



Rutland County Council

Rutland County Council

Catmose

Oakham

Rutland

LE15 6HP

telephone: 01572 758400

fax: 01572 758373

email: planning@rutland.gov.uk

web: www.rutland.gov.uk

Sent by Email

MallardPassSolar@planninginspectorate.gov.uk

Our Ref: 2023/0120/NSIPCO

Your Ref: EN010127 - 20036479

15 June 2023

Proposal: Development Consent for the Mallard Pass Solar Project

Location: Land either side and in the vicinity of the East Coast Main Line, near the village of Essendine.

Following the Planning Inspectorate's Rule 8 letter dated 23 May 2019, Rutland County Council (RCC) submits its Written Representation.

The County Council provided representations in relation to the proposed development in Its Relevant Representation dated 2 March 2023. This Written Representation provides an updated position. It has been prepared in accordance with the Planning Inspectorate Advice Note 8.4 and should be read in conjunction with the Local Impact Report submitted by RCC on 15 June 2023.

A copy of the Council's Local Impact Report (LIR) was Considered by RCC's Planning and Licensing Committee on 13 June 2023. Members resolved to endorse the findings of the LIR and submit a formal objection based on its findings.

In Summary, the County Council's key concerns relate to the following:

- Whilst Council Policies generally support renewable energy it is considered that due to the overall size and scale of the development the proposals will have a negative impact overall and that the benefits of renewable energy does not outweigh this harm
- Negative impact on landscape character and appearance of the area
- Negative Impact due to loss of significant area of land in agricultural production
- Concerns relating to the amount of time any new landscaping will take to develop to provide any meaningful screening of the development to protect residential amenity, particularly in light of the extensive nature of the scheme and the extent to which it engulfs some local communities.
- Negative impact on landscape and tourism
- Negative impact on the enjoyment of the existing public rights of way in the area
- Negative impact on skylarks as a result of the proposed development that would need to be mitigated against
- Negative impact on surface water drainage which has not satisfactorily been addressed
- Negative impact on archaeology in the area. The submitted assessment is not considered to be sufficient at this time
- Concerns about impact from noise and disturbance during the construction period,



especially at weekends. The Examining Authority will need to ensure these impacts are appropriately controlled if they decide to grant consent for the proposed project.

- The Local Highway Authority has identified varying degrees of impact depending on what element is being considered, but overall, consider that should the recommended Requirements be secured on the DCO, the impact is generally low to moderate. Whilst the junction improvement works may give a moderate to high impact, this is based on journey delay times, however this will be for a relatively short time period, not the whole two-year construction period. The Local Highway Authority has confirmed that this assessment is subject to all the recommended Requirements on the DCO being secured, should these not be secured the impact would increase, in some cases to high and they would then object to the proposal.

In addition to the above it is considered appropriate for the developer to provide a community benefits package in order to secure some wider benefits for the local community who will be most impacted by this national infrastructure project, as well as a community benefits offer across the whole of the Rutland County Council area, given the small geographic and population size (less than 42,000 people) of the county and the strategic size of the infrastructure project.

It is not clear at this stage if the developer would agree such a package or at what scale it might be provided. The Council would however welcome discussions with the developer on this point.

Provision of Sustainable Energy

The proposed development is for the construction of a renewable energy generation station, generating electricity from sunlight and feeding that generated capacity back into the National Grid via a connection to that network between the villages of Essendine and Ryhall.

The development carries a significant benefit in terms of its contribution towards national renewable energy targets, with in the region of 350 Megawatts of energy generated at the site per annum which is comparable to the demand created by 92,000 homes. This contribution to renewable energy generation would be considered to be a positive impact in terms of national contribution and would also be in accordance with RCC's policy SP1. There would be an embedded carbon impact in respect of the manufacture of the panels and equipment associated with the development itself and the associated construction operations in order to develop the site. However, it is accepted that this will be outweighed by the renewable energy generated throughout the lifespan of the development. Notwithstanding this general support for sustainable development it is considered that the wider impacts of the development set out below and in the Council's Local Impact Report outweigh any benefits provided by the development.

Landscape

Policy CS2 of the adopted Core Strategy requires the consideration of the impact of development in terms of whether it is appropriate in both scale and design to reflect local character and to be consistent with maintaining and enhancing the local environment and contributing to local distinctiveness.

RCC considers that the overall scale of the project to be a significant concern in terms of its impact on the character and appearance of this tranquil countryside location and on the ability of local residents to continue to enjoy the amenity provided by the countryside in this area. In this respect the project is considered to have a significant negative effect on Essendine and the neighbouring villages, and the enjoyment of the countryside surrounding these villages.

