

Date: 3 May 2023
Our Ref: EN010127

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Mallard Pass Solar Farm Project
The Planning Act 2008
The Infrastructure Planning (Examination Procedure) Rule 2010

This letter sets out Mallard Pass Solar Farm Limited's ('the Applicant's') response to the Examining Authority's (ExA's) 'Rule 6' letter dated 13 April 2023, including its written submissions on the Examination procedure.

We can confirm that the Applicant will be in attendance at the Preliminary Meeting and both Open Floor Hearings, and will be in contact with the case team to confirm the names of those who will be present.

Examination Timetable

The Applicant notes the draft Examination Timetable set out in Annex D of the Rule 6 letter and makes the following comments:

- The Applicant notes that no specific dates have been suggested for submission of an updated Book of Reference. The Applicant can confirm that it will submit such documents where changes are needed to be made during the course of the Examination. The Application proposes that this is done first at Deadline 2, to coincide with the first submission of a CA and TP Schedule. The Applicant notes and acknowledges the ExA's comments in respect of section 102A, and has taken this approach to date.
- The Applicant will submit an updated Policy Tracker at Deadline 2, to account for the updated revised NPSs released by the Government in March 2023, and will consider whether it needs to be updated during the course of the Examination as requested.
- In respect of SoCGs, the Applicant notes that the draft Examination Timetable suggests that final versions of the SoCGs should be submitted for Deadline 8, but that its Procedural Decision in Annex F suggests that this should happen at Deadline 9. The Applicant assumes that this should read Deadline 8, but would be grateful if this could be clarified in the ExA's Rule 8 letter.



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- In respect of the Hearings proposed for week commencing 10 July 2023, the Applicant's witness on Heritage matters is not available until the Thursday of that week, due to another Inquiry. The Applicant would be grateful if the hearing timetable for that week could therefore take this into account.
- In that week, the Applicant's witness on Need will not be in the UK. As such, the Applicant would be grateful if the Hearings in that week are blended, as appears to be suggested in the Rule 6 Letter, to allow for his appearance to be made remotely.

Windel Energy, who are part of the companies which make up the Applicant, are not available in the week commencing 25 September, which is a proposed week of Hearings in the Examination timetable. The Applicant would therefore be grateful if consideration could be given to moving this week of Hearings back one week, to the week commencing 2 October. This would also have the benefit of giving the ExA more time to consider Deadline 6 submissions in preparing its agenda for these hearings (and all parties more time to better prepare for those hearings). If this change were to be made, the Applicant notes that this could be done with little impact to the Examination timetable overall, or to all Interested Parties in terms of time frames for engaging with the Examination:

- the issue of the REIS and ExA's schedule of changes to the DCO could be released a week later than planned on 13th October;
- Deadline 7 could move to 17th October (thus being the same gap from the hearings as currently proposed); and
- Deadline 8 could either stay where it is currently proposed (given the relatively small nature of the submissions proposed for that Deadline) or moved back to 31 October. The latter would still give almost two working weeks until Deadline 9, meaning there would be little impact to Interested Parties in preparing their submissions for that deadline.

Principal Issues

The Applicant has no comments on the list of Principal Issues set out in Annex C of the Rule 6 Letter.

List of Statements of Common Ground

The Applicant acknowledges the proposed list of Statements of Common Ground ('SoCG') parties in Annex F of the Rule 6 Letter.

The Applicant has already begun preparing the SoCG with the key parties, which will be submitted at Deadline 2 alongside a Statement of Commonality [8.1]. However, good progress has been made with two parties already, meaning that as part of its Procedural Deadline A submissions, the Applicant is able to submit a working draft SoCG with the Environment Agency [8.2] and a final SoCG with National Highways [8.3].

The Applicant has also undertaken discussions with Anglian Water, Cadent Gas Limited, National Gas Transmission Limited, National Grid Electricity Transmission plc, Natural England and Network Rail and has made good progress on Protective Provisions for their benefit, such that it is anticipated that agreed forms should be able to be agreed with those



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parties early in the Examination. Progress to date is reflected in the DCO submitted alongside this letter at Procedural Deadline A.

