



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

### Applicant's Oral Submission at OFH1 and OFH2

**Deadline 1 - May 2023**

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## 1.0 INTRODUCTORY REMARKS

### Introduction

- 1.1 This document summarises the Applicant’s oral submissions made at Open Floor Hearing 1 (OFH1) on 17 May 2023, and Open Floor Hearing 2 (OFH2) on 17 May 2023, at sections 2 and 3 respectively.
- 1.2 The Applicant acknowledges the points raised by Interested Parties across both OFH1 and OFH2. For example, in relation to the following (non-exhaustive) list of topics:
  - Scale and need;
  - Site selection;
  - Consultation approach;
  - Decommissioning;
  - Landscape and visual impacts;
  - Traffic and transport;
  - Human health; and
  - Mitigation.
- 1.3 The Applicant does not intend to cover these wider topics in more detail within this submission. The concerns raised by the Interested Parties relevant to the above topics are covered by the Applicant’s already submitted evidence and/or will be dealt with in further written submissions and issue specific hearings as may be arranged by the Examining Authority.

## **2.0 WRITTEN SUMMARY OF THE APPLICANT’S ORAL SUBMISSIONS AT OPEN FLOOR HEARING 1 (OFH1) ON WEDNESDAY, 17 MAY 2023**

- 2.1 The OFH1 was held at 10.00 am on 17 May 2023 as a blended event at The East of England Arena and Events Centre, Oundle Road, Peterborough, PE2 6XE and virtually on Microsoft Teams for those who were unable to attend in person.
- 2.2 Matthew Fox, on behalf of the Applicant, thanked those who made oral submissions. Mr Fox followed this by noting that the Applicant recognises that the points made within this OFH1 are important and will be considered as part of the Examination and the Secretary of State’s decision making.
- 2.3 Mr Fox later confirmed that given the short time limit for the applicant’s oral submission, he did not intend to go through each point in detail, but reassured the Interested Parties that many of the topics raised will be further explored in the remainder of the examination.
- 2.4 To help the Interested Parties consider their points and to develop their future Written Representations, Mr Fox set out some of the key documents from the Application, where the Applicant sought to deal with the points raised by Interested Parties at the Hearing.

### **Design and Mitigation**

- 2.5 Mr Fox noted that the Applicant has developed the design of the application and the mitigation proposals whilst being mindful of the community, the local biodiversity, and the Public Rights of Way, as described in the Design and Access Statement [APP-205].
- 2.6 Mr Fox stressed that it is important to note that the mitigation proposals included as part of the Proposed Development are secured by the DCO, which is different from a planning permission, in particular noting that it is a criminal offence to breach the terms of a DCO.

### **Traffic and Transport**

- 2.7 Based on the points raised by the Interested Parties, Mr Fox encouraged Interested Parties to look at the Construction Traffic Management Plan [APP-212]. It was confirmed that this document has text and an explanation of how the Applicant considered the impacts of the traffic movements arising from the Proposed Development on schools and the local community.
- 2.8 Regarding the deliveries of materials for the Proposed Development, Mr Fox confirmed that the Construction Traffic Management Plan also sets out the hours of when HGV deliveries would take place, which seeks to avoid school pick up and drop off hours (see paragraph 3.8.3 of APP-212).

### **Agricultural Use, Land and Soils**

- 2.9 Mr Fox also addressed the comments set out by the Interested parties around agricultural land and soils. Mr Fox confirmed that the Applicant has been clear in their position that the impacts on the soils and land are temporary and that the soils will be able to be restored following the decommissioning of the Proposed Development.
- 2.10 It was confirmed that further information could be found within the outline Soil Management Plan (oSMP), which was updated and submitted at Procedural Deadline A [PDA-007]. Mr Fox confirmed that while Natural England has made a few comments on the details, they were generally accepting of the Applicant’s proposals. Mr Fox highlighted that Natural England are the main statutory body concerned with soils matters.

### **Climate Change**

- 2.11 Mr Fox reiterated that the Climate Change Chapter of the Environmental Statement [APP- 043] addressed the points surrounding greenhouse gas emissions and the benefits that would derive from the scheme in regard to this. Mr Fox also confirmed that the assessment within this document sets out that it will be 10.5 years of the Proposed Development being in operation to offset the impacts from the construction phase.

