



**Application by Mallard Pass Solar Farm Limited for Mallard Pass Solar Project**  
**The Examining Authority's written questions and requests for information (ExQ2)**  
**Issued on 15 August 2023**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ2. Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C to the Rule 6 letter of 13 April 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the written questions indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number. When you are answering a question, please start your answer by quoting the reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [MallardPassSolar@planninginspectorate.gov.uk](mailto:MallardPassSolar@planninginspectorate.gov.uk) and include 'Mallard Pass Solar Project – ExQ2' in the subject line of your email.

**Responses are due by Deadline 5: Tuesday 5 September 2023**

Questions have been specifically directed to the following parties:

Affected Persons in Essendine	Lincolnshire Wildlife Trust
Applicant	Mallard Pass Action Group
Anglian Water	National Grid Electricity System Operator Ltd
Mr and Mrs Beamish	National Grid Electricity Transmission Plc
Black Sluice Internal Drainage Board	National Highways



Environment Agency	Natural England
Essendine Parish Council	Network Rail
Essendine Village Hall	Rutland County Council
Greatford Parish Council	South Kesteven District Council
Forestry Commission	Mr Richard Williams
Lincolnshire County Council	Mrs Wooley



## Abbreviations used:

<b>BESS</b>	Battery Energy Storage System
<b>BMV</b>	Best and Most Versatile
<b>COMAH</b>	Control of Major Accident Hazard
<b>dB</b>	Decibel
<b>DCO</b>	Development Consent Order
<b>DMMO</b>	Definitive Map Modification Order
<b>DMP</b>	Dust Management Plan
<b>EA</b>	Environment Agency
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>FWQ</b>	First Written Questions
<b>GEART</b>	Guidelines for the Environmental Assessment of Road Traffic
<b>IEA</b>	Institute of Environmental Assessment
<b>IEMA</b>	Institute of Environmental Management and Assessment
<b>ISH</b>	Issue Specific Hearing
<b>LGV</b>	Light Goods Vehicles
<b>MPAG</b>	Mallard Pass Action Group
<b>MW</b>	Megawatt
<b>NPS</b>	National Policy Statement
<b>oCEMP</b>	Outline Construction Environmental Management Plan
<b>oCTMP</b>	Outline Construction Traffic Management Plan
<b>oDEMP</b>	Outline Decommissioning Environmental Management Plan
<b>oLEMP</b>	Outline Landscape and Ecology Management Plan
<b>oOEMP</b>	Outline Operational Environmental Management Plan
<b>oSMP</b>	Outline Soil Management Plan
<b>oSWDS</b>	Outline Surface Water Drainage Strategy
<b>oWMP</b>	Outline Water Management Plan
<b>PRoW</b>	Public Right of Way
<b>SAC</b>	Special Area of Conservation
<b>sHRA</b>	Shadow Habitats Regulations Assessment
<b>SoCG</b>	Statement of Common Ground
<b>WSI</b>	Written Scheme of Investigation



## **The Examination Library**

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010127-000304>

It will continue to be updated as the examination progresses.

## **Citation of Questions**

Questions in this table should be cited as follows:

Question reference: issue reference: question number, e.g. ExQ2 1.0.1 – refers to question 1 in this table.



<b>Index</b>	
<b>1. General and Cross-topic Questions .....</b>	<b>6</b>
1.0 Design, parameters and other details of the Proposed Development.....	6
1.1 Need .....	11
1.2 Site selection and alternatives.....	13
<b>2. Air Quality and Emissions .....</b>	<b>14</b>
<b>3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA)) ..</b>	<b>14</b>
3.1 Habitats Regulations Assessment.....	17
<b>4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations .....</b>	<b>19</b>
<b>5. Draft Development Consent Order (DCO) .....</b>	<b>22</b>
5.0 Articles .....	22
5.1 Schedule 1 – Authorised Development .....	26
5.2 Schedule 2 - Requirements.....	27
5.3 Schedules 4, 5, 6, 7, 8 & 12 .....	30
5.4 Schedule 15 – Protective Provisions.....	31
5.5 Schedule 16 – Procedure for Discharge of Requirements.....	31
5.6 Other matters raised by Interested Parties.....	32
<b>6. Historic Environment .....</b>	<b>32</b>
<b>7. Land Use and Soils .....</b>	<b>36</b>
<b>8. Landscape and Visual .....</b>	<b>40</b>
<b>9. Noise and Vibration .....</b>	<b>42</b>
<b>10. Socio-economic Effects .....</b>	<b>44</b>
<b>11. Transportation and Traffic .....</b>	<b>47</b>
<b>12. Water Environment.....</b>	<b>51</b>
<b>13. Other Matters/Issues .....</b>	<b>54</b>
13.1 Outline Management Plans .....	55

ExQ2	Question to:	Question:
<b>1. General and Cross-topic Questions</b>		
<b>1.0 Design, parameters and other details of the Proposed Development</b>		
Q1.01	Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	Paragraph 3.10.56 of the draft National Policy Statement (NPS) EN-3 (March 2023) says that an upper time limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time periods of operation. Any Requirement within a DCO should only be imposed (amongst other things) where it is necessary to make the Proposed Development acceptable and is reasonable in all other respects.  If you consider that an operational time-period should be imposed within the DCO, please concisely set out details of why you consider it to be necessary and reasonable, including with reference to any relevant national or local planning policies.
Q1.02	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	Paragraph 3.10.58 of draft NPS EN-3 indicates that a time limited consent would not prevent the Applicant at a later date from seeking to extend the period of consent.  Please comment on this scenario, including whether or not it would be a preferable option in this instance given that it would i) allow the Applicant to consider at a later stage whether or not it wishes to seek such an extension and (ii) would allow for the matter to be considered in the light of the relevant planning policies and material considerations that would be applicable at that time.
Q1.03	The Applicant	If an operational time limit was included in the DCO (for example, 40 years), please explain whether there would be any implications for i) the undertaker's overall operation of the Proposed Development, ii) the benefits arising from the Proposed Development and iii) the overall assessment of the Proposed Development, in comparison to a consent granted with no operational time limit?
Q1.04	The Applicant	The Applicant referred at ISH1 [REP4-022] to a time limit imposed in the recently consented Longfield DCO, this being due to the percentage of best and most versatile land included in the project.

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>a) Taking account of any general similarities between the two schemes in terms of there being large areas of Best and Most Versatile land being proposed to be used for the siting of solar panels, what justification is there in this case for the Proposed Development to proceed without an operational time limit when such a time limit was imposed within the Longfield DCO?</p> <p>b) In the case of the Cleve Hill DCO, to what extent might the proportion of BMV land to be used for the entirety of the Proposed Development have been a significant factor in the absence of an operational time limit in that case?</p>
Q1.05	<p>The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group</p>	<p>In the event that the Secretary of State was minded to impose a restriction in the dDCO on the operational time period of the Proposed Development, please state, along with relevant justification, what you consider a reasonable time period would be in this case?</p>
Q1.06	<p>The Applicant</p>	<p>With regard to construction phasing, the Applicant explained at ISH1 [REP4-022] that the intention is to build out the scheme as quickly as possible to contribute renewable energy to the grid and at ISH3 [REP4-040] that the construction must not be materially different or materially worse than what has been assessed. The Application details also refer to an indicative construction period of 24 months.</p> <p>For the avoidance of doubt, is it possible that there could be a construction scenario whereby a notable period of time might elapse between any respective phase of construction, such that the overall time period from the first commencement of the Proposed Development and the completion of the final phase is significantly greater than 24 months?</p>
Q1.07	<p>The Applicant</p>	<p>Paragraph 3.10.55 of the draft National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) requires that for underground cabling, applicants are expected to provide a method statement describing cable trench design, installation methodology, as well as details of the operation and maintenance regime. Whilst there are details of cabling within the Project Description [REP2-102], with illustrative sections provide in Figure 5.6 [APP-126] along with</p>

ExQ2	Question to:	Question:
		<p>brief references in the Design Guidance [REP2-018], Project Parameters [AS-102] and oCEMP [REP4--007], no specific method statement has been provided as required by EN-3.</p> <ol style="list-style-type: none"> <li>a) Please provide an explanation of this absence including when a Method Statement is to be provided along with details of how various elements expected by paragraph 3.10.55 of the draft EN-3 would be secured by the Development Consent Order (DCO).</li> <li>b) Provide further details as appropriate (including within the outline Construction Environmental Management Plan or otherwise) regarding the methods for the cable route underneath the Great North East Railway line, including the method for crossing of the West Glen River and adjacent former railway embankment.</li> <li>c) Explain whether the proposed Requirements in the draft DCO need to be updated to include reference to an underground cabling method statement?</li> </ol>
Q1.0.8	National Grid Electricity Transmission Plc (NGET), National Grid Electricity System Operator Limited (NGESO)	<p>NGET's response to Q1.2.5 [PD-008] regarding the Applicant's proposed connection to the Ryhall Substation, states that NGET is required to undertake a system study and that further studies may be required.</p> <ol style="list-style-type: none"> <li>a) Please can NGET provide an update on the progress made with the previously referenced system study.</li> <li>b) The Applicant's Grid Connection Statement [APP-202] confirms that it has received a grid connection offer from National Grid Electricity System Operator Limited to connect the Proposed Development to the National Electricity Transmission System (to export 240MW AC). Notwithstanding, NGET's reply to Q1.2.5 can NGET and/or NGESO comment at this stage whether there are any likely impediments to the Applicant's proposed connection to the Ryhall Substation?</li> <li>c) What further approvals/consents would be required from NGET and/or NGESO prior to the final implementation of the proposed grid connection?</li> <li>d) What would a reasonable timescale be for implementing the connection from the Proposed Development to the existing transformer bay available at Ryhall Substation?</li> <li>e) Notwithstanding the grid connection offer, what is the available capacity at the Ryhall Substation?</li> </ol>



**ExQ2: 15 August 2023****Responses due by Deadline 5: Tuesday 5 September 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q1.0.9	The Applicant	<p>Paragraph 3.2 of the Grid Connection Statement [APP-202] explains that the Applicant is now completing detailed designs to determine the arrangement of the grid connection.</p> <p>a) The Applicant is requested to provide an update on these detailed designs, including whether it expects there to be any impediments to implementing the connection to the existing Ryhall substation.</p> <p>b) The Applicant's response to Q1.0.10 [REP2-037] refers to a period of 150 days for testing and commissioning. Bearing in mind any further arrangements/agreement needed with NGET, what is the proposed detailed timescale for i) gaining a final detailed approval with NGET for the grid connection and (ii) for the actual implementation of the grid connection and supply of electricity to the grid?</p>
Q1.0.10	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council	<p>Mallard Pass Action Group (MPAG) has provided details at Deadline 4 [REP4-054] regarding security issues faced by solar farms along with implications for the type and form of fencing that might be required.</p> <p>a) The Applicant and other parties are invited to provide comments on MPAG's submission, including any implications that arise for the Proposed Development.</p> <p>b) Has any engagement and/or consultation been carried out for the Proposed Development with any relevant 'Designing Out Crime Officer' or similar post holder, with particular regard to proposed security matters, including the type of fencing proposed? Please provide details of this as applicable.</p> <p>c) If no such engagement has been carried out to date, it is requested that such a response(s) is/are now sought and reported to the Examination, bearing in mind the concerns raised by MPAG.</p> <p>d) Can the Applicant provide any further substantive evidence to support its position that the proposed fencing would be suitable for the Proposed Development in the light of relevant crime risks.</p> <p>e) With particular regard to fencing, what reassurance can be provided that details to be submitted for approval under Requirement 8 of the draft DCO will accord with those provided in the illustrative material.</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>f) Are any enhancements required to the Design Guidance [REP2-018] in this respect? Please provide suggested drafting as applicable.</p> <p>g) Does the Applicant have any comments to make on MPAG’s submission on the potential need to assess the ecological effects of the Proposed Development with high security fencing without mammal passes?</p>
Q1.0.11	The Applicant	<p>With regard to decommissioning, the Applicant at ISH1 [REP4-022], explained that there could be confidence that the project would have value at the end of its operational life in terms of the recycling and/or repurposing of the assets. Notwithstanding this, there is no legally guaranteed mechanism within the drafting of Requirement 18 of the draft DCO [REP4-027] that the Proposed Development would be decommissioning at the end of its operational life.</p> <p>In this context, what evidence can be provided to provide certainty that the value of the project at the end of its operational life would be such that decommissioning would be a viable proposition when considered against the likely overall costs of decommissioning?</p>
Q1.0.12	<p>The Applicant                      Lincolnshire County Council                      Rutland County Council                      South Kesteven District Council                      Mallard Pass Action Group</p>	<p>The implications of decisions made on other solar farm schemes, including the Nationally Significant Infrastructure Project at Longfield and the planning appeal for the Town and Country Planning Act scale development in Hambleton [REP-037] were discussed at the Issue Specific Hearings [REP4-022]. The Examining Authority notes the recent appeal decision issued on 21 July 2023 for a solar farm in South Derbyshire (appeal reference: APP/F1040/W/22/3313316) that was dismissed.</p> <p>a) Can the Applicant comment on whether they consider the appeal decision has any implications for the consideration of the Proposed Development?</p> <p>b) Do the local authorities and Mallard Pass Action Group have comments to make on the decision?</p> <p>c) Are there any other recent decisions that may be of particular relevance to the Proposed Development?</p>
Q1.0.13	The Applicant	<p>The Summary of Applicant's Oral Submissions at ISH1 &amp; Appendices [REP4-022] provides commentary on the extent of overplanting. It is calculated that the area associated with Works</p>