In light of the progress made, and that with the exception of Anglian Water (where it is acknowledged that matters deal with wider issues above and beyond their assets), all of those parties have indicated in their Relevant Representations that once Protective Provisions are agreed, their representations will be able to fall away, the Applicant intends to focus its attention on seeking to agree those Protective Provisions, rather than submitting Statements of Common Ground, which would have, in any event likely focused on progression of the Protective Provisions.

National Grid have already agreed with this approach, and the Applicant is canvassing opinions from the other statutory undertakers, but anticipates, from experience on other projects, that they are also likely to agree with this approach.

In light of this proposed approach, the Applicant would respectfully suggest, based on its experience on other projects, that it may be helpful to the ExA if the Applicant was asked to produce a 'section 127 tracker', rather than separate SoCGs, which would enable tracking of progress Protective Provisions to take place in one document.

In respect of a potential SoCG with Mallard Pass Action Group, the Applicant would be in support of one being sought to be progressed and has contacted the Action Group to discuss options as to how this might best be done, acknowledging their starting position and that a 'traditional' SoCG structure may not work best for them.

To that end, it has suggested that an approach similar to that taken with the 'Say No to Sunnica Action Group', a recent solar NSIP project, may be most appropriate.

Response to Relevant Representations

The Applicant notes that the ExA has requested that comments on Relevant Representations be submitted at Deadline 1. However, since the Relevant Representations were submitted, the Applicant has been able to develop its responses to those Relevant Representations to the point that they are able to be submitted at Procedural Deadline A. A report [9.1] containing the Applicant's responses is therefore submitted alongside this letter.

It is hoped that submitting these responses now will:

- satisfactorily address at any early stage issues raised by statutory bodies;
- enable Interested Parties to understand the Applicants' position on key matters in advance of finalising their Written Representations and preparing for the Open Floor Hearings; and
- assist the ExA in finalising the drafting of its First Written Questions.

Rebranding of development arm of Canadian Solar



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As explained in the Funding Statement [APP-022], the majority shareholder in the Applicant is Canadian Solar. In April 2023, Canadian Solar announced the rebranding of its utility-scale solar and energy storage project developer to Recurrent Energy. Recurrent Energy had previously been the developer of its projects in North America, and it will now do so globally. The re-branded company will continue to be the majority shareholder in the Applicant.

As a global development and services business, Recurrent Energy is one of the world's largest and most geographically diversified utility-scale solar and energy storage project development platforms, with a strong track record of originating, developing, financing, and building nearly 9 GWp of solar and 3 GWh of battery storage power plants across six continents. Recurrent Energy has established a leadership position in both solar and battery storage project development, with a total pipeline of 25 GWp in solar and 47 GWh in battery storage, of which 14 GW and 12 GWh respectively already have interconnections (as of January 31, 2023).

Further information can be found on the Canadian Solar website.

Policy Update

Following the submission of the application for Mallard Pass, the Government released a number of policy documents at the end of March 2023, including new draft revisions to National Policy Statements EN-1 and EN-3. Appended to this letter is a short 'Policy Update' document (Appendix 1), which summarises the effect of these documents in respect of the need and policy support for large scale solar, principally to reinforce that need. As noted in that appendix, the Applicant will be updating the Statement of Need and the NPS trackers at Deadline 2 (further also to Procedural Decision 7 in Annex F to the Rule 6 Letter) to more fully account for these policy updates and how Mallard Pass complies with them, in both need and assessment terms.

Compulsory Acquisition and Temporary Possession Schedule

The Applicant notes Procedural Decision 5 in Annex F of the Rule 6 Letter and the proposed pro-forma for tracking negotiations with interests in land.

The Applicant wishes to highlight that it had specifically developed its application document: 'Schedule of Negotiations and Powers Sought' [APP-024] in light of similar requests that have been made at previous DCO Examinations to the same end, hence including information on the types of rights, the relevant Work Nos and purposes, alongside the status of negotiations within that document.