### **Landscape and Visual Impacts**

- 2.12 Mr Fox mentioned that, regarding the Landscape and Visual impacts of the Proposed Development, Interested Parties should consider the Design and Access Statement (DAS) [APP-204]. The DAS, alongside the Site Selection Report [APP-203] explains the process of the site selection that has taken place, in addition to how the Applicant has taken into account the interests of the local community and local receptors within this process.
- 2.13 Mr Fox confirmed that the viewpoints included within the submitted DCO were agreed upon with the Local Planning Authorities (LPAs), and the methodology for how those photomontages and viewpoints were undertaken are set out in the LVIA Methodology Appendix [APP-055].
- 2.14 Due to the comments noted within the Interested parties’ statements, Mr Fox confirmed that the Residential Visual Amenity Assessment [APP-057] explains how the Applicant sought to take account of specific close-by receptors to the Site, with a focus on how the Applicant sought to design the Proposed Development to account for any impact on these receptors. Mr Fox confirmed that field parcels were removed as a part of this process during the project development from Stage 1 consultation to Stage 2 consultation ahead of submission.

### **Compulsory Acquisition**

2.15 Following a specific point from Mrs Fiona Beamish, Mr Fox confirmed that at Deadline 1, the Applicant would be submitting updated land plans to consider this specific point raised, namely that the Applicant would not seek full compulsory acquisition powers over land that the Beamishes use to access their property. Mr Fox ensured that this will be a downgrading in powers sought, rather than an upgrading.

### **Community Benefits**

2.16 Mr Fox later confirmed that the Proposed Development has sought to mitigate its impacts and the summary of impacts demonstrates that there are minimal residual significant effects arising.

2.17 Regarding the concerns surrounding the lack of specific benefits from the Proposed Development, Mr Fox stated that there are local benefits from the Proposed Development, in addition to the wider climate change benefits. These benefits include delivery of 70% Biodiversity Net Gain (BNG), 8.1km of permissive routes, the jobs this project will create and the wider economic impacts, as set out in the Planning Statement [APP-203], as well as local business rates that would be retained by the Local Planning Authorities.

### **Conclusion**

2.18 Mr Fox confirmed that the Applicant will deal with the technical points as they arise during Examination.

2.19 Mr Fox concluded that he encourages Interested Parties to review the documents referenced in his oral submissions.

### **3.0 WRITTEN SUMMARY OF THE APPLICANT’S ORAL SUBMISSIONS AT OPEN FLOOR HEARING 2 (OFH2) ON WEDNESDAY, 17 MAY 2023**

- 3.1 The OFH1 was held at 19.00 pm on 17 May 2023 as a blended event at The East of England Arena and Events Centre, Oundle Road, Peterborough, PE2 6XE and virtually on Microsoft Teams for those who were unable to attend in person.
- 3.2 Matthew Fox, on behalf of the Applicant, thanked those who made oral submissions. Mr Fox followed this by noting that the Applicant recognises that the points made within this OFH2 are important and will be considered as part of the Examination and the Secretary of State’s decision making.
- 3.3 To help the Interested Parties consider their points and their future Written Representations, Mr Fox set out some of the key documents from the Application, where the Applicant sought to deal with the points that had been raised by Interested Parties at the Hearing.

#### **Need**

- 3.4 Mr Fox reiterated the Applicant’s position that the Proposed Development’s impacts should be balanced against the need for renewable energy as supported by government policy (noting the most recent updates noted by the Applicant in PDA-001).
- 3.5 Mr Fox went on to say that it is in this context that the Proposed Development is brought forward, seeking to maximise the connection to the substation, accounting for evolving technology to ensure efficiency in meeting the connection.
- 3.6 Mr Fox referred to the submitted Statement of Need [APP-202]. This document considers the Need case for the Proposed Development and also deals with questions about energy efficiency, a common topic within the Relevant Representations that were responded to at Procedural Deadline A.

#### **Size and Scale**

- 3.7 Regarding the Proposed Development’s size and scale, Mr Fox acknowledged that there were many comments regarding this at the OFH2 and within the previously submitted Relevant Representations and noted that responses regarding this topic could be found within the submitted response to Relevant Representations at Procedural Deadline A [PDA-012].