The extensive nature of the application site is such that it would not be possible to travel into or out of the village without experiencing the proposed solar farm and its effects on the character of the village and its countryside setting. A key aspect of the character of the village is its easy access to the countryside and its relationship with that resource given the lack of other community facilities generally available to residents. The development of such a large solar farm in this location will engulf the village of Essendine. Residents will no longer be able to enjoy walks around the village without been surrounded by or having views of the solar farm. Where additional planting is proposed along footpaths this will only serve to block the wider views that the public enjoy when walking or cycling in the area and leave them to look down narrow corridors of screening.

Whilst Policy CS2 does include reference to the promotion of renewable energy this is specifically with reference to policy CS20 which requires consideration of the specific impacts of the proposed developments, with support for schemes being conditional upon the balancing exercise of benefits versus harm. Whilst the balancing exercise is the responsibility of the Examining Authority it is RCC's firm opinion that the harm caused by the development significantly outweighs any benefit provided by the scheme.

Policy CS4 of the Core Strategy and policy SP7 of the Site Allocations DPD seek to restrict development in the countryside to a number of development types that are able to justify requiring a countryside location. SP7 point 'b' states that sustainable development in the countryside will be supported where it is essential for the provision of sport, recreation and visitor facilities for which the countryside is the only appropriate location.

It goes on to state however that such support will only be given provided that:

- i) the development cannot reasonably be accommodated within the Planned Limits of Development of towns and villages;

- ii) the amount of new build or alteration is kept to a minimum and the local planning authority is satisfied that existing buildings are not available or suitable for the purpose;
- iii) the development itself, or cumulatively with other development, would not adversely affect any nature conservation sites or be detrimental to the character and appearance of the landscape, visual amenity and the setting of towns and villages;
- iv) the development would not adversely affect the character of, or reduce the intervening open land between settlements so that their individual identity or distinctiveness is undermined; and
- v) the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.

In considering the development in relation to points iii and iv above, the Local Planning Authority considers that the scale of the proposal and its location, in particular in relation to the village of Essendine, is such that it will have a detrimental effect on the character and appearance of the landscape and the setting of surrounding villages. In reference to Essendine it is considered that the extensive spread of the proposal will result in this village feeling like it is located within the solar farm, rather than the solar farm being located near to the village. This impact is considered to be negative in relation to the visual appearance and character of the area and the setting of the village.

The application site falls within the D(ii) – Clay Woodlands area of Rutland as detailed in the 2003 Landscape Character Assessment, and this area is described within that assessment as “gently undulating, predominantly arable countryside” with its key characteristic being large scale mixed broadleaved and coniferous woodlands (generally located in the north and west of this sub-area away from the application site). Woodlands of this type are generally less common and of a smaller size within the vicinity of the application site and the Gwash Valley, where the assessment acknowledges there is a more open feel to the landscape and the railway line and its associated infrastructure are more visible. The assessment identifies that the key landscape objective for this area is to *“conserve and enhance the large-scale, gently undulating, agricultural landscapes with substantial woodlands and avenues, to enhance the sustainable management of existing woodlands and to create new woodlands in the less wooded parts around the Gwash Valley, especially where they would create skyline features. To improve the edges of the settlements and integrate large structures and modern buildings into the landscape where necessary. To protect historic features such as earthworks and restore characteristic drystone walls.”*

The scale of the proposal is a matter that ensures that the impacts of the scheme will be felt across a significant part of the County. Although it is unlikely that the entirety of the proposed development will be visible from any single point at one time, the extensive nature of the site will magnify the significance of the negative landscape impacts due to the area over which they will be experienced.

The key landscape objective for the area within which the site is located notes the importance of improving the edges of settlements and integrating large structures and modern buildings into the landscape. The proposal under consideration has been amended so as to try and reduce its impact on the surrounding settlements, however its location and spread are such that even with these elements of the scheme removed, there remains a significant impact on the landscape from the proposed panel fields when travelling in and through the area, in terms of impact on Public Rights of Way users, road users, cyclists, residents and passengers on the railway line.

Currently the countryside surrounding the village provides open views across a slightly undulating landscape as evidenced in the photos below taken from Stamford Road in Essendine looking back across the application site to the east.



