



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Karl-Jonas Johansson
SENT VIA EMAIL ONLY

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Tel: 01476 406074
Date: 6 December 2022

Dear Karl-Jonas,

Mallard Pass Solar Project: Adequacy of Consultation under Section 55 of the Planning Act (2008) (as amended)

Please accept this response on behalf of South Kesteven District Council (SKDC) to your letter dated 25 November 2022 regarding the above.

The developer engaged with SKDC in September 2021 to introduce the project, prior to carrying out an initial non-statutory 6-week consultation between 4 November and 16 December 2021. The details of that initial consultation are set-out in the applicant's Consultation Report.

In March 2022, the developer issued a draft Statement of Community Consultation (SoCC) for the proposed development, along with a cover letter formally commencing consultation with SKDC on the draft (in accordance with Section 47 of the Act). SKDC responded on 22 April 2022, raising a number of points as well as appending comments that were received from local parish/ town councils and the local community. The final Statement of Community Consultation (SoCC) was published on 19 May 2022 which took account of comments raised by SKDC on the draft version.

A formal 10-week consultation was then run between 26 May 2022 and 4 August 2022. This included an extensive consultation exercise, as set-out in the applicant's Consultation Report including several face-to-face community events, on-line webinars, an extensive direct mailing exercise and targeted engagement with SKDC and other local authorities.

Having considered applicant's Consultation Report and associated appendices, SKDC is satisfied that Mallard Pass Solar Farm Ltd (MPSF) have carried out adequate pre-application consultation and publicity in accordance with the provisions as set out in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).

Notwithstanding the above, SKDC has been contacted by Mallard Pass Action Group (MPAG) who have raised some specific concerns about the adequacy of consultation carried out by the developer. A full copy of MPAG's comments are attached to this response and the Planning Inspectorate are requested to consider these comments and satisfy themselves that the relevant requirements of the Planning Act 2008 (as amended) have been met in deciding whether or not to accept the application for Examination.

Yours sincerely

Phil Jordan

Principal Planning Officer

Mallard Pass Action Group – ‘Adequacy of Consultation’ (AoC) feedback

Distribution of Consultation leaflet - complaints

- Some never received within the consultation zone.
- Some received late w/c 30th May instead of 26th May.
- Raised concern with draft SoCC that the consultation zone was poorly targeted. The majority of the 13000 distribution was to the town of Stamford, the residents who are least affected by the scheme. The remainder went mostly to villages adjacent to the site and not any further afield. Rural populations however are affected not just by the village they live in, but surrounding villages and countryside and therefore should have been consulted.

CAP venues

- Mallard Pass Solar Farm (MPSF) did not fully research, understand or plan the role of the Community Access Points (CAPs), the biggest issue being opening hours of the 2 village halls. The facilities are kept locked unless there is an event or class going on, therefore documentation was not freely available to take away or look at. Hence why Essendine village hall was only able to commit to being open for 2 published slots, totally inadequate for a 10 week consultation. The village hall went out of their way however to facilitate better access as they were keen for residents to see more comprehensive information.
- MPSF did not also appreciate or communicate to the CAP their expectations for making the PEIR available to be read (over 4000 pages). With over 10 large ring binder folders, space needed to be made to lay out the folders somewhere and not just leave it in a box. Ideally it needed someone to explain what it was all about – there was no briefing. In addition to the space needed for the PEIR, space was also needed to lay out the other consultation documents. For all 3 CAPs Mallard Pass Action Group (MPAG) had to go and explain what was required of these facilities so that residents would have the best chance of accessing all the documents.
- With the opening time issues, it was suggested by Ryhall village hall that Ryhall library would be a better venue, as it had longer opening hours and more space to lay out documents. This decision had to go through the village hall committee and Rutland County Council. Had MPSF planned better in advance they could have explored and sorted this option out, rather than the locals having to intervene. In addition Ryhall village hall and MPAG still had to keep an eye on literature levels and arrange for signage to direct residents across the road to the library.