The Applicant had hoped that moving into Examination, this tracker would be able to be used as the starting point for updates to the ExA, but with the addition of (a) an additional column to indicate whether a party had submitted a Relevant Representation or not; and (b) to add any parties who had submitted Relevant Representations who were noted originally



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included (as not being a Category 1 interest); and so had anticipated doing this with its first Examination submission on this issue.

This would allow this document to become one, all-encompassing document that has all relevant information for the ExA in one place without the need for a plethora of different trackers or wasted efforts.

The Applicant would therefore be grateful if the ExA could consider whether the pro-forma it is developing could relate to [APP-024], if at all possible.

Updated Application Documents

The Applicant requests that the Examining Authority accepts the following updated application documents submitted alongside this letter:

- Document 1.2.1 – Guide to the Application Appendix 1 (Document Tracker), further to Procedural Decision 6 in Annex F of the Rule 6 letter;
- Document 3.1.1 [APP-017]– draft Development Consent Order (Clean and tracked versions) incorporating new Protective Provisions, a small change to Schedule 2 to account for the Environment Agency’s Relevant Representation and updating the certified document references to account for the submissions below. A schedule of changes to the draft DCO [9.3] has also been submitted providing more information on these changes.
- Document 7.6.1 [APP-207] – Outline Construction Environmental Management Plan (Clean and tracked versions) submitted to account for changes requested by Interested Parties as part of the Relevant Representations; and
- Document 7.12.1 [APP-203] – Outline Soil Management Plan (Clean and tracked versions) submitted to account for changes requested by Natural England in its Relevant Representation.

The Applicant has also submitted alongside this letter a Supplementary Trial Trenching Report [9.4]. As foreshadowed by paragraph 1.4 of the Interim Trial Trenching Report [APP-070], this document supersedes that interim report and presents a consolidated report on the results of all trial trenching activities carried out in respect of the application for Mallard Pass, to account for the final tranches of trenching, and more detailed consideration of the findings which were not able to be reported upon in the application. This document is a factual report and does not contain any information which changes the conclusions of the Environmental Statement, regarding the assessment of significance effects and the suitability of the mitigation proposals.

If the ExA or the case team has any questions on any of the above, please do not hesitate to contact me.

Yours faithfully,



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**Sarah Price
Partner
DWD
For and on behalf of Mallard Pass Solar Farm**



Enc – Appendix 1: Policy Update Document



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Appendix 1– Policy Update Document



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Mallard Pass Solar Farm Policy Update

This Policy Update has been prepared in advance of the Preliminary Meeting to reflect very recent changes in Government energy policy, particularly on so called 'Green Day' in March 2023, relating to the urgent and growing need for the deployment of large-scale ground mount solar in the UK to fight climate change and increase energy security and affordability.

This Policy Update will be reflected in an updated Statement of Need [APP-202], Planning Statement [APP-203] and NPS Tracker which will be submitted to the Examining Authority at Deadline 2.

Strategic UK Government Policy has an overwhelming focus on delivering the change in energy generation and consumption that will ensure that the UK meets its legally binding target of Net-Zero by 2050. The recently published Revised draft National Policy Statements for energy infrastructure further emphasise the importance of solar in the UK's future energy mix and the benefits of the rapidity of its deployment in helping the UK meet Net Zero and increase energy security.

Policy development in the 2020s to 2023

As a result of its commitments to the **Paris Agreement**, in June 2019, the UK became the first major economy to legislate for a 2050 net zero Greenhouse Gases (GHG) emissions target through the **Climate Change Act 2008 (2050 Target Amendment) Order 2019**. In December 2020, the UK communicated its **Nationally Determined Contributions (NDC)** under the **Paris Agreement** to reduce GHG emissions by at least 68 per cent from 1990 levels by 2030. In April 2021, the government legislated for the **Sixth Carbon Budget (CB6)**, which requires the UK to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels.