**ExQ2: 15 August 2023**

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ExQ2	Question to:	Question:
		<p>No 1 is 420ha. Installing 350MW over this area equates to an average 1.2ha per MW. The contracted grid capacity is 240MW, therefore implying an overplanting of 110MW. At 1.2ha/MW, this equates to 132ha of overplanting. It is stated that 1.2ha/MW is equivalent to 3 acres/MW which is in the middle of the range set in Paragraph 3.10.8 of the draft NPS EN-3 for a typical solar farm along with associated infrastructure.</p> <p>Should the range specified in draft NPS EN-3 be interpreted as excluding land required for mitigation as the Applicant's calculation appears to suggest?</p>
Q1.0.14	The Applicant	<p>Appendix C of the Applicant's Oral Submissions at ISH1 &amp; Appendices [REP4-022] provides a summary of reasons why a Battery Energy Storage System (BESS) was not included in the project. In relation to an export only BESS, it is stated that such a facility is not commercially viable. An export only BESS also has a much lower throughput than an import and export connected BESS (albeit this is likely to be more expensive and lead to delays).</p> <p>Please provide figures and any further evidence to substantiate the conclusion that an export only BESS would not be commercially viable.</p>
Q1.0.15	The Applicant	<p>Paragraph 3.10.42 of the draft NPS EN-3 states that, from the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC) should be used for the purposes of determining solar capacity.</p> <p>In the event of the draft NPS EN-3 being designated prior to determination, please clarify the proposed combined capacity of the Proposed Development as measured in AC.</p>
<p><b>1.1 Need</b></p>		
Q1.1.1	<p>Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group</p>	<p>At Deadline 4 the Applicant submitted the Climate Change Committee Progress Report to Parliament -28 June 2023 [REP4-23] and the Future Energy Scenarios Report - 10 July 2023 [REP4-024] as raised by them at Issue Specific Hearing 1 (ISH1). Table 1 of the former specifies that Solar PV is "significantly off track" in relation to progress. The latter also provides</p>

ExQ2	Question to:	Question:
		<p>commentary in respect of the need for solar and considers the implications of a range of possible scenarios from “falling short” to “leading the way” in terms of the speed of decarbonisation and the level of societal change. For solar, on page 132, the leading the way scenario is described as the maximum solar generation scenario – <i>“solar generation is co-located with flexible technologies at different connection voltages (i.e. with electrolysis or grid-scale battery storage for solar farms...”</i> Grid capacity and connections are cited as factors that may limit potential.</p> <p>Do the local authorities and Mallard Pass Action Group have any specific comments to make regarding the implications of these two reports for the consideration of the Proposed Development?</p>
Q1.1.2	The Applicant	<p>The Applicant’s Summary of Oral Submissions at Issue Specific Hearing 1 (ISH1) &amp; Appendices [REP4-022] provides commentary on the projected output of the Proposed Development, including confirmation of the load factor (11.4%) which was informed by satellite data. Appendix B to this submission also highlights an updated estimate of the number of homes (approximately 85,000) that the Proposed Development could supply having regard to the effects of panel degradation over a 40-year period which results in an average annual generation of approximately 315,000MWh.</p> <p>a) The Applicant has clarified that a load factor of 11.4% is applied which is based on satellite data and which is higher than the national average. Can the relevant extract of this data be provided with appropriate signposting and an explanation of how it relates to the Order limits, including justification for why a higher load factor is applicable?</p> <p>b) Taking account of degradation, the average annual generation over a 40-year period is cited as approximately 315,000MWh. Please provide further clarification of how this can be achieved when the formula inputs the 350MWp installed capacity figure rather than 240MW as per the grid connection agreement?</p> <p>c) Do the calculations take account of the likely increase in demand for electricity for individual households over the 40-year period?</p>

ExQ2	Question to:	Question:
Q1.1.3	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	Does the announcement made on 31 July 2023 by Government of its commitment to undertake future oil and gas licensing rounds have any implications in relation to the case for the need for Proposed Development?
<b>1.2 Site selection and alternatives</b>		
Q1.2.1	The Applicant Natural England Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	<p>a) Having regard to the preference expressed in national policy to use poorer quality agricultural land except where this would be inconsistent with other sustainability considerations, should soil surveys have been undertaken outside of the proposed Order limits to inform the site selection process and boundary of the Order limits?</p> <p>b) To what, if any, extent does the absence of this survey work reduce the weight that should be attributed to the consideration of alternative sites?</p>
Q1.2.2	Rutland County Council	<p>Rutland County Council's Deadline 4 post hearing submission [REP4-045] states that <i>"In respect of the emerging local policy and evidence the Planning Policy and Housing Manager at Rutland County Council has confirmed that the emerging policy is intended to apply to both TCPA and NSIP level projects."</i></p> <p>a) Please confirm if the above statement refers to the evidence commissioned by the Council to identify areas that may be suitable for renewable energy schemes as referenced in response to the Examining Authority's First Written Questions [REP2-050].</p> <p>b) If applicable, is this evidence now available for consideration in the context of the Proposed Development? If so, please set out the implications for the scheme.</p>
Q1.2.3	The Applicant Natural England Rutland County Council Lincolnshire County Council South Kesteven District Council	Paragraph 3.10.14 of the draft National Policy Statement for Renewable Energy (EN-3) states the following; <i>"While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to</i>

ExQ2	Question to:	Question:
	Mallard Pass Action Group	<p><i>higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible).”</i></p> <p>The first sentence of this paragraph states that land type should not be a predominating factor in determining the suitability of the site location. Should this be interpreted as applying to the use of agricultural land, including land classified as Best and Most Versatile (BMV)? In other words, should the agricultural use (and extent of BMV land) be considered as a predominant factor in the site selection process or not?</p>
<b>2. Air Quality and Emissions</b>		
Q2.0.1	Rutland County Council Lincolnshire County Council South Kesteven District Council	<p>The Applicant’s response to the Examining Authority’s First Written Question Q2.0.1 [REP2-037] confirmed that a Dust Management Plan (DMP) will be prepared and that this is secured in the outline Construction Environmental Management Plan (oCEMP) [REP3-010]. Table 3-6 of the oCEMP also outlines monitoring provisions. Preparation of the DMP will involve further detailed evaluation of the risk of dust generating activities using the detailed construction information that will be available to inform the preparation of the detailed CEMP. Do the local authorities have any specific comments to make on the provisions made for the DMP and future monitoring and liaison with them on dust and air quality?</p>
<b>3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b>		
Q3.0.1	The Applicant Rutland County Council South Kesteven District Council Natural England	<p>The latest version of the draft Development Consent Order (dDCO) submitted at Deadline 4 [REP4-026] amends Requirement 7 (2) (f) to commit to a minimum of 65% biodiversity net gain. This figure allows for a 10% contingency for allow for changes that may occur at the detailed design stage. No amendments are proposed to confirm which version of the biodiversity metric that should be applied. The reasons given for this by the Applicant are centred around the uncertainty over future iterations of the metric and potential implications that this may have in terms of compliance with the outline Landscape and Ecology Management Plan (oLEMP) [REP4-014], the DCO and potential materially new or different effects from those assessed in the Environmental Statement (ES) [REP4-041] that may arise. It is noted that Objective 1 of the oLEMP still refers to a minimum of 10% net gain.</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> <li>a) Would the local authorities seek to apply the latest available version of the metric at the time of approval in the absence of any clarity on the matter in the DCO?</li> <li>b) Do Natural England have any further comments to make on this matter given the recent publication of version 4.0 of the metric?</li> <li>c) Can the Applicant provide further clarification of the basis for the 10% contingency?</li> <li>d) Should Objective 1 of the oLEMP be updated to refer to 65% biodiversity net gain?</li> </ul>
Q3.02	<p>The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council Natural England Mallard Pass Action Group</p>	<p>In relation to the reinstatement of grassland verges used for passing points during construction, Table 3-2 of the updated outline Construction Environmental Management Plan (oCEMP) [REP4-008] now includes measures to store seeds collected within the remaining areas of verges with efforts made to translocate any orchids found within the footprint of the passing points.</p> <ul style="list-style-type: none"> <li>a) Should the oCEMP provide further details of how these commitments will be implemented?</li> <li>b) Can the Applicant clarify if there is there a potential need for the passing points to be put back in place during the operational phase to facilitate major maintenance works? If so, what effects would this have on the reinstated verges and how would they be managed?</li> </ul>
Q3.03	<p>The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council Mallard Pass Action Group</p>	<p>The Applicant's Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) [REP4-041] provides a post-hearing note in response to a query raised by the Examining Authority (ExA) regarding possible effects on the Ryhall Pasture and Little Warren Verges SSSI and species rich grassland verges from Light Goods Vehicles (LGVs) and cars during construction. It acknowledges that whilst there are no restrictions proposed in relation to the routing of such vehicles, the Transport Assessment [APP-074] identified that the majority of staff that drive to the site will use alternative routes from the Strategic Road Network although it is acknowledged that there may be some trips from local staff. These are considered not to any have material impact.</p> <p>However, it is noted that the outline Construction Traffic Management Plan (oCTMP) [REP4-016] acknowledges that assumptions regarding all staff and LGV trips will be reviewed within the CTMP once the origin of construction staff has been confirmed.</p>

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ExQ2	Question to:	Question:
		<p>a) Is the carriageway width along the length of Holywell Road that passes through the Ryhall Pasture and Little Warren Verges SSSI sufficient to accommodate two passing LGVs?</p> <p>b) Should the oCTMP and outline Construction Environmental Management Plan (oCEMP) make provision for possible introduction of measures to avoid harm to the Ryhall Pasture and Little Warren Verges SSSI once the origin of construction staff has been confirmed? If so, what measures should be earmarked for implementation should the need arise?</p>
Q3.04	<p>Natural England Rutland County Council Lincolnshire County Council South Kesteven District Council Lincolnshire Wildlife Trust Mallard Pass Action Group</p>	<p>Paragraph 3.1.14 of the oLEMP [REP4-014] makes provision for the installation of 50 bird and 50 bat boxes across the Order limits. Rutland County Council has raised concerns that this number is insufficient given the size of the Proposed Development [REP2-044]. The Applicant's response at Deadline 3 states that boxes will need to be installed on mature trees due to their size and therefore provision is appropriate given the number of such trees within the Order limits [REP3-026].</p> <p>a) Do Natural England, Lincolnshire County Council, South Kesteven District Council, Lincolnshire Wildlife Trust and the Mallard Pass Action Group consider the number of bird and bat boxes to be provided to be sufficient?</p> <p>b) If deemed necessary, please comment on possible means to increase provision.</p>
Q3.05	<p>The Applicant Natural England Rutland County Council Lincolnshire County Council South Kesteven District Council Lincolnshire Wildlife Trust Mallard Pass Action Group</p>	<p>Section 6.2 of the oLEMP [REP4-014] provides outline details for monitoring arrangements. Does this provide sufficient detail at this stage to address the requirements of draft NPS EN-3 paragraph 3.10.121? If not, what detail should be added?</p>
Q3.06	<p>The Applicant Natural England Rutland County Council</p>	<p>Concerns have been raised that the mitigation measures for Skylarks are insufficient [REP2-208]. Specifically, it is suggested that measures aimed at providing food for chicks during Spring and Summer and over Winter for adults should be taken forward.</p>



