

Alicia Kearns MP
Member of Parliament for Rutland and Melton
Chair of the Foreign Affairs Committee

Written Representation Mallard Pass

DEFRA Guidance on Energy Projects on BMV Land

The Department for Environment, Food and Rural Affairs has clear [guidance](#) that there should be a 'strong presumption' against the development of Solar on Best and Most Versatile (BMV) agricultural land (grade 3A and above).

The proposed site for the Mallard Pass solar plant consists of:

- 6% grade 2 land
- 47% grade 3A land
- The total site is 53% BMV land.

Government guidelines are clear that this site is not appropriate for mass solar development.

The other 47% of the land is grade 3B, which is also farmable despite not classifying as BMV.

Alleged Forced Labour in Canadian Solar's Supply Chains

In a letter to me discussing Canadian Solar's supply chains the Secretary of State for Energy Security and Net Zero, Rt Hon Grant Shapps MP stated:

“Over the last year we have introduced new guidance on the risks of doing business in Xinjiang, introduced enhanced export controls, and announced the introduction of financial penalties under the Modern Slavery Act. The Government's overseas business risk guidance makes clear to UK companies the risks of operating in Xinjiang and urges them to conduct appropriate due diligence and consider their corporate responsibilities when making business decisions.”

For context:

- As of [December 2022](#), 84.4% of Canadian Solar employees were based in China. This alone is not a concern.
- A substantial portion of the company's business operations are conducted in China. As of December 2022:
 - 86.34% of Canadian Solar's total annual solar module manufacturing capacity was located in China. The remainder is located in Southeast Asia.
 - 78.79% of Canadian Solar's total annual solar cell manufacturing capacity was located in China. The remainder is located in Southeast Asia.
 - 100% of total annual wafer and ingot manufacturing capacity was located in China.

Below is evidence of [REDACTED] links to forced labour that should be considered by the Planning Inspectorate:

- In 2021 four shipments from [REDACTED] were [seized by the US authorities](#) in a crackdown on goods linked to forced labour in Xinjiang.
- [REDACTED] operated a solar plant in the Xinjiang Production and Construction Corps (XPCC) 3rd division city of Tumxuk, Xinjiang. (Sheffield Hallam Report, p.43). [REDACTED] has been unable to explain who staffed this plant. The XPCC were [sanctioned by the US](#) in 2020 due to their contribution to the Uyghur genocide.

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- A subsidiary of GCL-Poly, GCL-New Energy Technology Co Ltd is sanctioned by the US Commerce Department for ‘participating in the practice of, accepting, or utilising forced labour in Xinjiang and contributing to human rights abuses against Uyghurs and other minority groups in Xinjiang.’
- GCL-Poly was one of Canadian Solar’s largest [suppliers from 2008 – 2019](#). Canadian Solar stopped publicly listing their suppliers from 2019. Canadian Solar also operated a [joint venture with GCL-Poly](#) in Jiangsu. They stated this joint venture was terminated in May 2022. The lack of transparency, and reduced transparency, is greatly concerning.
- As of December 2021, [REDACTED] primary suppliers were Longi Green Energy Technology Co. Ltd, Hongyuan New Material (Baotou) Co. Ltd and Tongwei Solar Co. Ltd. Open-source research shows all three suppliers are Chinese companies with exposure to either Xinjiang, the XPCC and state-sponsored “poverty alleviation” initiatives linked to allegations of detainment and forced labour of Uyghurs and other minorities.
- In June 2022 shareholders in [REDACTED] working with an ethical advocacy group (SHARE) attempted to have several board members deselected due to their failure to address forced labour in the company’s supply chains.
- In an April 2022 [email](#), CFO Huifeng Chang faulted Western human rights groups, saying they “mistakenly regard any employment of Uyghurs as forced labour, which has caused sever harm to the Uyghurs we all love.” Yet the 2021 [Sheffield Hallam Report](#) is clear that the solar industry has been actively involved in Uyghur forced labour.
- In December 2022 Canadian solar was [found guilty by the US Commerce Department of tariff dodging](#) via a factory in Thailand. This tariff dodging demonstrates intent to disguise that their product was manufactured in China to avoid US sanctions.