- 3.8 Mr Fox highlighted that the Applicant had sought to design the scheme in recognition of the impacts on the community, with the Residential Visual Amenity Assessment [APP-057] and the Design and Access Statement [ APP-204] providing further clarity on this.

### Site Selection

- 3.9 Mr Fox reiterated that the Applicant agrees that brownfield solar development is needed, but that this should not be seen in isolation. To meet the urgent need to meet Net Zero, greenfield and brownfield solar development is required, with the Government recognising this within the most recent National Policy Statements (NPSs). This is explained further in the Applicant’s response to Relevant Representations [PDA-012].
- 3.10 Mr Fox explained that following responses raised through the consultation process, brownfield sites were reviewed, including airbases. Further clarification can be found within the Site Selection Report in Appendix 1 to the Planning Statement [ APP-203].

### Compulsory Acquisition

- 3.11 Mr Fox explained that he wished to provide clarity and reassurance on the common comments surrounding the compulsory acquisition.
- 3.12 Mr Fox confirmed that there is no proposal to compulsory acquire any residential properties for the Proposed Development. The proposals through the village of Essendine is one of three options for the proposed cable corridor, however, there are no residential properties to be affected should this be brought forward. Mr Fox noted that the plots on the land plans have been prepared based on Land Registry title boundaries, as is the correct approach, which in this case are not consistent with the OS base information on which the plans have been produced.
- 3.13 He went on to say that through the statement in note 2 of the plans, and through the absence of any reference to properties in the Book of Reference [APP-023], it is clear that no residential properties are to be acquired. Some individuals are identified as a party to the Book of Reference, but this is simply due to their property being situated adjacent to an unregistered highway, and it being a legal requirement to presume that the subsoil of that highway is owned by adjacent properties. This is explained further in the Applicant’s response to Relevant Representations [PDA-012].

### Public Rights of Way



- 3.14 Regarding the comments surrounding impacts to users of Public Rights of Way, Mr Fox highlighted the submitted Amenity and Recreation Assessment [ APP-058] which considers these impacts and that through the design of the Proposed Development, the Applicant has created set offs from public rights of way, which is secured within the outline Landscape and Ecology Management Plan [APP-210].
- 3.15 Regarding the concerns from interested parties about the closure of the Public Rights of Way, Mr Fox assured parties that the closure would be limited in both time and nature. He also noted that walks along the West Glen River will be possible and enhanced by the permissive paths proposed as part of the Proposed Development.
- 3.16 Mr Fox also noted that no open access land is affected by the Proposed Development.

### **Flood Risk**

- 3.17 Mr Fox noted that while various documents were submitted as part of the application, the key document in relation to flooding is the Flood Risk Assessment [APP-086], which confirms that there is no increase in flood risk elsewhere as a result of the Proposed Development.
- 3.18 Mr Fox reassured those in attendance that the Flood Risk Assessment is to be reviewed by the local planning authorities within the development of their Local Impact Reports (LIRs) and written representations to be submitted later in the examination process.
- 3.19 Mr Fox also noted that the Environmental Agency, who is a statutory body for flood matters, has agreed with the conclusions of the Flood Risk Assessment as noted within the submitted draft Statement of Common Ground [PDA-011].

### **Soils and Food Security**

- 3.20 In relation to the Soils, Mr Fox guided those interested in the soils chapter to chapter 12 of the Environmental Statement [APP-042]. He noted that this chapter also considers food security matters.
- 3.21 Mr Fox confirmed that there is 0.054% of BMV land in the host authority areas within the Proposed Development Order limits, with there being very limited permanent loss to BMV of 4.2 hectares for the station tracks and substation only. However, it is worth noting that this assumed permanent loss is a precautionary approach and it is likely that the soils will be able to be restored pursuant to the measures set out in the outline soil management plan [PDA-007].

### **Biodiversity**

- 3.22 In reference to biodiversity comments, Mr Fox highlighted that Chapter 17 of the ES [APP-047] concludes that there are no significant effects arising from the Proposed Development and this takes into account impacts from fencing. Mr Fox noted that as per requirement 8 of the DCO [PDA-003], the LPAs must approve the details of the fencing for the Proposed Development.
- 3.23 It was also noted by Mr Fox that Natural England have not disagreed with the conclusions of the biodiversity chapter.