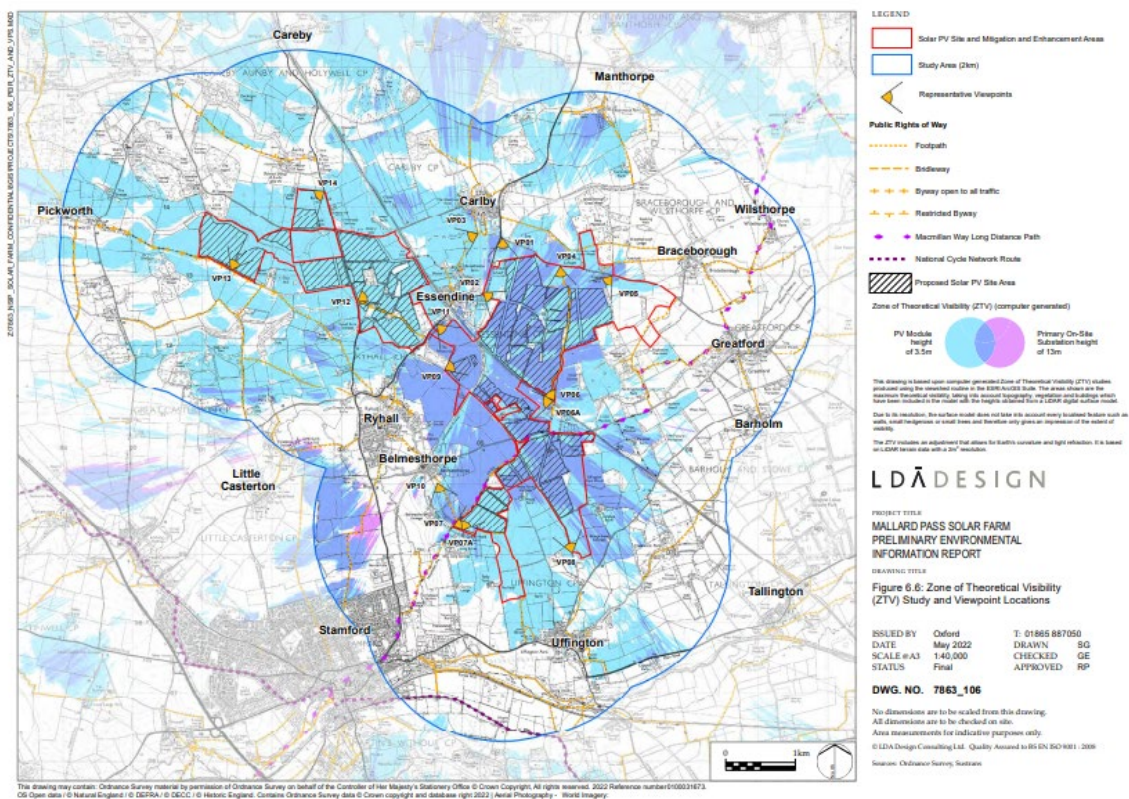


Whilst local plan policies generally provide support for renewable energy projects this is caveated subject to a review of their impacts on the proposed location. It is the Local Planning Authority's opinion that given the particular characteristics and quality of the countryside in this location and the nature of the landscape impacts arising from the overall significant scale of the development proposals, it is considered that the development would have a significantly negative impact on the landscape character of the area. It is also notable that in respect of the stated landscape objective of creating new woodlands in the less wooded parts of the landscape character area, the proposal only includes two areas of proposed new woodland. This is despite a considerable amount of land being set aside around the panel locations for wildflower and tussock grassland.

Policy CS23 relates to the provision and use of green infrastructure within the County. It seeks to safeguard the existing green infrastructure network and improve and enhance that provision. The proposal will impact on the existing infrastructure and it is proposed to introduce a number of permissive paths. Due to the proximity to the proposals and the overall scale of the development it is considered that the development will have a negative impact on the very reason why users would seek to use the green infrastructure,

namely for experiencing the countryside and the enjoyment of the quality of the landscape in this location.

The image below shows the extent of the zone of theoretical visibility (ZTV) for the development around the villages of Pickworth, Careby, Manthorpe, Carlby, Essendine, Ryhall, Belmesthorpe and Uffington, with lesser visual impacts likely in Braceborough, Wilsthorpe, Greatford, Barholm, Stamford and Little Casterton. This is an image included in the developer’s planning submission.



Whilst all of the solar farm will not be visible from a single point the extent of areas potentially impacted on the ZTV shows that it will not be possible to travel around the area without encountering frequent and potentially extensive views of the development. Anyone heading to or from Essendine, or out for a stroll, will inevitably see the solar farm on their journey, potentially from multiple locations and for a distance up to 2.5 miles.

The scale of the development is such that local residents are concerned about the impact on their amenity and potentially on property prices and saleability in the area. Whilst impact on property prices is not a material planning consideration it is a real life impact that will be borne by local residents as a consequence of the scale and nature of the development. Whilst property prices are not a material planning consideration, the stress

caused to residents unable to move during a period of potentially 5+ years during development and construction should at least be acknowledged by the determining authority. By the Developer's own assessment the development will have a Major – Moderate adverse impact which will be significant.

It is considered that the impact of the proposed development would be to discourage the use of the Public Rights of Way network in the vicinity of the application site and diminish the enjoyment of the existing green infrastructure network.