Inadequate Consultation and Poor Public Engagement

- On 20th October 2022 a representative of Canadian Solar called a member of my Parliamentary staff and strongly suggested that I consider discussing the potential for investments by Canadian Solar into the community should I drop my opposition to the development. I have collected statements from the four individuals who heard the call and reported the incident to the relevant authorities. It has also been reported in [the press](#).
- Many residents wrote to me stating that the consultation by Mallard Pass was inadequate. As such, I organised a public meeting on the 7th April 2022 for the community to ask questions of the developers, who agreed to attend in-person. The developers pulled out of the meeting a week before the event, claiming that they had no new information to give. I was later informed by residents that representatives of Windel Energy had told attendees at the consultation meetings that they did not attend the public meeting due to my being the moderator for the event. I was also informed that representatives of the developers that I only opposed the development for political gain. Furthermore, a resident informed me that a representative of the developers had speculated at the Ryhall public hearing that I was receiving money from the Chinese Government. I consider this wholly unacceptable, unprofessional, and libellous. A senior representative of Canadian Solar later apologised for the incident during a meeting with me in the House of Commons.

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- In the Applicants summary of issues raised during consultation in the Planning Documents every issue I raised in my consultation submission is listed as having been discussed at a meeting with me in the House of Commons on 19th October 2022. This is inaccurate, as the only issues discussed were allegations of forced labour, Windel Energy's financial record, compulsory acquisitions and the accusations made against me to residents at the public hearings. I have a copy of Canadian Solar's minutes to confirm this. This misrepresentation should be corrected for the record, and again demonstrates a lack of transparency.
- Some residents did not receive responses to their enquiries during the consultation period. This includes a resident with epilepsy, whose condition would be aggravated by the development. Their concerns were consistently ignored.

Compulsory Acquisitions

- At a meeting in the House of Commons with Canadian Solar on 19th October 2022 I asked whether the Applicant expected to issue any compulsory acquisitions (CA). I was told they hoped not to. During the consultation process the possibility of CA was never raised with me. The Applicant may have deliberately avoided raising CA to avoid scrutiny in the consultation period. I would request that the Planning Inspectorate contact each individual / organisation facing a CA to determine whether or not they were adequately consulted.

Windel Energy and Windel Energy Director's Financial Record

Information on Windel Energy and its Directors financial records are publicly available on [Companies House](#).

Gary Toomey is listed as a Director of Windel Energy. Gary Toomey has held over 70 Directorships. These financial records should be considered by the Planning Inspectorate as they throw into doubt Windell Energy's ability to both develop Mallard Pass and honour the commitments made in the application.

Listed below are just some of Gary Toomey's previous Directorships:

- REGENESYS UK LIMITED most recent accounts (dated 30 April 2010) showed that it owed creditors £606,738. Liquidation statements available on Companies House show that unsecured creditors received nothing, including £83,692 owed to HM Revenue & Customs.
- FREESONA SOLAR 1 LIMITED The Company was subject to a compulsory strike-off in February 2018. Its last published accounts on Companies House (dated 31 December 2015) show it as insolvent and owing creditors £615,962.
- GRANTHAM ROAD DEVELOPMENT LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £2,564,659.
- COLSTERWORTH DEVELOPMENT LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £1,366,101.
- COLLINGWOOD STREET SOLAR LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £1,350,000.
- GAS GENERATION OLDHAM LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £1,183,642.

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- LOUTH ROAD DEVELOPMENT LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £1,116,654.
- SMALL DROVE DEVELOPMENT LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £1,083,554.
- GAS GENERATION THURROCK LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £1,025,141.
- PHASE 2 GAS HOLDINGS LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £746,809.
- GAS GENERATION COATBRIDGE LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £339,008.
- GAS GENERATION RETFORD ROAD LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £307,295.
- BALBOUGIE ENERGY CENTRE LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £232,297.
- OT DEVELOPMENTS LIMITED. The Company's most recent accounts show it as insolvent and owing creditors £157,391.