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ExQ2	Question to:	Question:
	Lincolnshire County Council South Kesteven District Council Lincolnshire Wildlife Trust Mallard Pass Action Group	Is additional mitigation required for Skylarks? If so, should it comprise of measures for providing food or other proposals?
Q3.0.7	Forestry Commission	<p>The Forestry Commission's response to the ExA's First Written Questions [REP2-071] requested that further information should be provided to consider whether the woodland at Little Warren and others in the vicinity should be deemed ancient. Natural England's inventory of Ancient Woodland is cited as being provisional. The Applicant's response at Deadline 3 [REP3-026] states that woodland not included within the Order limits, but surrounded by it, was surveyed although this data was not detailed in the baseline information. No indicators of ancient woodland were found. Little Warren Wood was not surveyed due its location and so no data is available to confirm its status. However, the Applicant refers to the Green Infrastructure Strategy [APP-173] that proposes to create a grassland buffer and so the status of the woodland would not affect the conclusions drawn in the ES [APP-037].</p> <p>Does the Forestry Commission have any further comments to make on this issue?</p>
Q3.0.8	The Applicant	It is noted from the Statement of Common Ground with Natural England that Natural England [REP4-039] have yet to receive draft protected species licences for review. It is understood that they are due to be drafted " <i>during the examination process</i> ". Please provide an update on the progression of this and likely timescales.
<p><b>3.1 Habitats Regulations Assessment</b></p>		
Q3.1.1	Natural England Rutland County Council South Kesteven District Council Lincolnshire County Council	<p>The Mallard Pass Action Group has raised concerns regarding potential nutrient run off from the creation of wildflower grassland and storage of arisings that may result in adverse effects on the Baston Fen Special Area of Conservation (SAC). The Applicant's response states that nutrients leaching into the soil will be minimal compared to what is added to arable land for farming under its current use. Grasslands will also manage run off [REP4-041].</p> <p>Do Natural England and the local authorities have any comments to make on this issue and the Applicant's response?</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
Q3.1.2	The Applicant	<p>At Deadline 2 [REP2-037] in response to question 3.1.2, the Applicant stated that impacts to the Baston Fen SAC were scoped out of Environmental Statement (ES) Chapter 11 (Water Resources and Ground Conditions) on the basis that the site is located 6.1km from the Order Limits and therefore is outside of the 5km study area. Table 11.5 of ES Chapter 11 states that the Baston Fen SAC lies approximately 4.46km from the Order limits, at ISH2 [REP4-041] the Applicant stated that the SAC is 4.4km from the Order Limits and Table 3 of the shadow Habitats Regulations Assessment (sHRA) [APP-063] also states that the site is 4.4km from the Order Limits.</p> <ul style="list-style-type: none"> <li>a) Can the Applicant confirm the correct distance between the Order Limits and Baston Fen SAC?</li> <li>b) If the distance confirmed for question (a) above is below 5km, the justification provided at deadline 2 for scoping this pathway out is incorrect so can the Applicant update the assessment within ES Chapter 11 [APP-041] to considering this impact pathway?</li> <li>c) In relation to the Habitats Regulations Assessment, Table 3 of sHRA [APP-063] states that this pathway has been assessed in ES Chapter 11 which concludes no likely significant effects. However, as noted previously, this pathway was scoped out of the ES. Considering this pathway has not been assessed as stated, can the Applicant clarify whether further assessment is required under the Habitats Regulations?</li> </ul>
Q3.1.3	Natural England Environment Agency Rutland County Council Lincolnshire County Council South Kesteven District Council	<p>At Issue Specific Hearing 2 the Applicant was asked whether there was scope to update the sHRA in response to Natural England's suggestion that further rationale was required for the in-combination assessment. The Applicant stated that it deemed this to be unnecessary and disproportionate and that it had not yet heard back from Natural England on this position [REP4-041]. The latest draft Statement of Common Ground between the Applicant and Natural England suggests that the matter is still under discussion [REP4-039]. The Applicant has not provided a list of the plans and projects which are considered within the in-combination assessment undertaken.</p> <ul style="list-style-type: none"> <li>a) Can Natural England confirm their current position on this issue?</li> <li>b) Can Natural England, the Environment Agency and local authorities please comment on which other plans or projects should be included within the sHRA?</li> </ul>

ExQ2	Question to:	Question:
4.	<b>Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>	
Q4.01	The Applicant	<p>Appendix A of the Appellant's Summary of Oral Submissions at CAH1 [REP4-042] provides a table detailing the land area to installed MW ratio of the Proposed Development in relation to other solar projects. This indicates that the ratio for the Proposed Development (2.9 acres/MW) is notably higher than the three previously consented schemes at Longfield (1.8 acres/MW), Little Crow (1.9 - 2.5 acres/MW) and Cleve Hill (1.23 acres/MW).</p> <p>It is noted that the figure for the Proposed Development falls within the range suggested by paragraph 3.10.8 of draft NPS EN-3 and that not all projects are identical and have different constraints on them. However, bearing in mind the need to ensure that the land to be acquired is not more than is reasonably necessary for the purposes of the development, please explain in further detail the specific constraints and factors that have resulted in the area/MW ratio in this case being notably higher than those of the recently consented schemes.</p>
Q4.02	The Applicant	<p>The Applicant explained at CAH1 [REP4-042] that the skylark mitigation areas would continue as arable land. These areas are shaded pink (freehold and leasehold to be compulsorily acquired) on the Land Plans [REP1-003] and would be subject to proposed Work No. 7 – works to create, enhance and maintain green infrastructure.</p> <p>a) Taking account of the nature of the proposed use/purpose of these plots/fields only for skylark mitigation, please justify why the full extent of the compulsory acquisition powers sought is necessary and proportionate for these areas? Have any alternative methods been considered that might also allow for this mitigation to be provided without compulsory acquisition?</p> <p>b) Noting that it is intended that these areas would continue to be farmed as arable land, what impediments to the feasibility of this might arise taking account of the location and layout of the remainder of the Proposed Development on adjacent land? Would any particular measures be required in order to ensure that these areas are able to be properly farmed as arable land?</p>
Q4.03	The Applicant Network Rail	At CAH1 the Applicant provided an update on the cable crossing options of the East Coast Mainline Railway including the progress being made with Network Rail on the railway arch

ExQ2	Question to:	Question:
		<p>(Bridge 198) option. This was expanded upon in the Applicant’s post hearing summary [REP4-042].</p> <ol style="list-style-type: none"> <li>a) Both parties are requested to provide an update on the progress being made with the necessary cable crossing agreement(s) between the Applicant and Network Rail?</li> <li>b) Are there any outstanding issues or impediments regarding the proposed arch option (including in relation to the matters raised by Network Rail in its Written Representation [REP2-094] relating to the proximity of a high pressure gas main and the proposal to drill underneath the West Glen River)?</li> <li>c) For any issues/impediments raised, please describe what action/remedy is required and how it can be achieved.</li> <li>d) Notwithstanding the Applicant’s preferred railway arch option, are there any outstanding issues and impediments regarding the other two proposed railway crossing options? If so, please describe what action/remedy is required and how it can be achieved.</li> <li>e) Confirmation that the Protective Provisions within the draft DCO are agreed.</li> <li>f) Provide an agreed timetable for the progression of the necessary cable crossing agreement(s).</li> <li>g) If any matters remain outstanding, provide a Statement of Common Ground at Deadline 5.</li> </ol>
Q4.04	The Applicant	<p>The Applicant explained [REP4-042] that it is considering the options available to engage directly with the local community in Essendine regarding the implications of powers sought in relation to the cable route option along Bourne Road through Essendine.</p> <p>Please provide an update on this.</p>
Q4.05	Affected persons in Essendine Mallard Pass Action Group Essendine Parish Council Essendine Village Hall	<p>Following discussion at CAH1, the Applicant submitted a post hearing note [REP4-042] which explained the updates made to Table 3-4 of the Outline CEMP [REP-007] including in relation to matters concerning access to properties on Bourne Road in Essendine and access to the children’s play area. Updates have also been provided regarding community liaison.</p> <p>Comments on invited on these updates to the Outline CEMP or any further matter regarding the proposed cable route option through Essendine further to the discussions at CAH1.</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
Q4.06	The Applicant (a) Mr and Mrs Beamish (b)	<p>a) Further to the information provided at CAH1 and the Applicant’s subsequent Summary of Oral Submissions [REP4-042], the Applicant is requested to provide an update on discussions with Mr and Mrs Beamish. Are any further changes required to the outline CEMP [REP4-007] in the light of comments made in the post hearing Summary of Oral Submissions?</p> <p>b) Mr and Mrs Beamish are requested to confirm if there are any outstanding concerns, in regard of compulsory acquisition matters, including whether the matter of access to/from Events and Tents and Mallard Point Vineyard has been satisfactorily resolved and if any additions are required to Table 3-10 of the outline CEMP [REP4-007].</p>
Q4.07	The Applicant (a and b) Mrs Woolley (c)	<p>a) Please provide any update on the position further to Mrs Wooley’s submissions at CAH1 [REP4-067] relating to the Land Plans and Book of Reference.</p> <p>b) With regard to access, at Deadline 4, the Applicant stated [REP4-042] that access to Mrs Woolley’s properties would be maintained throughout the construction phase. Would this relate to both pedestrian and vehicular access? Please explain how it would be ensured that such access would be maintained during construction, including with reference to the amendments made to Table 3-4 of the outline CEMP [REP4-007]?</p> <p>c) Does Mrs Woolley have any further comments on these matters?</p>
Q4.08	The Applicant Mr Richard Williams	<p>Mr Richard Williams made oral submissions at CAH1 and these were followed up with written submissions at Deadline 4 [REP4-066], including submissions regarding Plot 01-01.</p> <p>a) Please comment on these submissions including the representations on whether Plot 01-01 is required and the consideration of reasonable alternatives, including panel selection and the availability of land adjacent to the Order limits to the north of Carlby Road. Please also provide any update on the status of negotiations.</p> <p>b) Does Mr Williams have any further comments on these matters?</p>

ExQ2	Question to:	Question:
Q4.09	Lincolnshire County Council Rutland County Council	Please set out if either local highway authority has any outstanding issues or concerns relating to the proposed compulsory acquisition powers sought by the Applicant?
<b>5. Draft Development Consent Order (DCO)</b>		
<b>5.0 Articles</b>		
Q5.01	The Applicant	<p><b>Part 1, Article 2 (Interpretation)</b></p> <p><b>“maintain”</b></p> <p>The interpretation of “maintain” in the latest draft DCO [REP4-026] has been updated to include the words <i>‘not improve, reconstruct or replace the whole of, Work No.1’</i>. The Applicant explained at ISH3 that it cannot replace the solar panels in their entirety all at once. Both this explanation and the use of the work ‘whole’ in the definition of “maintain” creates some ambiguity and does not rule out the possibility that all, or the large majority, of the panels may be replaced during the operation period of the Proposed Development.</p> <p>a) For clarity and the avoidance of doubt, the Applicant is asked to confirm whether it intends there to be flexibility within the draft DCO for (i) all the panels to be replaced during the operation period – albeit such works would not be all carried out at the same time, and (ii) for a significant proportion of the panels to be replaced during the operation period (beyond those requiring replacement on an isolated basis due to breakage etc)?</p> <p>b) From the available evidence, what percentage of panels on existing solar farms are replaced for maintenance during their operation (on an annual basis and overall across their operational period to date)?</p> <p>c) Noting Article 5 (Power to maintain authorised development), does the Applicant consider that the large-scale replacement of panels (for example 25%, 50%, 75% or 90% of solar panels within the Order Limits) would be likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement?</p> <p>d) If there is no intention for the largescale replacement of panels to take place during operation, what, if any, issues might an operational time period restriction have for the Proposed Development in this case?</p>

ExQ2	Question to:	Question:
		<p>e) Notwithstanding the above questions, has the redrafting of “maintain” and the removal of any mention of the “authorised development” within it led to the possibility that the interpretation of the entirety of the definition could now be considered to relate only to Work No.1 and not to any other parts of the Proposed Development?</p>
Q5.02	The Applicant	<p><b>Article 8 (Street Works)</b> Does the wording of Article 8(1)(d) needs to be slightly amended, as it currently might be read that the street itself may have its position changed or may be removed?</p>
Q5.03	The Applicant Lincolnshire County Council Rutland County Council	<p><b>Article 9 (Power to alter layout, etc. of streets)</b></p> <p>a) Taking account of the concerns raised by Rutland County Council [REP4-046], the Applicant is requested to justify how the details provided in relation to the works provided for under paragraph (1) (a) of this Article are sufficient to provide the level of certainty required to ensure that the proposed alterations to streets are acceptable in highway terms?</p> <p>b) Notwithstanding the Applicant’s response to the ExA’s first written question 5.0.10 [REP2-037], in the event that the Secretary of State was to consider it inappropriate to extend the power under Article 9 (2) to ‘any street outside of the Order limits’, what, if any, alternative drafting be appropriate in this respect?</p>
Q5.04	The Applicant Lincolnshire County Council	<p><b>Article 12 (Claimed public right of way)</b></p> <p>a) Lincolnshire County Council is requested to provide an update on whether or not it is in agreement with this proposed Article that would replace the definitive map process under the Wildlife and Countryside Act 1981, including any additional or alternative drafting it may consider to be necessary.</p> <p>b) Does Lincolnshire County Council agree with the Applicant [REP4-040] that Article 12 is no different to other made DCOs that have provided for the diversions and extinguishment of public rights of way without going through the separate processes?</p> <p>c) The Applicant explains [REP4-040] that the parties who made the DMMO application would be aware of the competing proposals following its consultation. No details have</p>