Whilst the Local Planning Authority acknowledges that additional proposed permissive paths are to be provided as part of the scheme their proposed location in amongst and adjacent to the panel installations is such that it is considered unlikely that these additional paths would be well used for the same reasons it is expected that usage of the existing paths will reduce. As permissive paths the Local Planning Authority also recognises these can be withdrawn at any time by the land owner. Whilst they would provide an area to walk the enjoyment of those walks would be significantly reduced due to the impact on the visual amenity of the area whether by views of the solar panels themselves or by the screening of wider landscape enjoyment due to the need for additional screening along the routes. These permissive paths are the main local benefit that has been offered by the developer to the local community.

Impact on Residential Amenity

Policy CS19 of the Core Strategy seeks to ensure that all new development contributes positively to local distinctiveness and sense of place; is appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features; and does not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

Policy SP15 of the Site Allocations DPD seeks to protect the amenity of the wider environment, neighbouring uses and occupiers of the proposed development in terms of overlooking, loss of privacy, loss of light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance.

Whilst it is acknowledge that the proposed development will make a contribution of national significance in respect of power generation. This proposal is not proposed to be constructed in a remote, isolated location. Whilst it is in the countryside, it is located in close proximity to a number of residential villages in the eastern part of Rutland and the southern part of South Kesteven. It is therefore incumbent on any balancing exercise undertaken by the Examining Authority to consider the impacts on the amenity of those residents and whether or not the development would result in harmful impacts.

The impacts on residential amenity can also be separated into two distinct categories; the permanent effects from the development once completed, and the 'temporary' effects from the construction phase, including construction noise, disruption and the impact of the required vehicular movements to and from the site to deliver components and construction materials, as well as construction staff to undertake the work.

With regard to the first of these impacts, given the likely operating parameters of the development proposed, the main impact on residential amenity will be related to views of the proposed solar panels from residential dwellings. It is noted from the layout plans submitted as part of the application that in proposing the precise location of panels in relation to residential dwellings, buffer zones have been incorporated into the scheme to ensure that panels are not located immediately adjacent to residential dwellings. In this regard therefore, the Local Planning Authority considers the impact on residential amenity to be negative as it will take a significant amount of time before any of the landscaping will become mature enough to provide any meaningful screening. If the development is allowed it will however be essential to ensure that any proposed landscaping/screening is secured by condition and maintained throughout the life of the development.

Health and Wellbeing

Noise and disruption

Impacts in respect of noise are expected to be classed within one of three categories.

- Construction noise
- Operational noise of the panels and immediately adjoining equipment
- Operational noise associated with the substation and transmission network.

The substation and transmission network is likely to emit some noise, generally a low-level hum or buzz. The supporting ES indicates that this will rarely be audible except in immediate proximity of the equipment itself. The Council has some concerns in relation to this point and would want the examining authority to be satisfied that this statement is correct in order to ensure that there was no adverse impact from this element of the proposed development.

The matter of construction noise is a rather more complex matter than other noise impacts associated with the development. The likely construction period of a project on this scale is likely to be significant and measured in terms of a number of years rather than days or months. RCC consider that there will be a negative impact arising from the development in terms of construction noise, and the Examining Authority will need to consider if and by what means this impact is controlled through the development process.

Rutland County Council would in particular question the appropriateness of the proposed construction times. Paragraph 5.13.8 of the ES [APP-035] sets out the core construction hours which would run from 07:00 to 19:00 Monday to Saturday, and no working on

Sundays or Bank Holidays. The Local Planning Authority would suggest that given the scale of the project and to provide local residence with some respite from the construction noise that there should be no working on Saturdays as well as Sundays.

Odour

Similarly to the issue of noise arising from the development and other emissions, solar farm developments are not generally associated with odour emission during operation, however the construction phase is like to be an intensive part of any development process and there is the potential for this to result in negative impacts on the surroundings of the site.

It will be a matter for the Examining Authority to consider what controls to impose on the construction phase to ensure that these matters are kept within acceptable tolerances. Subject to the satisfactory resolution of this point, it is considered that the likely impacts from matters relating to odour from the proposed development could be suitably mitigated.

Air Quality

Members of the Planning Committee were particularly concerned about air quality during the proposed construction phases of the development. Specifically potential for particulates from diesel powered lorries, especially in relation to traffic routing past three schools in Casterton. RCC would expect the Examining Authority to satisfy themselves fully that the development will not have any adverse impact on the air quality in the area, especially close to sensitive receptors such as the schools along the proposed site access routes and that there is no potential increase in harm from PM 10 and PM2.5 particles.

Loss of Agricultural Land

The development proposed involves the construction of the solar farm on an extremely large parcel of land and would constitute one of the largest solar farms developed in the country at this stage. This would involve the loss of a substantial amount of land from contributing to agricultural production in the region. It is also acknowledged that the applicant's submission includes the consideration of a number of alternative sites that could have accommodated comparable generation capacity - these have been ruled out for a number of reasons including the land not being available for the development proposed, and the distance of the land from any connection point to the National Grid. The Examining Authority must come to their own conclusions regarding the rigour of the site selection process, however RCC consider that the loss of such a significant amount of agricultural land would be a negative impact.