### **Decommissioning**

- 3.24 Mr Fox highlighted that Requirement 18 of the draft DCO [PDA-003] requires that a decommissioning environmental management plan is to be developed and approved by the LPAs which must be substantially in accordance with the Outline DEMP [APP-209], which deals with the issues raised by Interested Parties, especially in relation to waste.

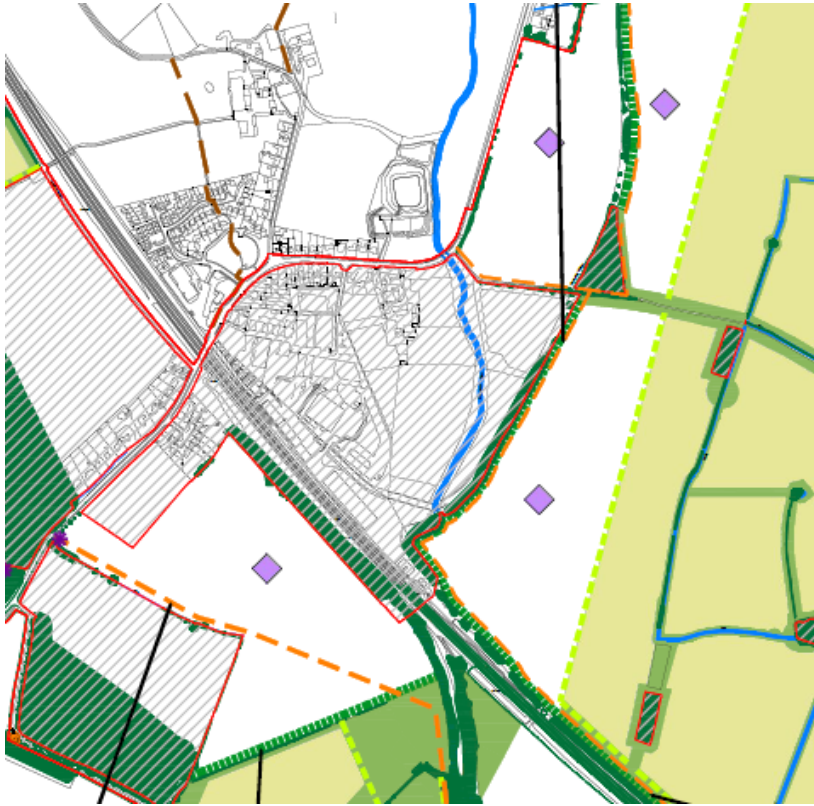
### **Traffic**

- 3.25 Mr Fox reached his final point, noting that the management measures regarding traffic are set out in the Construction Traffic Management Plan [APP-212]. Mr Fox reiterated that this secured through the draft DCO.
- 3.26 Mr Fox confirmed that the route that has been proposed for construction vehicles was agreed upon with the local highway authorities, as was the methodology for the transport assessment.
- 3.27 Car movements for staff working on the Proposed Development were confirmed by Mr Fox to occur prior to work hours starting at 7am, with minibus movements then taken from the primary compound to the secondary compounds.
- 3.28 Mr Fox confirmed that any road closures would be temporary and signed off by local highway authorities pursuant to article 15 of the draft DCO. Mr Fox confirmed that such closures would not be required for the entire 2 year construction period, only for certain construction activities for the cable routes and creating new access points.

### **Post Hearing Submission**

- 3.29 It is noted that at OFH2, Mrs Beamish raised concerns about the safety to users of the route of the Applicant’s proposed permissive path which would run adjacent to their property to the east of Essendine and whether a formal crossing therefore needs to be installed.

**Figure 1.1 - Green Infrastructure plan illustrating the alignment of the permissive path near the Mrs Beamish’s land and out onto Essendine Road.**



3.30 The Applicant has considered this matter following the Hearing, and notes that its proposals at this location have been developed in line with the guidance in LTN 1/95. Applying that guidance to the expected usage of the permissive path (as based on the usage of PRoWs in the surrounding area) would not necessitate the installation of a crossing. It is also noted that at the informal crossing location that the permissive path users would use, there are sufficient pedestrian visibility splays in accordance with Manual for Streets and Design Manual for Roads and Bridges requirements to see the oncoming traffic.