The **Climate Change Committee (CCC)**, a national independent advisory committee, made clear, in its **Progress Report to Parliament** in 2019 [CCC-2019ⁱ], that the UK is not on track to meet its fourth (2023-2027) or fifth (2028-2032) carbon budget. This position was reinforced in the latest 2022 reportⁱⁱ which notes that not only are there risks remaining in relation to meeting the Fourth Carbon Budget, but also that *meeting the Fourth Carbon Budget is not sufficient to be on track for the later targets* [CCC-2022 p76]. It continues to state that there are also significant delivery risks to meeting the 2030 NDC as well as the long-term goal of Net Zero by 2050 [CCC-2022 p22].

Direction of Travel

Government's position on decarbonisation and the actions required to deliver it – have evolved and strengthened as the compelling need for urgent action has become clearer in recent years.

In each evolution of Government's position and policy, large-scale solar has played an increasingly important role in the fight against climate change. Through the Energy White

Paperⁱⁱⁱ (December 2020), Net Zero Strategy^{iv} (October 2021) and the British Energy Security Strategy^v (April 2022), the Government has consistently strengthened its policy and role of solar in meeting Net Zero (see commentary in the Planning Statement [APP-203] and Statement of Need [APP-202]).

There is a clear direction of travel in UK policy, which has strengthened even further in the last six months:

- Increasing push towards decarbonisation and the criticality of meeting Net Zero.
- Increasing focus on not just achieving Net Zero but also about ensuring security, resilience and affordability of the UK energy sector.
- A realisation that a change in the pace of delivery of renewable and low carbon energy is needed if the UK is to meet its legal obligations.
- A strengthening in the role of solar as a reliable, rapid way to deploy new renewable energy.

Delivering Government's ambition of 70GW of solar by 2035

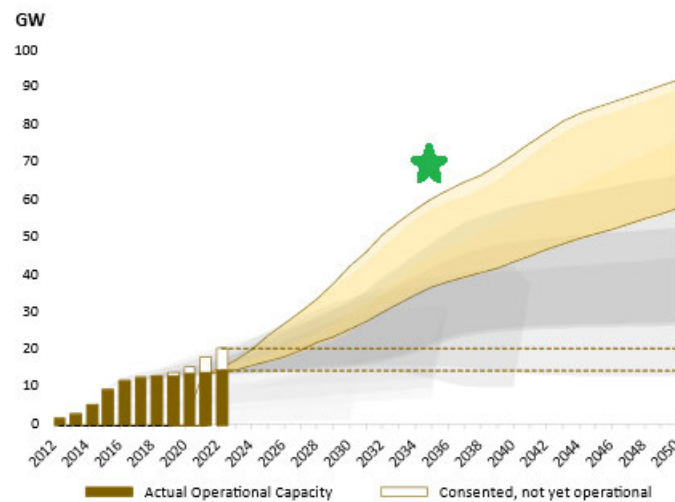
The future characteristics of GB's electricity demands are described through a set of possible scenarios developed (through industry consultation) on an annual basis by GB's Electricity System Operator and statutory undertaker, National Grid ESO. This annual publication is called **Future Energy Scenarios**^{vi} (FES).

In the 2022 FES, those projections which are predicted to achieve Net Zero include solar capacities in 2030 of 25 – 42GW and in 2050 of 57 – 92GW [FES-Table ES.E.01] alongside significant growth in nuclear, offshore wind, onshore wind and low-carbon biofuel generation. In each projection, a pathway to Net Zero includes a significant future increase in solar capacity beyond that which is installed or in development today.

Figure 1 shows a superposition of UK solar capacity forecasts from FES 2012 to 2022, each forecast represented as a shaded area ranging from the lowest forecast capacity scenario to the highest scenario in each year. Historical installed capacity is shown as brown columns, and the white columns show the capacity of solar projects listed in BEIS's online Renewable Energy Planning Database [REPD] which are currently consented but not yet operational, against the year in which they received consent.

Also shown on Figure 1, is a green star which illustrates the level and timing of Government's ambition for 70 GW of solar deployment by 2035 in relation to existing projections.