The application seeks the permanent permission for the construction of a solar farm on the land, and therefore the impact considered in respect of the loss of agricultural land is not to be made on the basis that the land would be returned into agricultural production at a later date, but instead represents the permanent loss of that land from active production. This impact would be considered to be negative in nature, and the Examining Authority will be required not only to balance the impact of that loss in isolation, but also the cumulative impact with other proposed schemes involving large amounts of agricultural land loss in the wider region, especially across neighbouring Lincolnshire.

The documents accompanying the statement in this regard focus on the difference between the loss of additional production from the land due to its agricultural land quality over and above that which would be produced if the land were of lower quality not falling within the Best and Most Versatile grades. The statement does not appear to assess the overall impact of the loss of agricultural production from the site as a whole. This is a particular concern and needs to be fully assessed especially in relation to the matter of food security.

Vehicular Access and Traffic

The Local Highways Authority has indicated that the operational phase of the development will result in a negligible impact in respect of traffic generation, both in terms of the number of trips generated and the size of vehicles involved. It also considers that the decommissioning phase requirements and impacts should be addressed at a later stage closer to the time of decommissioning itself due to the potential for changes to the highway environment over the operational lifetime of the development.

The primary impact of this development therefore will be during construction and the following points are considered relevant to the balancing exercise to be undertaken by the Examining Authority.

Construction Routes

The proposed routing strategy will lessen the impact of construction vehicles on roads in the area when compared to the use of a single route, however there will still be impacts arising in this regard.

Junction improvement work will be necessary to facilitate access during the construction phase and mitigate the impact of the increased loads on the access route. The Local Highways Authority indicates however that the improvement works can be undertaken safely through the use of temporary signals that will result in some delays to road users over the periods when those works are being undertaken.

Concern is highlighted by the Local Highways Authority over the number and type of vehicles using the Ryhall Road, Great Casterton route during school start and finish times. It is noted that the Outline Construction Traffic Management Plan (oCTMP) restricts the use of this road during those times and this is considered to be an essential requirement of the oCTMP without which there would be a significant negative impact on the safety of school children travelling to and from the school sites along that road. It is noted that Ryhall Road is a route designated for abnormal loads and does not carry a weight restriction and therefore it is not considered that it would be appropriate to prohibit the use of this road completely for access to the site. The impact is therefore assessed as neutral provided the oCTMP is enshrined within any decision made in respect of the scheme.

Traffic Generation

As noted previously the operational phase of the development is considered to have no discernible impact in respect of trip generation. The Local Highways Authority has undertaken pre-application discussions with the developer in respect of the construction phase agreeing assessment methodologies and details to inform the application submission. The oCTMP restricts delivery vehicles to and from the primary site outside peak hours, and the Local Highways Authority are satisfied that subject to those restrictions and the implementation of the Travel Plan and Transport Assessment in respect of the construction, the impact on the highway would be neutral.

Accesses to the site

In general, the Local Highway Authority considers the impacts relating to the access proposals into specific fields to be low, with one exception, which is the junction of The Drift with the B1176. The LHA considers that in its current form this access would result in a high negative impact due to concerns relating to highway safety. It is therefore recommended that the Examining Authority consider requiring this access to be relocated to a more acceptable point and form.

Parking and Turning

Similarly to the previously considered impacts in respect of the highways issues surrounding the proposal, the Local Highways Authority indicates that subject to a number of details not currently provided being incorporated as a pre-commencement requirement into any Development Consent Order for the site, the matter of parking and turning for vehicles associated with the project will not result in negative impacts.

Verge damage

The Local Highways Authority indicates that unless pre-commencement and post-completion surveys of the local highways are secured alongside remedial work to be

undertaken by the developer as part of any DCO, the impact of HGVs associated with the development damaging these features could be negative and significant. The Examining Authority must therefore satisfy itself that if a DCO is granted it satisfactorily addresses this point in a manner that ensures no long-term negative effect. This is equally important in any decommissioning scheme to be provided.

Detritus on the highway

The Local Highways Authority considers that the proposed wheel wash systems are not satisfactory, and have the potential to result in a significant negative impact through the deposition of mud and detritus on the highway. It proposes therefore that the proposals should be required to be amended and full details specified to ensure that the risk is removed/lessened to a point where the impact will be low.

