach has been applied both to site selection and to the internal layout. This requires more than moving a small number of sensitive components to slightly higher ground. It requires evidence that less constrained sites, parcels and layouts were genuinely considered, including omission of Site E.

5.4 Climate-change allowances

The model should use the climate-change allowances current when the Environmental Statement is prepared and test the development throughout its full operational life. Sensitivity testing should include credible higher-flow scenarios, blockage or failure of drainage structures, coincident surface-water events, and the consequences of defence overtopping or failure.

5.5 Risk to Stretton

The representation's principal community concern is that development could redirect or accelerate floodwater towards Stretton or extend the duration of flooding and saturation. That concern cannot be dismissed by demonstrating that equipment is raised above a design level. The Applicant must show that people and property elsewhere are not placed at greater risk.

5.6 Post-flood saturation

Local evidence indicates that visible water recession is not the end of the flood event in operational terms. Saturated soils can remain unable to support people or vehicles. The FRA and operational strategy should therefore assess recovery time, bearing capacity after floods, safe inspection routes and the ability to isolate or repair equipment.

5.7 Safe access and escape

Safe access should be demonstrated for construction workers, maintenance contractors and emergency services. A route that is dry on a flood map but crosses saturated, unstable ground may not be a safe route. The emergency plan should identify trigger levels, site closure arrangements, isolation procedures, rescue limitations and post-event inspection requirements.

5.8 Drainage and surface water

The drainage strategy should address rainfall runoff from access tracks and compounds, exceedance routes, changes in infiltration from compaction, and maintenance of ordinary watercourses and ditches. Sustainable drainage should be multifunctional and compatible with floodplain ecology and heritage rather than relying on engineered attenuation that itself displaces floodwater.

Core flood-risk submission

Until a detailed, independently reviewable hydraulic assessment demonstrates no material increase in flood depth, velocity, duration or hazard at Stretton and other receptors, and confirms safe access and operation throughout the site's lifetime, Site E should not be included.

6. Public Safety, Electrical Infrastructure and Operational Access

6.1 Electrical equipment in flood-prone land

The concern is not a general allegation that solar equipment is inherently unsafe. It is the site-specific interaction between high-voltage electrical infrastructure and an active floodplain. The final design should identify the flood design levels and freeboard for every inverter, transformer, switchgear unit, cable joint, control cabinet and communication system.

6.2 Failure and isolation

The Applicant should explain how equipment will be isolated before or during flood events, how remote shutdown will operate if communications fail, and what procedures apply after inundation. The assessment should consider damaged insulation, floating debris, contaminated silt, submerged cable chambers and the possibility that access is unavailable when inspection is most urgent.

6.3 Pollution and battery safety

Although the main BESS location may be outside Site E, all oils, coolants, fire-fighting water and electrical components within the floodplain require pollution-control assessment. Floodwater must not mobilise contaminants or carry them into the River Dove, nearby habitats or downstream land.

6.4 Emergency services

Emergency arrangements should be agreed with the fire and rescue service, police, ambulance service, Environment Agency and relevant flood-risk authorities. The plan should identify whether emergency responders would be expected to enter flooded land, and if not, how incidents would be remotely managed.

7. Historic Environment: Monks Bridge and Related Assets

7.1 Significance and setting

Monks Bridge is a nationally important Scheduled Monument. Its significance includes historic fabric, archaeological interest, its crossing-place function and its relationship with the River Dove and open floodplain. The setting is therefore not incidental scenery; it contributes directly to understanding and appreciating the asset.

7.2 Hydraulic effects

A heritage assessment should be informed by the hydraulic model. Changes in flow direction, velocity, scour, deposition or duration of inundation could affect the bridge, its approaches and buried remains. The assessment should examine both ordinary frequent floods and lower-probability events with climate change.

7.3 Construction and archaeology

Cable trenches, access tracks, foundations, drainage works and temporary compounds can affect buried archaeology. A programme of geophysical survey, trial trenching and, where appropriate, preservation in situ should be agreed before the layout is fixed. Archaeology should inform design, not merely be recorded after harm is unavoidable.