ExQ2	Question to:	Question:
		<p>been provided of any specific correspondence with the DMMO applicant(s) and there does not appear to have been a response from them. What attempt has the Applicant made to directly seek the views of the DMMO applicant(s). If none, the ExA requests that their views are now sought and submitted to the Examination.</p> <p>d) Please provide the relevant application details of the DMMO application, including the reasons for the application being made, along with copies of any representations received on the application.</p>
Q5.05	The Applicant	<p><b>Article 20 (Compulsory acquisition of land)</b></p> <p>Whilst the Explanatory Memorandum explains that this Article broadly follows the model provision, it also includes Article includes provision (20(1)(b)) that the undertaker may use any land so acquired for the purpose authorised by the Order or for any other purposes in connection with or ancillary to the undertaking. This element of the Article does not appear to be clearly explained.</p> <p>a) Please explain the reasons for this additional drafting which goes beyond the equivalent model provision, including why it is necessary for the Proposed Development?</p> <p>b) Does this additional wording effectively duplicate Articles 3 to 5 which provide development consent for the Proposed Development, and allow it to be constructed, operated and maintained by the undertaker?</p>
Q5.06	The Applicant	<p><b>Article 22 (Compulsory acquisition of rights)</b></p> <p>a) In terms of statutory consultation on the proposed powers, please provide specific reference to where the consultation materials have made affected persons aware that any of the powers over any of their land may be used, including the acquisition of rights or the imposition of restrictive covenants?</p> <p>b) Explain how the drafting of Article 22 (1) accords with paragraph 24 and ‘Good practice point’ 9 of the Planning Inspectorate’s Advice Note Fifteen (Drafting Development Consent Orders) with regard to the proposed imposition of restrictive covenants, including the need to provide justification which is specific to each of the areas of land over which the power is</p>



ExQ2	Question to:	Question:
		<p>being sought, to include a clear indication of the sorts of restrictions which would be imposed and to avoid broadly drafted DCO provisions.</p> <p>c) What would the implications be for the carrying out of the Proposed Development should Article 22 be revised to relate only to the acquisition of such new rights and the imposition of restrictive covenants as set out in Schedule 9 of the draft DCO?</p>
Q5.07	The Applicant	<p><b>Articles 29 and 30 (Temporary use of land for constructing/maintaining the authorised development)</b></p> <p>a) Please provide specific reference to relevant parts of the statutory consultation that made it clear that the Proposed Development includes temporary use powers over any of the Order Land and not just that Order Land set out in Schedule 11 of the draft DCO.</p> <p>b) In respect of Article 29, the Applicant’s answer to Q5.0.19 of the ExA’s First Written Questions considers that 14 days notice of entry is reasonable and would provide landowners with sufficient time to make any necessary arrangements. Given that the notice period that will be given for temporary possession under the enacted Neighbourhood Planning Act 2017 would be 3 months, what is the justification for only providing 14 days notice?</p> <p>c) What is the justification for the period of one year etc for remaining in possession of land under Article 29 (4)?</p>
Q5.08	The Applicant	<p><b>Article 35 (Consent to transfer the benefit of the Order)</b></p> <p>Article 35(3)(b) would allow the Applicant to transfer or grant the benefit of the DCO to a holding company or subsidiary of the undertaker without the consent of the Secretary of State.</p> <p>a) Explain why this additional exemption from the need for Secretary of State consent is necessary given that if the applicant is to transfer or grant the benefit of the Order to a holding company or subsidiary, the Secretary of State would presumably expect that company to be holder of a licence under section 6 of the Electricity Act 1989? If it is unnecessary, then Article 35(3)(b) could be deleted from the dDCO?</p> <p>b) 35(6) provides a period of only five days for giving notice (under 35(4)) to the Secretary of State of transferring or granting a benefit. Recent solar farm DCOs have provided for a</p>

ExQ2	Question to:	Question:
		longer period of fourteen days. Is there any justification of why a period of fourteen days would not be appropriate in this instance? If not, could the notice period be amended?
Q5.0.9	The Applicant Rutland County Council South Kesteven District Council	<p><b>Article 38 (Felling or lopping of trees and removal of hedgerows)</b></p> <p>Part 4 of this Article allows the undertaker to undertake works to or remove any hedgerows within the Order land that may be required for or in connection with the purposes of the authorised development. There is no requirement for approval of such works within the Article other than for the removal of hedgerows within the extent of the publicly maintained highway.</p> <p>Given that the removal of hedgerows not shown on the hedgerows plans is to be included within the details approved under Requirement 7 (Landscape and ecology management plan) is there need for this to be reiterated or cross reference under Article 38 for clarity and consistency across the DCO?</p>
<b>5.1 Schedule 1 – Authorised Development</b>		
Q5.1.1	The Applicant Rutland County Council Mallard Pass Action Group	<p>Work No.4 in Schedule 1 of the dDCO [REP4-027] refers to ‘works to lay electrical cables including electrical cables connecting Work No.1 to Work No.2. This includes the cables that would need to cross the East Coast Main Line. Details of the options are set out in paragraph 5.7.7 of the Project Description with the locations shown in Figure 5.8 of the ES [APP-128] (although confusingly the crossing options in paragraph 5.7.7 of the Project Description have different numbering to those set out in Figure 5.8 of the ES).</p> <p>a) It is noted that the Applicant is going to consider further dDCO drafting in respect of the implementation of only the chosen option (please provide this by Deadline 5). Notwithstanding this, should the wording of Work No.4 be expanded to include particular reference to the relevant railway cable crossing options given that the only other details are indicative, along with the need for specificity for the proposed crossing location(s)?</p> <p>b) Is further drafting necessary (potentially in Schedule 2 - Requirements) to ensure that (i) the crossing through the existing railway archway is considered as the preferred option and (ii) that the final choice of the railway cable crossing is to be approved by the relevant local planning authority, with the details submitted for approval to include clear justification for the chosen option in the event that the railway archway is not the Applicant’s final choice?</p>

ExQ2	Question to:	Question:
5.2	<b>Schedule 2 - Requirements</b>	
Q5.2.1	The Applicant	<p><b>Requirement 3 (Phasing of the authorised development and date of final commissioning)</b></p> <p>a) Why is the 'date of final commissioning' included in the heading when it is not referred to in the actual wording of the requirement?</p> <p>b) Should the drafting of the requirement include reference to the need for a plan identifying the relevant areas for each phase?</p>
Q5.2.2	The Applicant Rutland County Council South Kesteven District Council	<p><b>Requirement 5 (Approved details and amendments to them)</b></p> <p>As discussed at ISH3, this Requirements covers not just amendments to the details approved under the Requirements but also those documents that would be certified under Article 39 (certification of plans and documents etc.) of the draft DCO.</p> <p>In 2015 the Government published Guidance on Changes to Development Consent Orders (December 2015) which sets out processed for both non-material and material changes to a Development Consent Order. The Infrastructure Planning (Changes to, and Revocation of, Development Consent Order) Regulations 2011 (as amended in 2015) are also relevant.</p> <p>a) Can the Applicant provide its justification for the provisions in Requirement 5 in the context of this Guidance and the Regulations? Why is a different process required in this case?</p> <p>b) Can the Applicant clarify, where Requirement 5.1 refers to 'the documents certified under Article 39' is this intended to relate only to the 'documents' in Schedule 13, or is it intended to also include 'plans' which are also set out in Schedule 13.</p> <p>c) Do the local authorities have any further comments on this Requirement, particularly where it makes provision for amendments to be considered to the documents certified under Article 39?</p> <p>d) In terms of fairness for all parties, what risk is there, that changes may be approved that have not had the opportunity to be the subject of consultation and publicity?</p>

ExQ2	Question to:	Question:
Q5.23	The Applicant Rutland County Council Lincolnshire County Council	<p><b>Requirement 6 (Detailed design approval)</b></p> <p>The Applicant's Deadline 4 submission explains that paragraph 3.2.11 of the Outline CTMP explicitly provides that the detailed CTMP will explain when the access works will take place, which must be provided prior to the commencement of construction of the Proposed Development.</p> <p>a) It appears that paragraph 3.2.11 only refers to certain highway improvement works but not to the proposed vehicular accesses to the actual Order Land which are listed in Schedule 7 of the dDCO (and referred to under section 3.3 of the Outline CTMP). Therefore, should the Requirements not include provision to ensure that the proposed accesses (the detail of which would be approved under Requirement 6) are carried out and completed prior to the commencement of the relevant phase of works?</p> <p>b) The reference in paragraph 3.2.11 generally refers generally to 'these works', which other than the works included in Appendix C of the Outline CTMP are not specifically referenced. Please consider if amendment is required to specifically refer to the highway works provided for in the dDCO [REP4-027]. For simplicity this could be wrapped up into one Requirement which covers the implementation of highway improvement and access works.</p>
Q5.24	The Applicant	<p><b>Requirement 7 (Landscape and ecology management plan)</b></p> <p>The Applicant's response to our first written question 5.2.4 states that existing trees to be removed will be set out in the detailed Landscape and Ecology Management Plan.</p> <p>Given the overall purpose of Requirement 7 and bearing in mind the benefit of clarity as to what is proposed, please explain further why the Applicant does not consider it appropriate for details of existing trees to be removed to be included within the Landscape and ecology management plan(s)?</p>
Q5.25	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council	<p><b>Requirement 10 (Archaeology)</b></p> <p>a) The parties are requested to provide an update on their discussions regarding the drafting of this requirement. Where there remains to be disagreement, setting out the reasons for this disagreement, how it might be resolved and any preferred revised drafting that is sought.</p>

ExQ2	Question to:	Question:
		<p>b) The attention of the parties is also drawn to WQ 6.0.2 (below) on the drafting of Requirement 10. The parties are therefore asked to engage and submit updates on two versions of a draft Requirement 10 – one on the basis of their being no necessity for additional trial trenching prior to construction and one (without prejudice) that includes additional trial trenching prior to construction.</p>
Q5.2.6	The Applicant Natural England	<p><b>Requirement 14 (Soil management plans)</b></p> <p>The updated version of the outline soil management plan [REP4—017] includes coverage of both construction (and immediate aftercare), operation (part 12) and decommissioning activities. However, R14(2) only refers to the need for the construction phase(s) to be carried out in accordance with the approved soil management plan and excavated materials management plan.</p> <p>a) Does the drafting of R14(2) therefore need to be extended in order to properly ensure that the approved soil management and excavated materials management plans are also adhered to during the operation and decommissioning phase(s)?</p> <p>b) Does paragraph 1.8 of the outline soil management plan also need revising in this regard as it only refers to construction?</p>
Q5.2.7	The Applicant Rutland County Council South Kesteven District Council	<p><b>Requirement 16 (Operational noise)</b></p> <p>This Requirement has been amended to include reference to operational noise rating levels not exceeding 35 dB at residential properties. Can this Requirement be reviewed to address the following:</p> <p>a) Why is only noise at residential properties included when noise levels are referred to elsewhere for public rights of way and permissive paths?</p> <p>b) Should the appropriate noise rating/time period be included?</p> <p>c) Should the Requirement also refer to monitoring measures needing to be included for approval to ensure that the relevant noise levels are continually adhered to?</p> <p>d) The ExA requests that the Applicant engages further with the relevant Environmental Health/Protection Officers at Rutland County Council and South Kesteven District Council on the detailed wording of this Requirement and related operational noise levels.</p>