In summary, there are varying degrees of impact depending on what element is being considered, but overall, should the recommended Requirements, as shown above, be secured on the DCO, the impact is generally low to moderate. Whilst the junction improvement works may give a moderate to high impact, this is based on journey delay times, however this will be for a relatively short time period, not the whole two-year construction period. Where impacts are shown as negligible, low or moderate, but based on recommended Requirements on the DCO, should these not be secured the impact would increase, in some cases to high. RCC would therefore seek assurance from the examining authority that all of the indicated measures are secured as part of the DCO.

In addition to the above points raised by the Local Highway Authority Members of the Planning Committee also raised questions about what would happen if construction traffic was delayed due to an accident on the A1 and where would vehicles wait if they could not access the site due to the timing restrictions avoiding the peak times on the access routes. RCC would therefore seek confirmation of how this would be managed and where HGV's in particular could wait if they were to potentially arrive into the county at times when they could not use the access routes due to the time restrictions placed on any DCO.

Surface Water and Flooding

The Lead Local Flood Authority has made an assessment of the proposals and the information submitted alongside it in relation to the impact of the scheme on surface water drainage and flows around the application site. The full text of their response is included as Appendix 1 of the Local Impact Report.

The LLFA considers that the application does not adequately address the matter of soil compaction, or the insertion of a concrete base or the piling required to secure the installation of the panels and the combined impact this would have on the surface water drainage within the site. It is therefore considered that the proposals would have a

negative impact on surface water drainage across the vicinity of the application site, and that the development could pose a flooding risk.

Furthermore, the information submitted alongside the application does not make provision for flood prevention measures throughout the construction period when works to implement any consent would also affect surface water drainage in ways that differ from those predicted once the development is complete. This can include the stripping back of land resulting in less infiltration taking place and has been experienced on other sites within the County in recent weeks.

Finally, the proposed development will result in the breaking of the existing land drains across the site, which if not reinstated as part of the project would result in potential for flood risk.

RCC would seek further clarity on these points and ensure that any mitigation is secured as part of the DCO.

Grid connection

The proposed grid connection is the matter that the Local Planning Authority considers is the main reason for the choice of site, as the connection to the National Grid is already in existence and is in close proximity to the application site.

The full detail of this matter remains unresolved however despite the relatively advanced stage of the application process as the submission still presents three potential options for the transmission of power from the northern part of the site over the railway line to the substation in the south, where the generated electricity will be stepped up for transmission into the wider network and connected to the existing Ryhall 400kV substation under Uffington Lane. The lack of clarity at this stage of the process in this regard is a concern.

RCC consider it essential that clarity is sought regarding the method by which the electricity generated to the north of the railway line is transmitted to the new substation and the grid connection point, prior to any consent been granted. The options for this connection will be limited and the applicant should be required to demonstrate that a deliverable solution has been found.

Biodiversity

The application indicates that there will be limited biodiversity impacts associated with the development due to the nature of the existing land being used to provide the panels, with the main identified effects being the loss of a section of hedgerow to the Macmillan Way

and the loss of grassland within existing verges. It is also noted that the proposed scheme includes a number of areas of planting that would also constitute mitigation relevant to biodiversity considerations, and the provision of management plans to ensure that biodiversity features are appropriately maintained throughout the lifetime of the development. The Local Planning Authority does have some concern however that the planting proposed is limited in quality, with much of it being limited to 'proposed tussock grassland with wildflowers' with only one small area of woodland copse and one area of wet woodland planting proposed.

Given the extensive nature of the site, the stated landscape objectives for the area and the scale of the impact of the proposal on the area, the Local Planning Authority considers that planting proposals for the site are not proportionate to the impact of the development, and would therefore have expected a more significant landscaping scheme to have been provided.

The scale of the application site is such that it encompasses a wide range of habitats and biodiversity features, including nine Local Wildlife Sites and one Site of Special Scientific Interest within its scope. These sites are all excluded from the specific main development areas of the proposal, although some ancillary works such as cable routes and highway works could affect them. The extent to which these features are affected by those works and the weight to be attributed to those impacts will be a matter for the Examining Authority to balance, however any such impacts would be classified as negative.

The application site is located approximately 10km from Rutland Water, a designated RAMSAR site, Special Protection Area and a Nature Conservation review site. The reservoir is also a wetland site of International importance. The significance of Rutland Water in this regard is related to its suitability for wildfowl and associated species, and the application site is not therefore considered to be functionally linked to Rutland Water as it is not suitable for such species.

The fields are generally currently in use for agricultural purposes however the proposals have the potential to impact adversely upon ground nesting bird species and also brown hares. Currently available evidence would indicate that land uses of this nature will adversely impact skylarks in particular, which are the predominant species at this site. It is therefore concluded that in line with advice provided by its advisors on ecological matters, the Local Planning Authority considers that the development would have an adverse impact on skylarks and the Examining Authority will need to be satisfied that any mitigation proposals satisfactorily address this point.