7.4 Policy balance

EN-1 section 5.9 and NPPF chapter 16 require the significance of heritage assets and the contribution of setting to be understood. Great weight should be given to conservation of a Scheduled Monument. Any claimed public benefits must be considered against the degree of harm, after avoidance and mitigation.

Heritage requirement

No conclusion on Site E should be reached until the Applicant has integrated heritage assessment with flood modelling and demonstrated that the Monks Bridge, the listed bridges and assets in Egginton, their setting and buried archaeology would not suffer unacceptable harm.

8. Landscape, Countryside Character and Stretton

8.1 Existing character

The River Dove valley is a low-lying, open and seasonally dynamic landscape. Hedgerows, riparian vegetation, pasture, historic field patterns and the visible relationship between river and floodplain give it a recognisable local character.

8.2 Nature of the change

Solar arrays may be low in absolute height, but a large continuous extent can produce a pronounced industrialising effect. The panels would be accompanied by fencing, CCTV, internal tracks, inverter and transformer equipment, signage, drainage works and potentially raised structures. The assessment should consider the scheme as a whole and during winter when vegetation screening is reduced.

8.3 Stretton receptors

Homes in Stretton are immediately west of Site E. The effect is therefore not confined to distant viewpoints. Residents would experience a long-term alteration to the village's rural edge and to views over the Dove valley. Public rights of way and businesses within or beside the parcels are also sensitive receptors.

8.4 Neighbourhood Plan conflict

Policies S1 and S2 seek to preserve and enhance the openness, countryside setting and historic landscape character of Stretton. A scheme of this scale requires clear evidence that it has avoided the most sensitive land and retained sufficient open floodplain to preserve the landscape's legibility and function.

9. Ecology, Biodiversity and the River Dove Corridor

9.1 Ecological function

The ecological case should not be reduced to a list of species surveys. The River Dove, wet grassland, floodplain grazing marsh, ditches, hedgerows and riparian vegetation form an ecological network whose value depends on hydrology and connectivity.

9.2 Priority habitat

Floodplain grazing marsh is a habitat of principal importance and is dependent on water levels, inundation patterns, soil moisture and traditional land management. Changes to drainage or the timing and distribution of flooding could alter habitat condition even where the mapped habitat area is retained.

9.3 Species and movement

The Neighbourhood Plan records local relevance of otter, water vole, bats, kingfisher, great crested newt and wetland and farmland birds including lapwing. Surveys should address movement corridors, breeding and foraging habitat, lighting, fencing permeability, construction timing and cumulative disturbance.

9.4 Biodiversity net gain

Any Biodiversity Net Gain calculation should distinguish avoidance, mitigation, compensation and genuine additional enhancement. Creation of generic grassland beneath panels should not automatically be treated as equivalent to functioning floodplain habitat. Condition, distinctiveness, hydrological dependency and strategic significance must be assessed honestly.

9.5 Long-term management

A Landscape and Ecology Management Plan should contain measurable objectives, monitoring, remedial triggers and secure funding for the whole operational period and decommissioning. The management regime should remain workable during prolonged wet conditions and should avoid conflict with electrical safety and access requirements.

10. Construction, Access Tracks, Soils and Drainage

10.1 Access tracks as floodplain structures

Permanent tracks may be necessary to support cranes, delivery vehicles and maintenance traffic. Their effects depend on formation depth, permeability, elevation and cross-drainage. Even a shallow raised track can operate as a bund during flood events; a compacted permeable-looking track may still alter infiltration and runoff.

10.2 Required assessment

Every permanent and temporary track should be represented in the hydraulic model. Crossings should be designed so that conveyance is maintained and blockage risk is manageable. The assessment should explain whether tracks will remain usable after inundation without repeated importation of material or ground raising.