ExQ2	Question to:	Question:
Q5.2.8	The Applicant	<p><b>Requirement 18 (Decommissioning and restoration)</b></p> <p>Notwithstanding the Applicant's submissions at ISH1 [APP4-022], there is no legally enforceable guarantee that the Proposed Development would be decommissioned following all or part of the Order land ceasing to be used for the purposes of electricity generation. This is especially the case in the absence of any operational time limit within the dDCO [REP4-027]. Furthermore, Requirement 18 as currently drafted, links decommissioning to the undertaker's decision to decommission rather than the point at which it ceases to be used for electricity generation.</p> <p>a) Please provide alternative drafting that would ensure that there is a legally enforceable guarantee that the Proposed Development, or relevant part of it, would be decommissioned following all or part of the Order land ceasing to be used for the purposes of electricity generation.</p> <p>b) Notwithstanding the above, should 18.(1) of this Requirement refer to the 'relevant planning authority or both relevant planning authorities (as applicable)' rather than the 'local planning authority'?</p> <p>c) Without prejudice to the Applicant's position, please also provide alternative drafting in the event that the SoS considers it appropriate to impose a time limit on the operational period of the Proposed Development.</p> <p>d) The Applicant is also requested to take into account the suggested alternative drafting provided by Lincolnshire County Council at Deadline 4 [REP4-043], and where possible provide revised agreed drafting (also taking into account submissions and ongoing engagement with other relevant parties including Rutland County Council and South Kesteven District Council).</p>
<b>5.3 Schedules 4, 5, 6, 7, 8 &amp; 12</b>		
Q5.3.1	The Applicant	<p>The title for Column 1 of each of these Schedule refers to 'District'.</p> <p>Would an alternative term such as 'area' be more appropriate given that Lincolnshire and Rutland are both counties rather than districts?</p>

ExQ2	Question to:	Question:
<b>5.4 Schedule 15 – Protective Provisions</b>		
Q5.4.1	The Applicant	Please provide an update on the progress made on negotiations of the Protective Provisions with the relevant statutory undertakers, including confirmation on whether agreement has now been reached.
Q5.4.2	Environment Agency (EA)	Further to the EA's D4 submission [REP4-052] please provide an update on the negotiations with the Applicant regarding the relevant Protective Provisions. If agreement has yet to be reached, please set out the reasons for this including the relevant provisions(s) of Part 5 of the Protective Provisions and any preferred drafting proposed by the EA.
Q5.4.3	The Applicant BT Limited Vodafone	The Applicant's Statutory Undertakers Schedule at Deadline 2 [REP2-036] states that the Applicant has not received any responses from BT Limited and Vodafone Limited. a) For the avoidance of doubt on the respective positions of these Statutory Undertakers the Applicant is requested to seek any comments from BT Limited and Vodafone on Part 2 of the Protective Provisions and provide an update at Deadline 5. b) BT Limited and Vodafone are also requested to submit their own representations to confirm or otherwise their agreement with the proposed Protective Provisions in the dDCO [REP4-027].
<b>5.5 Schedule 16 – Procedure for Discharge of Requirements</b>		
Q5.5.1	The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council	Schedule 16 of the draft DCO has been updated at D4 following ISH3 [REP4-026]. a) The Applicant is requested to set out the latest position on Schedule 16 following any further engagement with the relevant authorities. b) The relevant authorities are requested to set out whether each is in agreement with the drafting of Schedule 16 or to set out any part where there is still disagreement. The later should include the reasons for this along with preferred alternative drafting.

ExQ2	Question to:	Question:
		c) For applications where the subject matter crosses the boundary between relevant planning authorities, what happens in the event that one of the relevant planning authorities does not determine the application within the prescribed period whilst the other refuses the application within the prescribed period?
<b>5.6 Other matters raised by Interested Parties</b>		
Q5.6.1	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Other Interested Parties	The ExA notes that several written submissions have been made at Deadline 4 on the content of various parts of the draft DCO. The ExA encourages that discussions and engagement continues between the relevant parties on such matters so that updated positions on the relevant matters can be submitted at Deadline 5 (5 September 2023). Where any disagreements remain, the ExA requests that these are clearly set out along with the reasons for any such disagreement and any preferred alternative drafting where appropriate. This information may be presented within the relevant Statements of Common Ground.
<b>6. Historic Environment</b>		
Q6.0.1	The Applicant	At ISH2 the Applicant stated that the Outline Written Scheme of Investigation is likely to be submitted by Deadline 5 once the Applicant has had the opportunity to hear and consider matters raised at the hearings and In Deadline 4 submissions. Given the importance of this document for the proposed archaeological mitigation, it is requested that it is submitted for Deadline 5 in order to provide sufficient opportunity for it to be considered during the remainder of the Examination.
Q6.0.2	Lincolnshire County Council Rutland County Council	Paragraph 3.10.101 of Draft NPS EN-3 (March 2023) states that solar PV developments may have a positive effect, for example archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and shoes or low-level piling is stipulated. Paragraph 3.10.106 goes onto state that the extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area.



**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>a) What bearing should this have on the assessment, most particularly with regard to the adequacy of the archaeological evaluation in this case?</p> <p>b) Draft NPS EN-3 indicates that any field evaluation should only be required 'where necessary'. Taking into consideration known information, including Historic Environment Records and the Applicant's desk-based assessment, please describe and explain with justification which particular areas of the site which have not been the subject of trial trenching, you consider require further field evaluation?</p>
Q6.03	Lincolnshire County Council	<p>Lincolnshire County Council in its submission at ISH2 and post hearing summary [REP4-044] refers to archaeological evaluations for other proposed developments, including Nationally Significant Infrastructure Projects.</p> <p>With regard to specific examples (the details of which should be provided as relevant), where these have involved more extensive evaluation trenching across proposed sites than that undertaken for the Proposed Development, to what extent has this arisen from the specific results of desk based and other assessments used to predict the likelihood that archaeological remains may be present across the sites? To what extent are they comparable to the Proposed Development?</p>
Q6.04	The Applicant	<p>At ISH2 the Applicant stated [REP4-041] that the targeted programme of trial trenching is appropriate in this case, as evidenced by the same approach being adopted in respect of the Longfield DCO and endorsed by the relevant Local Authorities.</p> <p>Bearing in mind that each case needs to be considered on its merits, please explain (with appropriate cross references) how the specific archaeological considerations of the Proposed Development are consistent with those of the Longfield DCO, with particular regard to archaeological evaluation? Also, set out any differences in the circumstances and approaches taken.</p>
Q6.05	The Applicant	<p>The Applicant explained at ISH2 [REP4-041] that the Written Scheme of Investigation (WSI) will set out a suite of mitigation measures that would specifically include additional trenching during the detailed design process in locations where more extensive ground disturbance</p>

ExQ2: 15 August 2023

Responses due by Deadline 5: Tuesday 5 September 2023

ExQ2	Question to:	Question:
		<p>would take place, such as inverter stations, construction compounds, access tracks and so on, when the particular location and extent of these areas are known.</p> <p>a) As the general location of construction compounds are already known, why has trial trenching not already been carried out to enable a robust assessment of the potential effects on archaeology within these areas?</p> <p>b) Would the additional trial trenching (as proposed to be included within the WSI) differ from that proposed within the Applicant's alternative (without prejudice) drafting for Requirement 10?</p>
Q6.06	<p>The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council</p>	<p>The Applicant's response to ExQ1.6.0.7 [REP2-037] explains why it is unable to provide drawings of the concrete shoes at this stage.</p> <p>How will the final design detail of the concrete shoes be secured through the dDCO? Is any further wording required in the relevant documentation to secure them, particularly to ensure that any ground disturbance from their construction is minimised?</p>
Q6.07	<p>The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council</p>	<p>Further to discussions at ISH2 the Applicant has provided within section 11 of its Summary of Applicant's Oral Submissions at ISH2 [REP4-041] alternative (without prejudice to its position on this matter) drafting of draft DCO Requirement 10 (Archaeology) to provide for further trial trenching.</p> <p>a) Notwithstanding, other submissions that have been made on this Requirement, comments are sought on the acceptability of this alternative drafting.</p> <p>b) The attention of the parties is also drawn to WQ 5.2.4 (above) on the drafting of Requirement 10. The parties are therefore asked to engage and submit updates of two versions of a draft Requirement 10 – one on the basis of their being no necessity for additional trial trenching prior to construction and one (without prejudice) that includes additional trial trenching prior to construction. As an aside to this, it is noted that the current alternative drafting refers to the need for an <i>outline</i> written scheme of investigation being approved and implemented.</p> <p>c) Please comment on the acceptability of such a requirement as suggested in the Applicant's alternative drafting, given that it is normally expected that assessment and</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>evaluation should take place before an application is determined in order to predict the presence of archaeological remains and assess their potential significance.</p> <p>d) To what extent would an acceptable package of mitigation within a Written Scheme of Investigation be capable of overcoming the Council's concerns regarding the Applicant's evaluation?</p>
Q6.0.8	The Applicant	<p>The Applicant's Cultural Heritage Impact Assessment [APP-068] states that, based on present knowledge, no harm to the significance of Essendine Castle (a Scheduled Monument) would result. It goes onto explain that should any future investigative work within the site demonstrate a direct historic association between the site and this asset, for example anomalies identified on the geophysical survey of the site, the site will be considered a component of its setting, and this outcome will be reviewed in light of the new information available.</p> <p>a) Taking account of the historic importance of this asset, explain why further investigative work has not already been carried out and presented in order to inform the assessment of the Proposed Development upon it?</p> <p>b) How should the Secretary of State consider the potential effects upon the significance this heritage asset given that the potential effects upon it are not yet fully known?</p> <p>c) In the event that further investigative work finds there is a direct historic association between the site and this asset, explain the process for how this would be considered and assessed as part of the detailed design of the Proposed Development?</p>
Q6.0.9	<p>The Applicant                      Lincolnshire County Council                      Rutland County Council                      South Kesteven District Council</p>	<p>The Applicant [REP3-030] explains that intervisibility (and/or co-visibility) is critical to the understanding of the effects on the setting of heritage assets and refers to paragraph 56 the Court of Appeal judgment R (Williams) v Powys [2017] EWCA Civ 427.</p> <p>In this context, please comment on the relevance of and extent to which the judgment in Steer v Secretary of State for Communities and Local Government Catesby Estates Limited, Amber Valley Borough Council [2018] EWCA Civ 1697 also provides clarification on the meaning of 'setting', particularly the extent to which it is capable of extending beyond the purely visual?</p>

**ExQ2: 15 August 2023****Responses due by Deadline 5: Tuesday 5 September 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q6.0.10	The Applicant Lincolnshire County Council South Kesteven District Council	The Cultural Heritage Impact Assessment [APP-068] explains that the Grade II listed Banthorpe Lodge was once part of a working historic farm and the listing describes it as a “17 <sup>th</sup> century farmhouse.....”. a) Please set out the extent to which the existing farmland within the Order limits has any historic functional links to this listed building and thus could form part of its setting? b) If any part of the Order limits was thus considered to form part of its setting, what would the effects of the Proposed Development be upon it?
Q6.0.11	The Applicant Lincolnshire County Council South Kesteven District Council	The Cultural Heritage Impact Assessment [APP-068] includes the description of the non-designated heritage asset Braceborough Grange as a detached farmhouse forming part of a partially extant 19 <sup>th</sup> century farmstead. a) Please set out the extent to which the existing farmland within the Order limits has any functional and/or historic links to this non-designated heritage asset and thus could form part of its setting? b) If any part of the Order limits was thus considered as part of its setting, what would the effects of the Proposed Development be upon it?
Q6.0.12	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council	In order that the positions of the parties on archaeology evaluation, assessment and mitigation can be clearly understand, please provide a position statement (which can form part of an SoCG provided it is of sufficient detail) setting out (i) the outstanding areas of disagreement between the respective parties, (ii) a justification for each parties position where there is disagreement, and (iii) what needs to be done to overcome the disagreement (as applicable).
<b>7.</b>	<b>Land Use and Soils</b>	
Q7.0.1	The Applicant	Paragraph 1.3 of the outline Soil Management Plan (SMP) [REP4-017] states that it is intended to be a live document, such that modifications and necessary interventions can be made as construction and decommissioning is carried out. a) Given that it is the detailed SMP that will need to be approved by the relevant authority in consultation with the Environment Agency and subsequently adhered to, explain why any