Figure 1: Evolution of UK solar capacity forecasts 2012 – 2022



In order to meet Government’s ambition, solar capacity will need to grow at or close to the maximum rate it historically achieved each and every year until 2035.

Taking this together with the Government’s ambitions set out below, it is clear that Government’s ambition is for more solar to be delivered earlier than any previous projection of installed solar capacity. This underpins the increasingly essential role solar technology will play in increasing energy security and delivering affordable decarbonisation for the UK.

Policy development in 2023

Since the turn of the year, UK policy developments have continued to reinforce the critical role that solar must play in delivering decarbonisation, energy security and affordability of energy supplies.

Mission Zero^{vii} was published in January 2023 by Rt Hon Chris Skidmore MP, Chair of government’s **Independent Review of Net Zero**. **Mission Zero** reconfirms the global importance of the UK’s commitment to achieve Net Zero and makes recommendations which should be taken forwards now, alongside other wider recommendations. It states UK must move quickly, not only to protect and secure delivery of our national climate commitments but also deliver the economic benefits of moving away from a carbon economy. The review finds that “*The benefits of net zero will outweigh the costs*” and believes that “*This is too important to get wrong*” [MZ-p8].

The most pertinent recommendation made in **Mission Zero** relating to the deployment of renewable technologies, is Priority Mission no. 2, which is for “*Full-scale deployment of solar including a rooftop revolution to harness one of the cheapest forms of energy, increase our energy independence and deliver up to 70GW of British solar generation by 2035*”.

In March 2023, Government published **Powering Up Britain** which explains “*how the government will enhance our country’s energy security, seize the economic opportunities of the transition, and deliver on our net zero commitments*” [PUB-p6].

Powering Up Britain reaches the conclusion that “*We need investment at scale ... to rapidly rollout existing technologies ... at pace to meet our ambitions for decarbonising power and [lower] wholesale UK electricity prices.*” [PUB-p9] and observes that “*a significant proportion of technologies we will need for 2050 are currently at the demonstration or prototype phase*” [PUB-p9].

This implies that while we should continue to strive for innovation, waiting for novel technologies to deliver comes with risk (as some technologies may not deliver) and therefore that government’s strategy to deliver a rapid rollout of existing technologies while continuing to invest in new technologies, is of critical importance in the fight against climate change. Ground-mount large-scale solar is a mature technology which is capable of delivering a reliable and rapid rollout once projects are consented.

Powering Up Britain^{viii} therefore includes: “Accelerating deployment of renewables” as an action which is critical to the delivery of Government’s plans: “*Our goal is to develop up to 50GW of offshore wind by 2030 and to quintuple our solar power by 2035*” [PUB-p7], noting that 14GW of solar is already installed in the UK [PUB-p19].

[Draft Revised National Policy Statements for Energy, March 2023](#)

In March 2023, DESNZ published the Revised draft National Policy Statements for Energy Infrastructure (NPSs) for consultation, including:

- EN-1 **Overarching National Policy Statement for Energy**^{ix}
- EN-3 **National Policy Statement for Renewable Energy Infrastructure**^x
- EN-5 **National Policy Statement for Electricity Networks Infrastructure**^{xi}

The March 2023 suite of National Policy Statements represent the latest iteration of the 2011 (adopted) and 2021 (revised draft) National Policy Statements and confirm that:

- There is a growing urgent need for low carbon electricity generation infrastructure [EN-1-Paras 2.1.2 & 2.3.5]
- Solar is a critical part of the UK’s future low-carbon electricity generation mix [EN-1 Para 3.3.20 and EN-3 Paras 3.10.1 – 3.10.5]
- Large scale solar is needed alongside rooftop and distributed solar capacity [EN-1 Para 3.3.80]
- The required gear-change in deployment does mean there is potential for residual harm for essential infrastructure [EN-1-Para3.1.1]
- In relation to grid infrastructure, the draft energy NPS have been updated to make the criticality of network infrastructure in achieving net zero and shifting away from fossil fuels more explicit.