10.3 Soil compaction and agricultural land

Site E contains Grade 2 agricultural land. Construction on saturated soils risks rutting, smearing, compaction and loss of soil structure. A Soil Management Plan should set ground-condition thresholds for vehicle movements, low-ground-pressure plant, temporary matting, restoration and independent soil monitoring.

10.4 Temporary works and pollution

Construction compounds, fuel storage, concrete operations and excavated material should be located outside the highest-risk areas wherever possible. A flood action plan should require removal or secure storage of pollutants and materials when warnings are issued.

10.5 Construction traffic and amenity

The transport assessment should identify Site E delivery routes, abnormal loads, interaction with local traffic, mud and debris control, and the consequences of route closure during flooding. Noise, vibration, dust and working hours should be assessed for Stretton, Church Road properties and nearby businesses.

11. Aviation Glint and Glare

11.1 Need for assessment

The concern is that sunlight reflected from panels could distract pilots using routes associated with East Midlands Airport and aircraft operating to and from Derby Airfield on Hilton Road, an established licensed light-aircraft aerodrome with regular training, recreational and general aviation movements. Panel reflectivity is generally lower than many common surfaces, but the significance of glare depends on geometry, scale, duration, angle of incidence, flight path and pilot workload.

11.2 Scope

The Applicant should undertake a recognised glint-and-glare assessment using final or worst-case panel orientation, elevation and layout. It should consult East Midlands Airport, Derby Airfield (Hilton Road) and relevant aviation safeguarding bodies, and assess instrument and visual flight procedures, local circuit patterns, approach and departure routes, and helicopter operations where appropriate.

11.3 Other receptors

The same assessment should consider road users, rail users if relevant, nearby homes, public rights of way, and pilots operating from Derby Airfield where low-level visual flying may be undertaken. Mitigation should be embedded in layout and orientation rather than relying solely on future vegetation.

12. Cumulative Effects, Alternatives and Planning Balance

12.1 Cumulative assessment

The Environmental Statement should assess interactions between topics rather than treating each chapter in isolation. Flood mitigation may affect landscape and ecology; raised equipment may increase visual effects; fencing designed for security may impede wildlife; access works may affect archaeology and flood conveyance.

12.2 Inter-project effects

The cumulative assessment should include other existing, consented and reasonably foreseeable developments within the relevant hydrological, ecological, landscape and transport study areas. It should not be confined to projects inside a fixed visual radius where catchment effects extend further.

12.3 Alternatives

The alternatives chapter should explain why Site E was selected despite its constraints, what lower-risk land was considered, whether energy yield could be achieved through other parcels, and whether omission or substantial reduction of Site E would materially affect the project's objectives.

12.4 Public benefits

Renewable electricity generation, energy security and decarbonisation are substantial public benefits. The project may also provide employment, investment, habitat management and a community benefit fund. Those benefits should be afforded significant weight.

12.5 Site-specific harm

The benefits of the overall project do not establish that every parcel is necessary or acceptable. Site E combines functional floodplain, priority habitat, high-grade agricultural land, nationally important heritage, archaeological potential, open landscape and immediate proximity to Stretton.

12.6 Overall balance

At the current stage the evidence does not demonstrate that the benefits specifically attributable to developing Site E outweigh its cumulative risks. The precautionary and policy-led response is to omit the parcel unless robust technical evidence establishes that the effects can be avoided or reduced to an acceptable level.