If the development is allowed it is essential that the biodiversity enhancements are fully secured and that this also includes on-going maintenance, monitoring and management of them throughout the life of the development.

Decommissioning

The application is proposed on a permanent basis. There will inevitably be significant improvements in the efficiency of solar panels over the lifetime of this development and this could result in the possible reduction in the overall site area covered by panels. If the DCO is allowed it should ensure that these future technological advances are secured and built into the ongoing operation of the scheme and where panels are no longer required that the land is returned back to agricultural use or formally restored to provide wider biodiversity enhancements.

The examining authority will also need to consider the potential environmental impacts of any change to the panels used on the site throughout the life of the development as these could potentially have a greater impact than those currently been assessed as part of the DCO. RCC are unsure how such impacts could be assessed without the need for future applications and therefore questions the appropriateness of a permanent consent.

If at any point in the future the site is no longer required its full reinstatement should be required. RCC are concerned about how this would be financially provided for. There is further concern that the site is secured by leaseholds of a fixed term, but the planning consent sought is permanent. The applicant should be required to explain the arrangements in place in relation to operation of the plant at the end of the current lease agreements and whether decommissioning is allowed for in those agreements.

Experimental decommissioning projects overseas are starting to see solar panels 'ground up' as part of the recycling process and this is taking place on site. Any consent should provide for all recycling activity to take place away from the operational site in a suitable facility.

Rural Economy and Tourism

The proposal's benefits in terms of its impact on the rural economy are likely to be complex in nature and will vary over time dependant on what stage of the project is underway at the time.

There will be a direct benefit to landowners in relation to the land on which the proposed development is undertaken, however this is a private benefit and will not directly benefit the local economy except through support of those landowners and their increased spending power. There is likely to be some benefit to the local economy through spending associated with the construction phase, there may be scope for local contractors to be employed in elements of the project and there may be some spending in the local area undertaken by construction workers engaged in the project. However this is difficult to predict and is a transitional benefit that is likely to be reduced to zero once construction work is complete.

The vast majority of the value accruing from this development will be to the owners of the operational plant and to an extent the developers. Neither of these entities has any connection with the local economy and it is therefore the view of RCC that local economic benefits from the schemes will be small, particularly in comparison to the considerable harm caused by the scheme.

The Local Planning Authority consider it appropriate for the developer to provide a community benefits package in order to secure some wider benefits for the local community who will be most impacted by this national infrastructure project.

It is important to recognise that a considerable factor in the appeal of the County to visitors is the aesthetic quality of its countryside and the ease of access to that resource. Essendine itself contains businesses that support the tourism industry within the area, such as a local vineyard, and key aspects of its appeal are the location in respect of the Mallard's speed record and the quality of the countryside and views over it encouraging tours of the vineyards themselves. RCC consider that the proposal will inevitably have a negative impact in respect of the tourism industry both in relation to the specific businesses making use of that resource and the more general aspect of experiencing the local countryside for its own sake.

The scheme does propose a number (4) of new permissive paths to be provided through the countryside as part of the development scheme, however the appeal of such paths is likely to be significantly diminished by their location in and amongst the proposed solar farm itself. Therefore, it is not considered to be a direct comparable replacement of the existing footpaths through the countryside within the area. It is therefore the Local Planning Authority's opinion that the overall impact of the provision of paths across the site will be a negative one. It is considered that the 4 additional permissive paths cannot be considered as a significant positive benefit of the scheme when weighed against the wider impacts. The permissive paths are not proposed on a permanent basis, yet the proposal is. If the development is allowed these should be secured on a permanent basis so that they form part of the formal network of Public Rights of Way in the area.

The proposal includes provision for new landscaping to be provided across the site. Of particular relevance to the tourism impact of the scheme is the indication that existing and proposed footpaths will generally be flanked by landscaping (either hedgerow or tree belt) to mitigate the impact of views of the panels and ancillary structures from those features. Whilst such planting may have the desired effect in terms of screening the panels themselves, the resulting associated impact is that in many cases users of the footpaths will then feel like they are walking a corridor in the countryside, with little to benefit in terms of views or appreciation of the wider area as a result. Consequently, even considering the proposed screening of footpaths around the site, the Local Planning Authority considers the impact of the scheme on the likely use of those footpaths to be negative.

There is also a significant downplaying of the impacts of construction on recreational activities. For example, the PEIR identifies that the local road network has limited walking and cycling infrastructure. It also reports that whilst there may be some associated recreational used by pedestrians and cyclists, it is likely that this would be on an ad-hoc basis and outside of the typical proposed construction site working hours. Elsewhere the documentation goes on to note that construction hours are proposed to be 0700 – 1900 six days per week with workers arriving and leaving between 0600-0700 and 1900-2000 hrs. Between the arrival of deliveries and the length of the working day there is little opportunity for recreational walking and cycling not to be impacted during the 2+-year construction period. Furthermore the extended working week will potentially result in tired drivers entering and leaving the site, with the additional risk of accidents this will bring.