Government's ambition for up to 70GW of UK solar by 2035 may be put into context given solar's track record for short delivery durations and reliable low-cost low-carbon generation and Government's conservative approach to meeting its objective of ensuring the supply of energy to the national energy system always remains low-carbon, secure, reliable and affordable.

The larger the margin, the more resilient the system will be in dealing with unexpected events, and consequently the lower the risk of a supply interruption. This helps to protect businesses and consumers [EN-1-Para 3.3.2]

There are several different types of electricity infrastructure that are needed to deliver our energy objectives ... but none of them will enable us to meet these objectives in isolation [EN-1-Para 3.3.4]

It is prudent to plan on a conservative basis to ensure that there is sufficient supply of electricity to meet demand across a wide range of future scenarios. [EN-1-Para 3.3.10]

Government also regards large-scale developments as essential, alongside smaller scale developments, to meet the national need for low-carbon generation, because of the economic and other benefits associated with the pooling of generation and demand on national-level transmission infrastructure [EN-1 Para 3.3.12]

This reflects the Government's response to the consultation on the previous NPS revisions in 2021, also published in March 2023, which notes that 'We will need to see increased deployment of all types and scales of solar, including rooftop projects, to meet our objectives

While it is important to note that the crucial national benefits of increased system robustness through new electricity network infrastructure projects are shared by all users of the system [EN-1-Para 3.3.67] the connection of new infrastructure projects as well as the reinforcement of networks to support increased electricity demand without impacting on security of supply – will cost a lot, take a long time and may have residual environmental impacts. However, it is critical to undertake [EN-5 Para 2.2.3]. It therefore follows that making best use of existing and available infrastructure is necessary to keep costs as low as possible; deliver generation infrastructure as quickly as possible; and minimise the potential for environmental impacts by not building more new infrastructure than needed to connect projects to the grid (as existing infrastructure will already fulfill that role). Therefore, while "*specific criteria considered by applicants and the weight they give to them will vary from project to project*" [EN-3 Para 3.3.2], the "*connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend generation plant.*" [EN-1-Para 4.10.1]

This critical point is emphasised further in EN-3 Para 3.10.38.

Conclusion

This Policy Update has highlighted the clear position of the UK Government on solar development and delivery which has only strengthened in recent policy updates and announcements.

Mallard Pass Solar Farm would make a significant contribution towards the challenging target of 70GW of solar by 2035 set out across UK strategic policy. Both the principle of the development and the urgent need for it are without question.

ⁱ CCC-2019 Reducing UK emissions – 2019 Progress Report to Parliament, Climate Change Committee, 2019.

ⁱⁱ CCC-2022 2022 Progress Report to Parliament, Climate Change Committee, 2022.

ⁱⁱⁱ EWP Energy white paper: Powering our net zero future, DESNZ / BEIS, 2020.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf

^{iv} NZS Net Zero Strategy: Build Back Greener, DESNZ / BEIS, 2021.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf

^v BESS British Energy Security Strategy, DESNZ / PMO / BEIS, 2022.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069969/british-energy-security-strategy-web-accessible.pdf

^{vi} FES Future Energy Scenarios 2022, National Grid ESO, 2022.
[REDACTED] with accompanying Excel workbook

^{vii} MZ Mission Zero: Independent Review of Net Zero - final report, DESNZ / BEIS, 2023.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128689/mission-zero-independent-review.pdf

^{viii} PUB Powering Up Britain, DESNZ, 2023.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147340/powering-up-britain-joint-overview.pdf

^{ix} EN-1 DRAFT: Overarching National Policy Statement for energy (EN-1), DESNZ, 2023.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147380/NPS_EN-1.pdf

^x EN-3 DRAFT: National Policy Statement for renewable energy infrastructure (EN-3), DESNZ, 2023.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147382/NPS_EN-3.pdf

^{xi} EN-5 DRAFT: National Policy Statement for electricity networks infrastructure (EN-5), DESNZ, 2023.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147384/NPS_EN-5.pdf