13. Matters for Examination and Requested Actions

10. Provide a site-specific Flood Risk Assessment for Site E covering fluvial, surface-water, groundwater, sewer and residual flood risks.
11. Provide a two-dimensional hydraulic model covering the full zone of influence, including Stretton and receptors outside the draft Order Limits.
12. Model all permanent and temporary access tracks, fencing, compounds, cable crossings, ground raising and electrical infrastructure.
13. Demonstrate no material increase in flood depth, velocity, duration, hazard or extent elsewhere under present-day and climate-change scenarios.
14. Provide a sequential site-selection and layout assessment explaining why lower-risk alternatives and omission of Site E are not reasonably available.
15. Provide a post-flood ground-access and bearing-capacity assessment, including maintenance and emergency-service access.
16. Provide an electrical flood-resilience and emergency isolation strategy for all equipment proposed within Site E.
17. Provide a pollution prevention and incident-response plan addressing oils, coolants, fire-fighting water, damaged electrical equipment and contaminated silt.
18. Integrate the hydraulic assessment with a Heritage Impact Assessment for Monks Bridge and nearby listed bridges, including scour, erosion and setting.
19. Complete archaeological surveys early enough to influence layout and identify preservation-in-situ areas.
20. Provide hydrologically informed ecological assessment and a Biodiversity Net Gain calculation that properly values floodplain grazing marsh and connectivity.
21. Provide a Landscape and Visual Impact Assessment with representative viewpoints from Stretton, Church Road, public rights of way and heritage assets.
22. Provide a full aviation glint-and-glare assessment prepared in consultation with East Midlands Airport, Derby Airfield (Hilton Road) and relevant aviation safeguarding bodies.
23. Provide a cumulative-effects assessment covering topic interactions and other projects across the relevant catchment and landscape.
24. Secure enforceable requirements for construction management, soil protection, drainage, emergency planning, ecological management, heritage protection, monitoring and remedial action.

14. Conclusion

The national need for renewable energy is not disputed. The issue is whether Site E is an appropriate and necessary location for part of this project. The Applicant's own Scoping Report identifies an unusually concentrated set of constraints: extensive Flood Zones 2, 3 and 3b; the River Dove; widespread surface-water risk; Priority Habitat floodplain grazing marsh; ecological corridors; Monks Bridge Scheduled Monument and

listed bridges; archaeological potential; Grade 2 agricultural land; public rights of way; and the immediate relationship with Stretton.

Local evidence that the land remains impassable after visible floodwater recedes is directly relevant to safety and operational resilience. It raises questions that cannot be answered by raising electrical equipment above a design flood level. The Applicant must demonstrate that the site remains accessible, maintainable and safe, and that the works do not redirect water or increase flood risk elsewhere.

The Made Stretton Neighbourhood Development Plan expressly seeks to protect the countryside, historic landscape, wildlife corridors and heritage and to ensure that flooding is neither created nor exacerbated. The East Staffordshire Local Plan and current national policy apply the same underlying principles.

For these reasons, the preferred and proportionate outcome is that Solar Development Site E should be removed from Castle Way Energy. If the Applicant retains Site E, the matters listed in section 13 should be treated as minimum evidence requirements and independently scrutinised before any conclusion on acceptability is reached.

Appendix A - Planning Policy Schedule

Policy	Key relevance
Planning Act 2008, section 104	Decision-making framework for applications where a relevant National Policy Statement has effect.
EN-1 (2025), section 4.10	Climate adaptation and resilience over the infrastructure lifetime, including direct and indirect flood impacts.
EN-1 (2025), section 5.4	Biodiversity, priority habitats, ecological networks, mitigation hierarchy and enhancement.
EN-1 (2025), section 5.8	Flood risk assessment, sequential approach, climate change, safe operation and access, and no increase in risk elsewhere.
EN-1 (2025), section 5.9	Historic environment, significance, setting, archaeology, avoidance and mitigation.
EN-1 (2025), section 5.10	Landscape and visual effects.
EN-3 (2025)	Technology-specific policy for renewable energy infrastructure, read with EN-1.
EN-5 (current designated version)	Electricity network infrastructure, good design, resilience and generic impacts through EN-1.
NPPF (Dec 2024, amended Feb 2025), chapter 14	Climate change, flood risk, sequential approach, lifetime safety and risk elsewhere.
NPPF, chapter 15	Natural environment, countryside, biodiversity and ecological networks.
NPPF, chapter 16	Historic environment, significance, setting and weight to conservation.
East Staffordshire Local Plan SP1	Integrated sustainable development; flood risk, landscape, heritage and biodiversity.
East Staffordshire Local Plan SP24	High-quality design and response to context.
East Staffordshire Local Plan SP25	Strategic historic-environment protection.
East Staffordshire Local Plan SP27	Climate change, water-body management and flooding.
East Staffordshire Local Plan SP28	Renewable and low-carbon energy subject to acceptable impacts.
East Staffordshire Local Plan SP29	Biodiversity and geodiversity.
East Staffordshire Local Plan DP1	Design of new development.
East Staffordshire Local Plan DP5 and DP6	Designated and non-designated heritage assets and archaeology.
Stretton NDP S1-S4	Countryside, landscape, wildlife and ecological corridors.
Stretton NDP S6-S8	Flooding, archaeology and heritage.