ExQ2: 15 August 2023

Responses due by Deadline 5: Tuesday 5 September 2023

ExQ2	Question to:	Question:
		<p>'modifications and necessary interventions' would need to be made to the outline SMP 'as construction and decommissioning is carried out'?</p> <p>b) Notwithstanding the above, what mechanism would be in place to ensure that any 'post approval' alterations accord with the 'approved' outline SMP?</p>
Q7.02	The Applicant	<p>Chapter 12 of the Environmental Statement (Land Use and Soils) [APP-044] deems the effects on farm businesses to be "slight" i.e. non-significant during the operational phase.</p> <p>Please provide further justification for this conclusion in the context of the draft Development Consent Order that does not impose a time limit on the operational phase and therefore may be considered permanent.</p>
Q7.03	The Applicant	<p>Paragraph 174 of the National Planning Policy Framework states that planning policies and decisions should recognise the benefits from natural capital and ecosystem services "<i>including the economic and other benefits of the best and most versatile agricultural land</i>". In addressing this policy requirement in Appendix 3 of the Planning Statement [REP4-021], the Applicant refers to Chapter 12 of the Environmental Statement and the oSMP [RE4-017] which contains measures to protect soil quality. Whilst this point addresses the quality of best and most versatile soil, it does not consider the economic benefits of its use.</p> <p>Please provide further explanation on how the Proposed Development accords with paragraph 174 of the NPPF in terms of the economic benefits of the agricultural use of best and most versatile land.</p>
Q7.04	The Applicant	<p>Appendix 3 of the Planning Statement [REP4-021] explains that the Applicant has sought to remove Grade 2 agricultural land from the areas proposed for PV arrays where this was in single fields. With regards to Grade 3a land, it is stated that "<i>PV arrays and other infrastructure have been removed from agricultural fields where this also aligns with other environmental or sustainability objectives or mitigation measures identified in the Environmental Statement (ES).</i>" The setting of settlements and heritage assets and flood risk are referenced as examples of such issues. It is also noted from the Summary of Applicant's Oral Submissions at ISH1 [REP4-022] that in their view "<i>To remove areas of grade 3a and / or grade 2 from the</i></p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p><i>Order limits above and beyond those which have already been undertaken, would result in the need for a much wider distribution area for the Proposed Development.”</i></p> <p>a) Please confirm if there are any fields within the Order limits that consist entirely of a combination of grade 2 and 3a agricultural land? Whilst acknowledging the Applicant’s previous response outlined above, please provide reasons why the use of any specific areas of such land is necessary and justified.</p> <p>b) Identify which specific areas of grade 3a land were removed as outlined above.</p> <p>c) Provide reasons clarifying why the inclusion of specific fields or areas within the Order limits that consist entirely of grade 3a agricultural land is necessary and justified.</p>
Q7.05	<p>The Applicant                      Natural England                      Rutland County Council                      Lincolnshire County Council                      South Kesteven District Council                      Mallard Pass Action Group</p>	<p>Should food security be deemed “important and relevant” to the consideration of the Proposed Development? Please provide reasoning, including reference to any relevant policy or relevant planning decisions.</p>
Q7.06	<p>Natural England                      Rutland County Council                      Lincolnshire County Council                      South Kesteven District Council                      Mallard Pass Action Group</p>	<p>The Applicant has submitted revised versions of the oSMP at Deadlines 3 and 4 [REP3-018 &amp; REP4-017]. They include various additional references to take account of comments made by Natural England and other Interested Parties. The Deadline 3 (and subsequent version) of the outline Operational Environmental Management Plan (oOEMP) [REP3-012] also incorporated a requirement for the detailed OEMP to include the measures set out in the oSMP for managing soils during the operational phase.</p> <p>Please specify if you have any outstanding concerns with these documents or any others in relation to soil management, including the extent to which soil quality and compaction matters are adequately addressed and whether sufficient mitigation is identified in the event that establishment of a grass sward is not appropriate or is unsuccessful. If deemed necessary, please identify recommended amendments.</p>

ExQ2: 15 August 2023

Responses due by Deadline 5: Tuesday 5 September 2023

ExQ2	Question to:	Question:
Q7.0.7	Natural England	<p>Natural England made reference to an “omission” when commenting on the draft Development Consent Order (dDCO) in its Written Representations [REP2-093]. It was stated that <i>“Natural England’s comments regarding the non-time limited nature of this consent remain unchanged. Although we acknowledge the content of the draft NPS EN-3, we maintain that the implementation of a time limit for the DCO would reduce the potential long-term impact on agricultural &amp; BMV land.”</i>. Natural England’s Relevant Representation [RR-0823] indicates that this relates to a potential permanent reduction in agricultural production.</p> <p>a) Can Natural England confirm if this remains its position?</p> <p>b) Please comment on the extent to which the measures identified in the latest oSMP [REP4-017] may maintain or restore soil quality. To what extent would a time limit on the operational period of the Proposed Development be beneficial in this regard?</p>
Q7.0.8	The Applicant	<p>The updated ES Chapter 17 (Summary of Effects and Mitigation) provided at Deadline 2 [REP2-010] states that no significant effects are reported in relation to Land Use and Soils. However, a moderate significant effect is reported during the construction phase in relation to permanent sealing over or downgrading of agricultural land. The overall methodology set out within ES Chapter 2 states that moderate effects are considered significant and paragraph 12.1.4 states that the Land Use and Soils Chapter (ES Chapter 12) follows this overarching methodology.</p> <p>Can the Applicant clarify why this significant effect was removed from the summary table within ES Chapter 17?</p>
Q7.0.9	<p>The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group</p>	<p>In response to queries raised by the Mallard Pass Action Group at Deadline 3 as well as by the ExA during Issue Specific Hearing 2 regarding the economic and operational feasibility of sheep farming, the Applicant provided responses at Deadline 4 which appears to focus primarily on operational matters [REP4-025].</p> <p>a) Can the Mallard Pass Action Group confirm if this response addresses any of their concerns?</p> <p>b) Can the Applicant provide any further information specifically in relation to the economic viability of a sheep farming operation envisaged?</p>

ExQ2	Question to:	Question:
Q7.0.10	The Applicant	<p>It is noted that a “retained” soil surveyor is now proposed to advise on various aspects of soil management. Paragraph 4.13 of the oSMP [REP4-017] states that they will be engaged in the Spring prior to works commencing.</p> <ul style="list-style-type: none"> <li>a) How long will the soil surveyor be in post for?</li> <li>b) What qualifications will they have?</li> <li>c) Who will they report to?</li> <li>d) What role will the local authorities and Natural England have in this process?</li> </ul>
Q7.0.11	The Applicant	<p>It is noted that the Applicant has offered to explore the Mallard Pass Action Group’s suggestion of applying metrics for soil water content to more closely control soil management and that this could be deployed in the SMP if appropriate [REP3-031].</p> <p>Can the Applicant outline how and when this will be explored?</p>
<p><b>8. Landscape and Visual</b></p>		
Q8.0.1	The Applicant	<p>In respect of landscape and visual effects, Paragraph 5.10.35 of draft NPS EN-1 states that the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.</p> <p>In terms of effects during operation, given that there is no enforceable time limit for the operation period of the Proposed Development, for the avoidance of doubt, should the Secretary of State consider, as a worst-case scenario, the landscape and visual effects as being permanent?</p>
Q8.0.2	The Applicant	<p>Table 6-4 of the ES [APP-36] sets out the summary of landscape and visual effects, including moderate effects during construction on landscape character and certain major-moderate effects on visual receptors during construction. It is assumed that these affects are based on an indicative 24 month construction period.</p>



**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>In the event that the construction period was to take longer than 24 months, to what extent would the effects on landscape character and visual receptors increase beyond the effects reported in the ES?</p>
Q8.03	The Applicant	<p>Table 3.11 of the oCEMP [REP4-007] states that a pre-construction tree survey will be undertaken where construction works are likely to affect trees and that these will be taken into account by the appointed construction contractor.</p> <p>a) Explain how these tree surveys relate to the aforementioned Arboricultural Method Statement and Tree Protection Plan with Table 3-11, including the timings of these. Will these pre-construction tree surveys form part of the detailed CEMP(s) and/or LEMP(s) and does this need to be made clearer within Table 3-11?</p> <p>b) Rather than the findings and recommendations of the pre-construction tree surveys being ‘taken into account by the appointed principal construction contractor’ should there not be a clearer requirement for the construction works to accord with any stipulated tree protection measures?</p>
Q8.04	The Applicant	<p>In its Deadline 4 submission [REP4-044] Lincolnshire County Council expresses concerns about the impact of extreme climatic conditions (such as dry springs) on the establishment and success of planting/mitigation.</p> <p>Taking account of LCC’s submissions, what enhancements could be made to the outline Landscape and Ecology Management Plan [REP4-013] to address these concerns?</p>
Q8.05	<p>The Applicant (a)                      Lincolnshire County Council (b)                      Rutland County Council (b)                      South Kesteven District Council (b)                      Mallard Pass Action Group (MPAG) (b)</p>	<p>Paragraph 5.10.36 of the draft NPS EN-1 states that the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation.</p> <p>a) Notwithstanding the other matters as summarised on pages 68 and 69 of Appendix 3 – Policy accordance tables of the Planning Statement [APP4-020], the Design Parameters [REP2-106] and Design Guidance [REP2-018] are obviously key documents in determining the final appearance of the Proposed Development. Please explain in further detail how</p>

ExQ2	Question to:	Question:
		<p>these have been drafted in order to seek to ensure that harm to the landscape would be minimised.</p> <p>b) Are the Councils and MPAG satisfied that the Design Guidance as suitably drafted to minimise harm to the landscape?</p>
<b>9. Noise and Vibration</b>		
Q9.01	The Applicant	<p>In relation to working hours, Paragraph 2.7.1 of the oCEMP [ REP3-011], in setting out the core construction hours, goes onto say that works likely to generate substantial levels of noise, aside from Horizontal Directional Drilling, would be limited to daytime hours of 07:00 to 19:00 during weekdays or Saturday mornings (until 13:00 hours).</p> <p>a) As currently drafted, notwithstanding the basic statement on core construction hours, it could be considered to imply that works unlikely to generate substantial levels of noise may be able to take place outside these hours. Please consider re-drafting this section for clarity or otherwise explain why it is implied that works unlikely to generate substantial levels of noise may take place outside of the core construction hours.</p> <p>b) The Applicant's response to Q9.0.8 provides an explanation of the term 'substantial levels of noise'. As there is no interpretation of 'substantial levels of noise' in the oCEMP [REP3-011], could the Applicant add appropriate interpretation in order to provide clarity for all parties during construction?</p>
Q9.02	The Applicant	<p>Paragraph 5.12.15 of draft NPS EN-1 requires that the project should demonstrate good design, including through the selection of the quietest or most acceptable cost-effective plant available.</p> <p>a) It is understood that the technical specifications of the plant associated with the Proposed Development is not yet determined and noting the measures summarised on page 90 of the Policy Accordance Tables in the Planning Statement [REP4-020]. What measures would be secured by the outline OEMP and DCO to ensure accordance with this part of paragraph 5.12.15 regarding the quietest or most acceptable cost-effective plant available and to ensure that impacts from operational noise are minimised.</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>b) Paragraph 10.9.7 of the ES explains that for the invertors, a 3dB reduction in noise emission levels is considered straightforward to achieve either through selection of quieter plant or through standard noise attenuation measures for the fan noise likely dominating the noise emission from this plant. In order to seek to demonstrate good design, can more specific drafting be included in the outline OEMP to reflect this paragraph?</p> <p>c) What specific noise mitigation measures are likely to be provided for the onsite Substation?</p>
Q9.03	The Applicant Rutland County Council South Kesteven District Council	Table 3-5 of the outline OEMP [REP4-009] states that cumulative noise rated noise levels $L_{ar}$ , including the applicable character correction, should not exceed 35dB at neighbouring properties as secured by DCO Requirements. For the avoidance of doubt, should this make clear that this noise level should be measured externally rather than internally at residential properties?
Q9.04	The Applicant	<p>Submissions were made by Mallard Pass Action Group at ISH3 regarding the noise impacts of piling during construction [REP4-056].</p> <p>a) What further measures could be proposed to reduce the impacts of piling, including the periods of time per day when piling is carried out in specific locations and/or further restriction on piling on Saturdays?</p> <p>b) What would the effects on the overall construction period of such further restrictions?</p>
Q9.05	The Applicant Rutland County Council South Kesteven District Council	<p>Table 3-5 of the outline Operational Environmental Management Plan [REP4-009] sets out measures relating to noise and vibration including brief details of monitoring requirements.</p> <p>a) The Applicant is asked to set out in further detail how operational noise levels will be monitored and controlled across the site, including the process that will be followed in the event that noise levels exceed the maximum permitted.</p> <p>b) Do the Local Authorities (including as relevant their Environmental Protection/Health Officers) have any further comments on the measures proposed in the outline OEMP?</p>