The extended working days are also likely to make horse riding in the area during the construction period very problematic, if not impossible.

Walking, cycling and horse riding are all activities in the area with significant participation and impact users from a much wider area than just the immediate environs of the villages at the centre of this development.

Archaeology

The submission has been assessed by the Local Planning Authority's Archaeological advisors with a view to assessing the work undertaken to this point and whether or not this is sufficient to allow the full impacts of the proposal on archaeological assets to be understood. The full text of this response is included at Appendix 3 in the Local Impact Report.

The advice provided is that the assessment undertaken by the developer is inadequate and incomplete and does not provide enough information to fully understand the impacts of the proposed development, which results in an inability to adequately inform mitigation proposals.

The evaluation tools used so far are insufficient to inform a detailed mitigation plan. The principal construction compound has not been evaluated and the lack of trial trenching means it is unclear whether the proposed approach is achievable. Even utilising a 'no-dig' method could result in damage to archaeological features. The investigative work undertaken is also insufficient to identify the location or extent of key features.

The trial trenching undertaken at this stage fails to meet with the recommended 2-5% (depending on geophysical survey coverage) sample size of the area, with a number of locations not surveyed at all. The reporting of the fieldwork is also noted as being inadequate, with only a partial account of the work provided and a number of trenches indicated as still being under investigation. The report is noted as falling below professional standards for the reporting of archaeological investigations.

In conclusion the report fails to meet with the requirements of relevant policies both local and national, and the impact of the proposal in this matter is considered to be negative. This issue will need to be addressed prior to any formal decision been made on the acceptability of the proposal.

Mallard Pass Community Impact and Mitigation:

Rutland is a small, historically successful rural county which offers most of our 42,000 residents a high quality of life. Our beautiful environment, rolling green fields, rich biodiversity and characterful towns are hallmarks of life here. Our 2,000 businesses tend to be small but resilient, and our visitor economy is in the top three of our most important sectors.

However, our economy shrunk by 8.2% from 2010-19, making Rutland one of the UK's worst performing economies over that time. Covid-19 has caused additional stresses for local employers, residents, high streets and towns. Our visitor economy has particularly been impacted detrimentally. We are working to reverse these trends and have recently been successful with £23Million investment from the government's Levelling Up Fund to address some of those inequalities, supporting the visitor economy and scientific and high tech sectors.

The Mallard Pass Solar Farm would have a further detrimental effect on our economy, significantly change the landscape in this part of our County and negatively impact the health and wellbeing of our communities, especially those closest to the proposed infrastructure.

It will create significant stress to residents of Essendine and adversely impact on their mental health, who will be completely surrounded by the solar farm, locking them into their village and creating barriers to normal life opportunities around relocating, changing homes and workplaces. As well as removing the beauty that currently surrounds them and the positive impact of greenspace on health and well being, everyday life. Particularly recognised during the Covid-19 lock down periods.

One of our key visitor offers to the east of our county, is the Woolfox holiday and lifestyle resort close to the site and directly on the construction traffic routes. Similarly one of our Vineyards and also an important visitor attraction is in fields neighbouring the potential solar farm. It must be recognised that should the Solar Farm be approved it is likely the housing market here will completely stall for at least 6 to 10 years. The stress and impact on lives, on health and well being of our communities and our economy must be recognised.

Should the Planning Inspectorate decide the national benefits out weight the harm to our County, it will be essential we have a full robust package of community interventions to

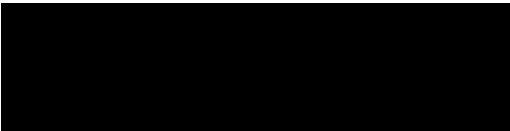
offset the damage. To this end we would expect a substantial offer from the developer to cover an annual programme of interventions for the lifetime of the solar farm, and its decommissioning, around the following themes:

1. Renewable energy and energy efficiency;
2. Biodiversity net gain;
3. Reducing waste and increasing recycling;
4. Rural business and agriculture/farming support;
5. Community health and wellbeing support;
6. Employment and skills development in renewables and supply chains;
7. Active travel and public transport support;
8. Highways mitigations and improvements;
9. Visitor Economy;
10. Education and young people.

The Council would also expect the applicant to fund the provision of a community liaison post through out the life of the development in order to help address any concerns from residents especially during the construction and any potential decommissioning phases of development.

The County Council will continue to work proactively with the applicant and the Planning Inspectorate and welcome the opportunity to comment on matters of detail throughout the Examination. Should you require any additional information or clarification, please let me know.

Yours sincerely



Justin Johnson
Development Manager - Planning