Appendix B - Applicant Document Schedule

Documents reviewed for this version:

- Castle Way Energy EIA Scoping Report, Volume 1: Main Report, June 2026, Planning Inspectorate Reference EN0110037.
- Figures and appendices embedded within or referenced by the Scoping Report, so far as available.

Documents to be reviewed and cross-referenced when published:

- Environmental Statement and Non-Technical Summary.
- Flood Risk Assessment and hydraulic modelling report.
- Outline Drainage Strategy.
- Heritage Impact Assessment and archaeological reports.
- Landscape and Visual Impact Assessment.
- Ecological Impact Assessment, Biodiversity Net Gain documents and management plans.
- Glint and Glare Assessment and aviation consultation responses.
- Construction Traffic Management Plan and access plans.
- Design principles, parameter plans and Works Plans.
- Draft Development Consent Order and Requirements.
- Consultation Report and Statement of Reasons.

Appendix C - Suggested Local Evidence

- Dated photographs showing flooding across Site E.
- Dated photographs taken after water has receded, showing saturation, rutting and inability to access the land.
- Short witness statements from farmers, land managers, residents and users of public rights of way.
- Parish Council minutes and correspondence recording flood events and drainage concerns.
- Records of road or footpath closure and emergency-service attendance.
- Photographs and historic information concerning Monks Bridge and the listed flood bridges.
- Viewpoint photographs from Stretton, Church Road and public rights of way.
- Information from East Midlands Airport, Derby Airfield (Hilton Road), or flight-tracking evidence identifying relevant routes, used only to guide the formal aviation assessment.

Appendix D - References

1. Planning Inspectorate, Castle Way Energy project record, reference EN0110037.
2. BSSL Derbyshire 1 Ltd, Castle Way Energy EIA Scoping Report, Volume 1: Main Report, June 2026.
3. Department for Energy Security and Net Zero, Overarching National Policy Statement for Energy (EN-1), 2025.
4. Department for Energy Security and Net Zero, National Policy Statement for Renewable Energy Infrastructure (EN-3), 2025.
5. Department for Energy Security and Net Zero, National Policy Statement for Electricity Networks Infrastructure (EN-5), current designated version.
6. Ministry of Housing, Communities and Local Government, National Planning Policy Framework, December 2024, amended February 2025.
7. East Staffordshire Borough Council, Local Plan 2012-2031, adopted October 2015.
8. East Staffordshire Borough Council, 2025 Regulation 10A assessment confirming the Local Plan remains in date and effective.
9. Stretton Parish Council / East Staffordshire Borough Council, Made Stretton Neighbourhood Development Plan 2014-2031, made 1 February 2016.

Tutbury Parish Council

Response to the Environmental Impact Assessment (EIA) Scoping Consultation

Castle Way Energy Nationally Significant Infrastructure Project

Planning Inspectorate Reference: EN011037

Tutbury Parish Council welcomes the opportunity to comment on the proposed scope of the Environmental Impact Assessment (EIA) for the Castle Way Energy Nationally Significant Infrastructure Project.

The Council recognises that this consultation relates solely to the scope of the Environmental Statement (ES), rather than the principle of the proposed development. Accordingly, these comments focus on ensuring that the Environmental Statement provides a comprehensive, transparent and evidence-based assessment of all likely significant environmental effects arising from the proposed development, associated infrastructure and its full lifecycle.