ExQ2	Question to:	Question:
Also Note Q5.2.6 in the draft DCO section above regarding the operational noise levels requirement (R16).		
<b>10. Socio-economic Effects</b>		
Q10.01	Lincolnshire County Council	<p>In its draft SoCG with the Applicant, Lincolnshire County Council refers (in addition to DMMO 440) to two further Definitive Map Modification Order (DMMO) applications (DMMO 188 &amp; DMMO451), recommending that the scheme layout be reviewed to take account of these to ensure they do not impact on the scheme as currently laid out.</p> <p>a) The Applicant's response explains that DMMO 188 and DMMO 451 relate to existing tracks which correspond with the MacMillan Way long distance route which is retained within the layout of the Proposed Development. Is Lincolnshire County Council now satisfied that there would be no implications as far as these two DMMOs are concerned?</p> <p>b) If Lincolnshire County Council still has concerns in this respect, please explain in further detail the basis for these concerns and how it considers they may be overcome?</p>
Q10.02	The Applicant	<p>Chapter 14 (Socio-Economics) of the Environmental Statement [APP-044] estimates that 50% of average annual FTEs could be sourced locally during the construction phase. This has been derived from Table 4.3 of the Homes and Community Agency's Additionality Guide. However, it is not clear how this guide has been applied to provide the 50% estimated local employment. Please clarify having regard to local demographics.</p>
Q10.03	<p>The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group</p>	<p>In response to a question raised by the Examining Authority at Issue Specific Hearing 2, Appendix C of the Applicant's summary of oral submissions [REP4-041] provides updated noise modelling to illustrate predicted noise levels during the operational phase identifying the proposed permissive paths as well as Public Rights of Way (PRoW). It is stated that <i>"In some instances, short portions of some PRoWs or permissive paths are located in closer proximity to potential inverter locations (Solar Stations) or the Onsite Substation. However, even in these instances, predicted worst-case noise levels will not exceed 50 dB LAeq, which is below the 55 dB threshold of significance derived (on a precautionary basis) in Appendix 10.2 [APP-078] of the ES"</i>.</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>a) Can the Applicant confirm if there is any scope to reduce noise effects on P<sub>RoW</sub> and the permissive paths at the detailed design stage or by revising the 50m offset of solar stations from P<sub>RoW</sub> as set in the Design and Access Statement [REP2-018]?</p> <p>b) Do the local authorities or Mallard Pass Action Group have any comments on the new information provided in Appendix C?</p>
Q10.04	<p>Rutland County Council Lincolnshire County Council South Kesteven District Council</p>	<p>The Applicant has updated Table 3-4 of the outline Operational Environmental Management Plan (oOEMP) [REP4-010] to state that <i>“The detailed OEMPs will require that if at any time in the operational phase, the existing P<sub>RoWs</sub> or new permissive paths need to be diverted or temporarily closed to facilitate maintenance activities, this will require approval of the local planning authority.”</i></p> <p>Do the local authorities have any comments on this?</p>
Q10.05	<p>The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council</p>	<p>At Issue Specific Hearing 2, the Examining Authority sought opinions on whether on P<sub>RoW</sub> Management Plan should be prepared as envisaged by paragraph 3.10.30 of the draft National Policy Statement (NPS) EN-3 (March 2023) [REP4-041]. The Applicant confirmed that such details are already provided in a single table in the outline Construction Environmental Management Plan (oCEMP) [REP3-010]. The local authorities confirmed that they were content for this information to be retained within the CEMP. However, relevant details also appear to be set out in the oOEMP (Table 3-4), outline Decommissioning Environmental Management Plan (oDEMP) (Table 3-10) [REP4-012] and outline Landscape and Ecology Management Plan (oLEMP) [REP3-014].</p> <p>a) In the context of the provisions of draft NPS EN-3, can the local authorities please confirm if they consider the draft management plans provide sufficient detail to inform the management of P<sub>RoW</sub>?</p> <p>b) In light of the above, can the Applicant please comment further on its position that a P<sub>RoW</sub> Management Plan is not required as all details are set out in a single table in the oCEMP?</p> <p>c) Do the local authorities have any further comments to make on the requirement for a P<sub>RoW</sub> Management Plan?</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
Q10.06	Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group	<p>Appendix B to the Applicant’s summary of oral submission at Issue Specific Hearing 2 [REP4-041] provides a copy of the British Horse Society’s advice note for solar farm near routes used by equestrians. This includes guidance to avoid the creation of narrow corridors with fencing. A minimum width of 4m is specified (preferably 5m) irrespective of the width of the right of the with vegetation cut through the full width. The Applicant states that the Proposed development far exceeds this guidance with an offset of 15m set in the Design and Access Statement [REP2-018]. Fencing type and the provision of permissive paths are also considered to align with the guidance by the Applicant [REP3-022].</p> <p>Can the local authorities and Mallard Pass Action Group please comment on the extent to which they consider that the guidance has been adhered to?</p>
Q10.07	Rutland County Council South Kesteven District Council	<p>A revised version of the Outline Employment, Skills and Supply Chain Plan was submitted by the Applicant at Deadline 2 [REP2-023]. It includes provisions for monitoring and the role of the local planning authorities.</p> <p>a) Can the local planning authorities please comment specifically on the new monitoring provisions proposed for modern slavery and human trafficking as set out at Paragraph 4.1.3?</p> <p>b) Do the local planning authorities have any other general comments on this document?</p>
Q10.08	The Applicant	<p>In response to a question from the Examining Authority at Issue Specific Hearing 2 regarding the extent to which non-significant effects had been considered, the Applicant stated that they had been considered and made reference to Chapter 16 of the ES Interactions of Effects and Summary of Cumulative Effects [APP-046]. The Examination Authority then asked how in-combination effects that may relate to health and well-being had been considered. The Applicant suggested that they had been considered but later in the hearing its was stated that <i>“There are a number of different determinants of health. They can only combine together to have a significant adverse effect if we believe there are going to be very significant adverse effects to all those determinants.”</i> [EV-044].</p> <p>Please can the Applicant clarify the extent to which non-significant effects have been considered in-combination in relation to health and well-being?</p>

ExQ2 11.	Question to:	Question:
Q11.01	The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group	Paragraph 1.1.4 of the of the outline Construction Traffic Management Plan (oCTMP) [REP4-016] states <i>“This oCTMP covers the principal construction activities envisaged at the time of preparing the Environmental Statement (ES) [EN010127/APP/7.11]. This oCTMP is intended to be a live document, such that modifications and necessary interventions can be made following further information and advice from consultees.”</i>  Given the recognised scope for change to the oCTMP, should this paragraph be revised to confirm that any subsequent amendments would still be sufficient to mitigate effects identified in the Environmental Statement?
Q11.02	Rutland County Council Mallard Pass Action Group	The Applicant updated Paragraph 3.8.3 of the oCTMP at Deadline 4 [REP4-016] to restrict HGVs from passing through Great Casterton at any time prior to 9:00 and any time after 15:00 with the intent of ensuring that there are no HGVs passing schools within Great Casterton during the drop off and pick up periods.  Do Rutland County Council or the Mallard Pass Action Group have any comments to make on this amendment?
Q11.03	The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group	In response to discussions held at Issue Specific Hearing 2 regarding the risk of demand for construction staff parking at the primary construction compound exceeding supply and associated potential impacts on ecologically sensitive grass verges in the vicinity [REP4-041], the Applicant has included the following text at Paragraph 2.4.3 <i>“Car parking will not be permitted outside of the primary compound on verges adjacent to the local highway network. All vehicles will be required to park within the extent of the Order Limits.”</i>  a) Can the Applicant confirm where vehicles will be able to park in the event that the car park at the primary construction compound is full? b) Should the areas prohibited for parking be clearly identified on a plan? c) Do the local authorities and Mallard Pass Action Group have any comments to make on the Applicant’s response and amendments to the oCTMP on this issue?

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
Q11.04	The Applicant Rutland County Council Lincolnshire County Council National Highways	<p>The methodology for the assessment of effects in Chapter 9 of the Environmental Statement (ES) (Highways and Access) [APP3-039] is based on the ‘Guidelines for the Environmental Assessment of Road Traffic’ (GEART), produced by the Institute of Environmental Assessment (IEA) (now the Institute of Environmental Management and Assessment (IEMA)) 1993). It is noted that the IEMA published a new guidance document entitled Environmental Assessment of Traffic and Movement in July 2023.</p> <p>What implications does the new guidance have for the assessment of effects for the Proposed Development?</p>
Q11.05	The Applicant Rutland County Council Environment Agency	<p>Chapter 15 of the ES (Other Environmental Topics) [APP4-045] considers the possible effects and implications of the three Upper Tier Control of Major Accident Hazard (COMAH) sites located within Essendine Industrial Estate.</p> <p>a) How will access (including for the emergency services) be maintained to the industrial estate during works in the event that cabling is routed along Bourne Road?</p> <p>b) Do Rutland County Council and the Environment Agency have any comments to make on this issue?</p>
Q11.06	The Applicant National Highways	<p>In relation to cumulative effects, paragraph 9.10.1 of the ES (Highways &amp; Access) states that <i>“From a Highways and Access perspective, there are no relevant existing or approved developments to consider in relation to the cumulative effects from the Proposed Development due to the limited overlap in construction programme and construction vehicle routing. In any event, the traffic associated with these cumulative developments are accounted for within the TEMPRO growth factors and assessment undertaken in the Base 2026 model.”</i></p> <p>a) Can the Applicant confirm if the A47 Wansford to Sutton scheme granted consent by the Secretary of State in February 2023 has been taken into account?</p> <p>b) Can National Highways provide an indication of the construction programme for the A47 Wansford to Sutton scheme?</p> <p>c) It is noted that National Highways has not made specific comments regarding the interaction between the two projects, please can it confirm if it considers if there are any</p>



**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>implications during the construction or operational phase of the Proposed Development for the A47 Wansford to Sutton scheme?</p>
Q11.07	<p>The Applicant Rutland County Council</p>	<p>Paragraph 4.9.1 of the oCTMP [REP4-016] has been updated at Deadline 4 to confirm that all of the access points within the Order limits will incorporate a wheel washing system with rumble grids to dislodge dust and mud to all vehicles leaving the Order limits “where reasonably practicable.” The Applicant’s response to the Examining Authority’s First Written Question Q2.0.2 [REP2-037] stated that alternatives such as manual washing would be provided where wheel washing systems could not be applied but this commitment is not expressed in the updated oCTMP. Rutland County Council’s Local Impact Report [REP2-048] called for more detail to be provided regarding the system to be used and requested that “thru jetted” systems were used. The Applicant’s response at Deadline 3 [REP3-034] indicates that the method of wheel washing proposed aligns with industry standards and is widely accepted practice although the oCTMP does not specify the method in detail.</p> <ol style="list-style-type: none"> <li>a) Should the oCTMP be revised to confirm that alternative means of wheel washing will be provided when the primary system cannot be implemented?</li> <li>b) Should the oCTMP provide additional details regarding the method of wheel washing?</li> <li>c) Can Rutland County Council confirm if the system requested is commonly applied in Rutland?</li> </ol>
Q11.08	<p>The Applicant Rutland County Council</p>	<p>The draft Statement of Common Ground [REP4-036] between the Applicant and Rutland County Council highlights that construction impacts in relation to highways and access are still under discussion. The commentary indicates that this solely relates to the wheel wash issues highlighted in the question above. However, Rutland County Council’s Local Impact Report identified further construction traffic related matters, including the need for additional plans of the construction compounds to demonstrate that delivery vehicles can manoeuvre safely.</p> <p>Can the Applicant and Rutland County Council provide an update on any progress made to address the outstanding construction traffic concerns raised in the Local Impact Report?</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
Q11.09	<p>The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council</p>	<p>The Applicant’s response to the Examining Authority’s First Written Question Q 11.0.4 states that <i>“The effects of replacing any photovoltaic panels during the operational phase have not been assessed as it is estimated that this would only take place on an ad-hoc basis and is unlikely to generate any significant effects, given it will be less than what is required during construction / decommissioning. Whilst it is difficult to estimate the number of vehicles that could be required for such maintenance, it is estimated that this could be in the region of one vehicle a week/month, rather than per day, which is significantly less intensive than during construction.”</i></p> <p>a) In the context of the definition of “maintain” in the draft Development Consent Order (dDCO) [REP4-026] and the thresholds specified in paragraphs 9.3.1 to 9.3.4 of ES Chapter 9 [APP-039], can the Applicant provide further justification for the conclusion that the replacement of PV panels is unlikely to generate any significant effects?</p> <p>b) In the event of any major maintenance works such as the large scale replacement of PV panels, could the removal and delivery of new PV panels give rise to additional vehicles movements that would not occur during either the construction or decommissioning phase (when the emphasis may only be on the delivery or removal of panels in the construction and decommissioning phases respectively)?</p>
Q11.0.10	<p>The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council</p>	<p>Written representations from the Mallard Pass Action Group [REP2-090] and Greatford Parish Council [REP2-061] expressed concern regarding traffic management measures to address roadworks or closures on the A6121 from Carlby through Essendine, including alternative routes that rivers may take to avoid delays. The Applicant’s response at Deadline 3 [REP3-034] highlights sensitivity testing within ES Chapter 9 [APP-039] to assess the impact of road closures on Uffington Lane are deemed non-significant. Minor delays associated with traffic signals in place during cabling on the A1621 are acknowledged. It is understood that further details on alternative routes in the event of full closures of HGV access routes may be provided in the final CTMP.</p> <p>a) Do the local authorities have any comments to make on the concerns and the Applicant’s response?</p> <p>b) Should the oCTMP provide some detail on the potential measures to manage the situation should part of the HGV access route be fully closed?</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q11.0.11	The Applicant Rutland County Council	Can the Applicant and Rutland County Council comment on the concerns raised by the Mallard Pass Action Group during Compulsory Acquisition Hearing 1 [EV-024] in relation to the safety of pedestrians crossing the A6121 in Essendine during any potential cabling works?
<b>12. Water Environment</b>		
Q120.1	Environment Agency Rutland County Council Lincolnshire County Council South Kesteven District Council	Has the sequential test for flood risk been adequately applied as part of the site selection process as per paragraphs 5.7.9 and 5.7.13 of Overarching National Policy Statement (NPS) for Energy (EN-1) and corresponding policy set out in the revised draft NPS EN-1?
Q120.2	Rutland County Council Lincolnshire County Council Black Sluice Internal Drainage Board	Do the Lead Local Flood Authorities or the Black Sluice Internal Drainage Board have any specific comments to make regarding the suitability of the outline Surface Water Drainage Strategy (oSWDS) [APP-087] or the outline Water Management Plan (oWMP [APP-214]?
Q120.3	The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group Greatford Parish Council Black Sluice Internal Drainage Board	<p>The outline Surface Water Drainage Strategy (oSWDS) [APP-087] states that the <i>“localised flat topography within parcels of the Proposed Development is generally flat meaning rainfall will not drain quickly down slope...”</i>. In relation to the PV array area, 2D modelling is provided for an area to the east of the Order limits only, to demonstrate the impact of surface water run-off through the proposed planted buffer zones. It is understood that this area is considered by the Applicant to be representative of the existing agricultural land use and so provides a demonstration of how the PV arrays will influence water flows across the Proposed Development. However, the ExA has noted that the topography is generally undulating across the Order limits with slopes of varying degrees present. Furthermore, the oSWDS states that <i>“intensification of the runoff from panels, along the ‘drip line’, into small channels / rivulets, could be exacerbated where PV Arrays are not positioned in alignment with topography.”</i></p> <p>a) Can the Applicant confirm if the modelling takes account of a worst-case scenario in which channelling may occur and/or when the ground beneath the panels is bare? What effect could this have on watercourses and surrounds within and beyond the Order limits, including in Greatford?</p>