Literature

- The Stage 2 A5 consultation leaflet itself was wholly inadequate to explain the depth of such a huge scheme. It was suggested to MPSF they should be delivering the full A4 brochure rather than rely on residents to have to go to an event or a CAP if they wanted more physical information. This is a scheme being imposed by the developer, not something the community proactively have called for.
- MPSF were asked to provide higher levels of literature continuously. There were repeated failed deliveries and only 50 of each item was supplied initially, despite being asked for a few thousand of the main A4 consultation brochure by a CAP at the beginning of the consultation. It always felt obstacles were being put in the way to make things easy for residents. With a consultation zone of 13,000 residents, surely there should have been significant levels of supporting literature available from Day 1.
- There were only 3 PEIRs made available in Essendine, Ryhall and Stamford locations, effectively forcing other villages to go further afield if they wanted to read some of it. Many of the demographic are old and don't drive, and are also not comfortable with navigating thousands of pages online. There were no easy options made available for them.

- There was no clear correlation between online PEIR files and the way the PEIR ring binders were put together. It made it extremely difficult to navigate between one to the other.

Consultation events

- Whilst there was significantly more MPSF personnel attending stage 2 than stage 1, their level of knowledge was v poor. Many residents reported being dissatisfied and frustrated with the process, either not receiving answers or being given different answers to the same question by different people there.
- The attitude from some (not all) MPSF staff was quite aggressive at times, particularly Canadian Solar. Some residents also reported feeling uncomfortable with the way the 2 very tall security men tried to listen in on the conversations between residents. Also the security men were a little disproportionate in their actions at the Ryhall event which Alicia Kearns MP would be happy to elaborate on.
- Timings. During the draft SoCC process MPSF were asked for more flexible event timings, to cater better for the working population and holidays. It was felt the final timetable was derived more to suit the needs of MPSF, rather than reaching the broadest population possible. The resulting outcome was that attendance could have been higher.

Feedback

- One of the biggest complaints which still remains today, 3 months after the end of stage 2 consultation, is that residents are/were not getting answers to questions emailed in. During the consultation period residents needed those answers to better inform their consultation response.
 - The same applied to webinars. At both webinars it was requested:
 - The recording was to be made available on their website immediately after the webinar - there were problems at Stage 1 consultation, this did happen at Stage 2 consultation with prompting.
 - A transcript was to be provided – this never happened. It is far easier for someone unable to attend a webinar to browse through a transcript than sit through 2 hours of a webinar recording.
 - Questions unanswered in the webinar were to be addressed promptly -
 - 17th June webinar unanswered questions appeared 9th September
 - 5th July webinar unanswered questions appeared 22nd September
- Response times throughout have been very poor with MPSF claiming they were/are overwhelmed by the amount of questions. Why should residents be compromised as a result of MPSF's inadequate resourcing.

Section 42 of the Planning Act

- It is questionable whether MPSF has diligently fulfilled their obligations with regard to contacting parties under Section 44 that are identified as meeting the condition of Category 1, 2 and 3. This is particularly the case with respect to Category 3 where the resident might be entitled to compensation under part 1 of the Land Compensation Act 1973. One resident challenged the Section 2 letter relating to Category 1/2, MPSF having been prompted subsequently changed their mind and sent out a Category 3 related letter. Another resident received a Section 42 letter relating to falling under Category 1 or 2 which was never to be the case, deeply confusing the resident.
- It feels likely that only residents *directly adjacent to the site boundary* were contacted if they had been 'shouting their objection to the scheme from the rooftops'.
- Section 18.3 of the MPAG Consultation response dated 1st August asked the following question and never received a reply.

“We would ask that the Mallard Pass Action Group seek independent advice on behalf of residents we believe to be in Category 3, concerning the potential down track for residents to bring a claim of compensation. Given the solar farm application, if approved, is being imposed upon residents, we would ask that Mallard Pass pay for this independent advice. Please could you advise whether you will support this activity?”

Conclusion

Whilst MPSF may be able to claim they have ticked the legal requirements of the AoC, it does not feel they have facilitated the Consultation process in any way. It has been an uphill struggle for residents in every respect. Had it not been for the team behind MPAG, the level of awareness and understanding of everything about the scheme and the process would have been woefully inadequate. Distribution and accessibility of information across all demographics, quality and accuracy of responses, speed of responses, overall the feedback is that MPSF have done the minimum they can get away.

We would appreciate this is noted for the record and submitted with your AoC response to the AoC process.