Overall Observations

Tutbury Parish Council considers that the Scoping Report has been prepared at a relatively early stage in the project's development. Whilst recognising that the purpose of the Scoping Report is to establish the matters requiring assessment, the current level of detail makes it difficult for consultees to fully understand the likely environmental effects of the proposal.

The Council therefore requests that the Environmental Statement:

- clearly identifies all assumptions made;
- explains any limitations in available evidence;
- assesses realistic worst-case scenarios where design details remain undecided;
- applies the precautionary principle where uncertainty exists; and
- assesses the environmental effects of the project throughout construction, operation, maintenance and decommissioning.

The Council is particularly concerned that a number of environmental topics appear to be proposed for assessment during construction but not decommissioning. Decommissioning activities may have environmental impacts comparable to those arising during construction and should therefore remain fully within the scope of the Environmental Statement.

1. Landscape and Visual Impact

The Environmental Statement should include a comprehensive assessment of landscape character and visual amenity across the wider area.

This should include:

- local and long-distance views;

- the cumulative visual impact of existing and proposed solar developments in the surrounding area;
 - views from surrounding settlements, including Tutbury;
 - the approach into Tutbury from Burton upon Trent, where an existing solar farm is already visible;
 - the approach from Derby via Hilton Cricket Club, which forms an important gateway into the village;
 - views from Public Rights of Way, highways and recreational routes;
 - impacts upon landscape character and rural tranquillity;
 - seasonal variation in the effectiveness of screening;
 - long-term landscape management;
 - operational lighting;
 - cumulative landscape effects; and
 - the visual impact of all associated infrastructure including substations, battery storage, transformers, cable routes and Energy Centre buildings.
-

2. Glint and Glare

The Environmental Statement should include a detailed Glint and Glare Assessment covering:

- nearby residents;
- motorists;
- cyclists;
- horse riders;
- users of Public Rights of Way;
- agricultural operations;
- grazing livestock;
- wildlife;
- construction activities; and
- cumulative impacts.

The assessment should consider seasonal changes, sun angle and weather conditions.

3. Hedgerows, Mature Trees and Green Infrastructure

Existing hedgerows, mature trees and woodland should be retained wherever practicable to preserve biodiversity, wildlife corridors, landscape character and natural screening.

The Environmental Statement should identify:

- all existing hedgerows and mature trees;
 - any proposed removals and clear justification;
 - protection measures during construction and decommissioning;
 - habitat enhancement proposals;
 - Biodiversity Net Gain proposals; and
 - long-term management of green infrastructure.
-

4. Heritage Assets

The Environmental Statement should assess impacts upon designated and non-designated heritage assets including:

- the setting of Tutbury Castle;
- listed buildings;
- conservation areas;
- archaeological remains;
- the wider historic landscape; and
- cumulative impacts arising from multiple renewable energy developments.

The Council considers the Hilton Cricket Club approach to Tutbury to be an important part of the village's historic rural setting.

5. Ecology and Biodiversity

A comprehensive ecological assessment should be undertaken covering all phases of the development.

The Environmental Statement should include:

- Biodiversity Net Gain;
- habitat creation and enhancement;
- ecological connectivity;
- protection of wildlife corridors;
- long-term ecological management;
- monitoring throughout the operational life of the development;
- impacts arising during construction and decommissioning; and
- pollution prevention measures.

The Council is concerned that certain ecological receptors should not be scoped out without robust evidence. Protected species including bats, reptiles, badgers and other notable species should remain within the scope of the Environmental Statement until comprehensive surveys demonstrate otherwise.

6. Agricultural Land and Food Production

The Environmental Statement should identify Agricultural Land Classification and quantify any loss of Best and Most Versatile agricultural land.

It should also assess:

- impacts upon agricultural productivity;
- implications for food security;
- opportunities for continued agricultural use beneath panels;
- impacts on soil quality;
- restoration of agricultural land following decommissioning; and
- the methodology used to determine Agricultural Land Classification.