**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

ExQ2	Question to:	Question:
		<p>b) Could such a scenario arise in the event that the proposed grass mix proposed underneath the panels is not laid in sufficient time ahead of heavy rain fall or is damaged by grazing sheep? If so, what measures should be taken to address it?</p> <p>c) Can the Applicant comment on how the final positioning and alignment of the PV arrays take account of topography to avoid exacerbating run-off?</p> <p>d) Is additional modelling required to take account of topography and infiltration across and adjacent to the Order limits?</p>
Q12.04	Lincolnshire County Council	Does Lincolnshire County Council have any comments in response to the Applicant's response in respect of item LCC 7-02 regarding offsets from ditches in the Statement of Common Ground? [REP4-029]?
Q12.05	The Applicant Anglian Water	<p>It is noted from the latest Statement of Common Ground [REP4-032] that both parties agree that Anglian Water's proposed works to the West Glen River and the Proposed Development are "mutually compatible" but that the project is still at the outline design stage.</p> <p>As far as possible, please provide details of Anglian Water's project, including reference to interaction with the Green Infrastructure Strategy for the Proposed Development [APP-173].</p>
Q12.06	The Applicant Rutland County Council Lincolnshire County Council	<p>Paragraph 81 of Rutland County Council's Local Impact Report [REP2-048] identifies concerns regarding flood prevention measures during construction when works to implement any consent would also affect surface water drainage in ways that differ from those predicted once the development is complete. The possibility of less infiltration arising from the stripping back of land is cited as an issue that has been experienced on other sites in the County recently. The Applicant's response at Deadline 3 [REP3-035] refers to drainage features included in the oWMP [APP-214] to be employed during construction.</p> <p>a) Can Rutland County Council provide further details of the issues experienced elsewhere, including any similarities with the Proposed Development and what measures may need to be put in place to avoid or manage such a situation should it arise?</p> <p>b) Do Rutland County Council have any comment to make on the Applicant's response?</p>

ExQ2: 15 August 2023

Responses due by Deadline 5: Tuesday 5 September 2023

ExQ2	Question to:	Question:
		<p>c) Can the Applicant please comment specifically on the scope for the stripping back of land to reduce infiltration rates?</p> <p>d) Do Lincolnshire County Council have any comments?</p>
Q12.07	<p>The Applicant Rutland County Council Lincolnshire County Council</p>	<p>Rutland County Council expressed concerns regarding the implications of concrete bases used to secure the installation of panels on surface water run-off and drainage [REP2-048]. At Deadline 3 [REP3-035], the Applicant responded by stating that concrete blocks or shoes would potentially be used where necessary to protect archaeology and that they would be highly unlikely to have a measurable impact on infiltration. Table 3-3 of the outline Construction Environmental Environment Plan (oCEMP) [REP3-011] states that ongoing archaeological evaluation and assessment under the Written Scheme of Investigation will help to identify where concrete bases will be required.</p> <p>a) Given the uncertainty over the extent of future archaeological finds, should further modelling be undertaken to consider the possible implications of a worst-case scenario?</p> <p>b) Do Rutland County Council or Lincolnshire County Council have any comments on the Applicant's response to date?</p>
Q12.08	<p>The Applicant Rutland County Council Lincolnshire County Council</p>	<p>The potential for land drains to be broken across the Order limits and associated implications if they are not reinstated as part of decommissioning is highlighted as an issue by Rutland County Council [REP2-047]. The Applicant's response at Deadline 3 [REP3-035] refers to Table 3-7 of the oCEMP [REP3-011] which states that <i>"if during the construction of any of the infrastructure, there is any interruption to existing land drainage, then new sections of drainage will be constructed"</i>. It is also noted from Table 3-7 of the outline Operational Environmental Management Plan (oOEMP) [REP4-010] that <i>"Regular inspection and maintenance of the drainage systems, SuDS and culverts will take place throughout the operational phase"</i>. Paragraph 2.1.2 of the outline Decommissioning Environmental Management Plan (oDEMP) [REP4-012] states that <i>"Any damage to agricultural drains that has occurred during the operation of the Proposed Development will be repaired"</i> although it is not clear from Table 3-7 where this commitment is addressed.</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> <li>a) Can the Applicant confirm if the provisions within the oOEMP for inspection and maintenance will apply to any existing land drains?</li> <li>b) Should Table 3-7 of the oDEMP be updated to specifically commit to the repair of agricultural drains?</li> <li>c) Do Rutland County Council have any specific recommendations as to how their concerns should be rectified?</li> <li>d) Do Lincolnshire County Council have any comments on this issue?</li> </ul>
Q120.9	The Applicant	<p>The Applicant's response to the Mallard Pass Action Group's concerns regarding nutrient discharge into ground and surface water as set out in its summary of oral submissions at Issue Specific Hearing 2 [REP4-041] states that <i>"Other measures established to manage potential surface water run-off during construction, such as swales, may also be retained during the operational phase to manage run-off from the Order limits to a greater degree than the current baseline conditions."</i> The outline Soil Management Plan (oSMP) has been updated at Deadline 4 to include details on swales and scrapes. Paragraph 9.7 states that <i>"There may be a need for localised and small scrapes/swales to collect water run-off"</i> [REP4-017].</p> <ul style="list-style-type: none"> <li>a) How and when will it be determined where swales and scrapes are located and whether they should be retained during the operational phase? Is the potential retention of swales considered as a pre-cautionary measure to provide mitigation in the event that the provision of grass swards and planting is not effective in addressing run-off?</li> <li>b) Have swales and scrapes been considered in the modelling provided in the oSWDS?</li> </ul>
<b>13. Other Matters/Issues</b>		
Q130.1	The Applicant Rutland County Council South Kesteven District Council Mallard Pass Action Group	<p>The Applicant has confirmed its commitment [APP4-042] to setting up a community liaison group with further engaged proposed to take this forward.</p> <ul style="list-style-type: none"> <li>a) Please provide an update on the proposals for the formation of a community liaison group including with regard to its remit and outline terms of reference, along with details of any relevant groups and organisations that should be part of it.</li> </ul>

ExQ2	Question to:	Question:
		<p>b) Should (with explanation of your position) the approval of the final details and terms of reference of a community liaison group, along with its implementation, be the subject to a Requirement within the draft DCO [REP4-027] rather than within the outline CEMP [REP4-007]?</p>
Q13.0.2	Lincolnshire County Council South Kesteven District Council	<p>Table 14 of Rutland County Council’s Statement of Common Ground confirms their position that the list of sites considered as part of the cumulative assessment is up to date and that they will continue to engage. The status of this issue is cited as “agreed” (green) [REP4-036]. The corresponding table in South Kesteven District Council’s Statement of Common Ground provides the same commentary but the status is cited as being “under discussion” (amber) [REP4-037]. Lincolnshire County Council’s Statement of Common Ground does not explicitly address the issue [REP4-029].</p> <p>Can South Kesteven District Council and Lincolnshire County Council confirm if they agree with the list of cumulative sites?</p>
<b>13.1 Outline Management Plans</b>		
Q13.1.1	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council	<p>Paragraph 3.1.3 of the oCEMP [RE4-007], oOEMP [REP4-009] and the oDEMP [REP4-011] explains that nothing in the respective management plans would prevent the modification or omission of the control measures set out in relevant tables. It goes onto say that this will be confirmed (including confirming that the absence or change to such control measures would <i>not lead to any materially new or materially different significant effects</i>) at the time of submission of the relevant detailed plan. This wording (in italics above) is different from the equivalent wording used in the dDCO [REP-027] which does not include the term significant.</p> <p>a) Is it appropriate to include wording that allows the modification or omission of the relevant control measures in each of the outline management plans? Is this not covered in any case by the provision in the dDCO including that the detailed plans need to be substantially in accordance with the outline management plans?</p> <p>b) Does the relevant wording in the outline management plans need to be amended to reflect the equivalent wording in the dDCO to ensure that any variation to the measures in the</p>

ExQ2: 15 August 2023

Responses due by Deadline 5: Tuesday 5 September 2023

ExQ2	Question to:	Question:
		oCEMP do not result in any new effects not assessed in the ES? If not please explain why not.
Q13.1.2	The Applicant Rutland County Council South Kesteven District Council Mallard Pass Action Group	The core construction hours set out in paragraph 2.7.1 of the oCEMP [REP4-007] include hours of 07:00 to 19:00 Monday to Saturday. a) Is it likely that residents living near to the site might be expected to benefit from more of a respite from construction works on Saturday mornings/early evenings? b) Notwithstanding the specific detail of construction working hours provided in section 2.7 of the oCEMP, would a later core working start time and earlier finish time on Saturday's (for example 08:00 to 17:00) be appropriate? Please provide justification for your answer.
Q13.1.3	The Applicant	The Applicant's response to REP2-219 provided at REP3-031 states that " <i>The usual annual cleaning of solar PV arrays involves clean water with no chemicals. This is set out in the updated CEMP submitted at Deadline 3.</i> " a) Please specify where in the oCEMP this is detailed. b) Should the oOEMP also make such provisions given that cleaning of the PV arrays will be undertaken during the operational phase?
Q13.1.4	Lincolnshire County Council Rutland County Council South Kesteven District Council Other Interested Parties	Should any party have any further comments on the latest versions of any of the outline management plans, please ensure that these are submitted by Deadline 5, so that they can be taken into account in the remainder of the examination and to allow the Applicant to make any necessary revisions/additions to the outline management plans. The outline plans are set out below: a) Outline Construction Environmental Management Plan [REP4-007] b) Outline Operational Environmental Management Plan [REP4-009] c) Outline Decommissioning Environmental Management Plan [REP4-011] d) Outline Landscape and Ecology Management Plan [REP4-013] e) Outline Construction Environmental Management Plan [REP4-015]



**ExQ2: 15 August 2023**

**Responses due by Deadline 5: Tuesday 5 September 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		f) Outline Soil Management Plan [REP4-017] g) Outline Water Management Plan [APP-214] h) Outline Travel Plan [APP-215] i) Outline Employment, Skills and Supply Chain Management Plan [REP2-024] j) Surface Water Drainage Strategy [APP-087]