The Council notes that the wider area surrounding Tutbury has already experienced significant losses of agricultural land.

7. Air Quality

The Environmental Statement should assess:

- construction dust;
 - vehicle emissions;
 - impacts on nearby communities;
 - impacts during decommissioning; and
 - mitigation measures.
-

8. Noise and Vibration

The Environmental Statement should assess noise and vibration arising from:

- construction;
 - operation;
 - decommissioning;
 - substations;
 - inverters;
 - transformers;
 - battery storage;
 - construction compounds;
 - construction traffic; and
 - cumulative impacts.
-

9. Highways, Traffic and Access

The Environmental Statement should assess:

- construction traffic routes;
- Heavy Goods Vehicle movements;
- highway safety;
- temporary traffic management;
- construction working hours;
- cumulative traffic impacts;
- impacts upon local communities and businesses;
- emergency access arrangements; and
- Fire and Rescue Service access.

The Council notes that many of the surrounding rural roads are unsuitable for significant volumes of heavy construction traffic.

Particular consideration should be given to cumulative impacts affecting routes through Church Broughton, Hilton, Hatton, Eggington and Scropton together with disruption arising from diversions during closures on the A38 and A50.

The Hilton corridor forms an important strategic diversion route and should be assessed accordingly.

10. Public Rights of Way

The Environmental Statement should assess impacts upon Public Rights of Way including:

- temporary closures;
- suitable diversions;
- long-term accessibility;
- recreational use;
- impacts upon walking, cycling and horse riding;
- user safety;
- glint and glare;
- visual amenity;
- tranquillity; and
- cumulative impacts.

The Council is concerned that extensive solar infrastructure may discourage use of the countryside by walkers and other recreational users.

11. Human Health and Wellbeing

The Environmental Statement should include an assessment of impacts upon:

- physical health;
 - mental wellbeing;
 - enjoyment of the countryside;
 - recreational opportunities;
 - visual amenity;
 - rural tranquillity;
 - construction disturbance; and
 - cumulative effects upon local communities.
-

12. Flood Risk, Water Environment and Climate Change

The Environmental Statement should demonstrate that the development will not increase flood risk.

It should include:

- Sustainable Drainage Systems (SuDS);
- surface water management;
- impacts upon watercourses and groundwater;
- climate change projections;
- pollution prevention during construction and decommissioning;
- flood resilience throughout the operational life of the development;
- Sequential Test and Exception Test considerations where applicable; and
- impacts arising from increasing rainfall intensity associated with climate change.

The Council notes increasing incidents of flooding affecting surrounding settlements including Hatton and Hilton.

13. Climate Change Resilience

The Environmental Statement should assess the resilience of the development to future climate change including:

- increased storm frequency;
 - higher temperatures;
 - changing rainfall patterns;
 - drought;
 - flooding;
 - long-term climate projections over the operational life of the development; and
 - impacts during construction, operation and decommissioning.
-

14. Electricity Transmission Infrastructure

The Environmental Statement should include full assessment of all associated infrastructure including:

- underground cable routes;
- overhead lines (if proposed);
- substations;
- Energy Centre;
- transformers;
- inverter stations; and
- associated electrical infrastructure.

Assessment should include:

- construction methodology;
 - working corridors;
 - impacts on agricultural land;
 - impacts on hedgerows and mature trees;
 - wildlife corridors;
 - archaeology;
 - heritage assets;
 - highways;
 - Public Rights of Way;
 - reinstatement following installation; and
 - cumulative impacts with wider electricity infrastructure.
-

15. Battery Energy Storage System (BESS)

Battery Energy Storage Systems form part of the proposal, the Environmental Statement should include a comprehensive assessment of:

- operational lifespan;
- replacement cycles;
- fire risk;
- thermal runaway;
- fire suppression systems;
- emergency response arrangements;
- consultation with the Fire and Rescue Service;
- contaminated firewater management;
- operational noise;
- operational lighting;
- visual impacts;

- security;
 - recycling;
 - reuse;
 - end-of-life disposal;
 - sustainability of battery technologies; and
 - decommissioning and site restoration.
-

16. Major Accident and Disaster Risk

The Environmental Statement should include a comprehensive assessment of major accident risks including:

- Battery Energy Storage System fires;
 - hazardous substances;
 - contaminated firewater;
 - flooding interactions;
 - climate-related hazards;
 - emergency access;
 - resilience of the electricity network; and
 - risks during construction, operation and decommissioning.
-

17. Construction and Decommissioning

The Environmental Statement should include:

- Construction Environmental Management Plan;
 - Construction Traffic Management Plan;
 - construction compounds;
 - haul roads;
 - temporary infrastructure;
 - working hours;
 - restoration strategy;
 - removal of all infrastructure;
 - restoration of agricultural land;
 - ecological restoration; and
 - full assessment of decommissioning impacts equivalent to those considered during construction.
-

18. Cumulative Impacts

A comprehensive cumulative assessment should consider existing, consented and proposed renewable energy developments together with associated electricity infrastructure.

The assessment should include cumulative impacts upon:

- landscape;
 - heritage;
 - biodiversity;
 - highways;
 - Public Rights of Way;
 - agricultural land;
 - flood risk;
 - local communities;
 - rural character;
 - visual amenity; and
 - human health and wellbeing.
-

19. Site Selection and Alternatives

The Environmental Statement should clearly explain the site selection process and the reasonable alternatives considered.

This should include:

- alternative locations;
 - brownfield land;
 - commercial and industrial rooftops;
 - lower environmental sensitivity sites;
 - lower quality agricultural land;
 - alternative grid connection options; and
 - the environmental reasons supporting the preferred option.
-

20. Scale and Extent of the Development

The Environmental Statement should clearly define the full extent of the proposal including:

- total development area;
- operational footprint;
- temporary land take;
- solar arrays;

- substations;
- battery storage;
- Energy Centre;
- cable corridors;
- access tracks;
- construction compounds; and
- relationship to surrounding communities and environmental assets.

This information is essential to enable consultees to fully understand the likely environmental effects of the project.

Conclusion

Tutbury Parish Council requests that the Environmental Statement provides a robust, transparent and comprehensive assessment of all likely significant environmental effects associated with the proposed development and all associated infrastructure.

Given the scale, duration and complexity of the proposal, the Council considers it essential that the Environmental Statement assesses the project in its entirety, including construction, operation, maintenance, grid connection and decommissioning. The assessment should clearly identify assumptions, uncertainties and mitigation measures to enable the Secretary of State and consultees to fully understand the environmental implications before any decision is made.

The Council further requests that no environmental topic is excluded from assessment without clear evidence demonstrating that significant effects can reasonably be ruled out, and that cumulative effects with existing and proposed renewable energy developments across the wider area are comprehensively assessed.



UK Health Security Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
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Nottingham, NG2 4LA

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www.gov.uk/ukhsa

Your Ref: EN0110037
Our Ref: 95389CIRIS

Mr Joseph Jones
Environmental Advisor,
The Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough SL1 4PN

3rd July 2026

Dear Mr Jones

Nationally Significant Infrastructure Project Castle Way Energy EN0110037 Scoping Consultation Stage

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report, we wish to make the following comments and recommendations:

Environmental Public Health

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Recommendations

Major Accidents & Disasters

The proposed development will include a Battery Energy Storage System (BESS) and various electrical infrastructure. We note that the location of the BESS is not currently given in the documentation, and any impacts from incidents during construction or operation are not considered, particularly those from a fire impacting a BESS unit. The applicant should include within the ES an assessment of the risk to nearby public health receptors from BESS involved in fire and the release of smoke and associated gases.

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e, an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

¹
<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>

Yours sincerely,

On behalf of UK Health Security Agency

Please mark any correspondence for the attention of National Infrastructure Planning Administration.