

Date: 15 June 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 introduces Mallard Pass Solar Farm Limited's ('the Applicant's') submissions for Deadline 2 of the Examination.

Submission Documents

The following documents are submitted alongside this letter:

- Guide to the Application (Clean and Tracked)
- Responses to ExA's First Written Questions and a separate document containing Appendices to those responses
- Draft Itinerary for ExA Site Inspection
- Statement of Commonality (Clean and Tracked). This document explains the approach taken by the Applicant to progressing SoCGs with Statutory Undertakers in light of the progress made with them.
- Statements of Common Ground
 - o Environment Agency (Revision 2)
 - o Lincolnshire Wildlife Trust
 - o Anglian Water
 - o Historic England
 - o Natural England
 - o Lincolnshire County Council
- Schedule of Negotiations (Clean and Tracked)
- Statutory Undertakers Schedule
- Environmental Statement:
 - o Chapter 5: Project Description (Clean and Tracked)
 - o Chapter 17: Summary of Effects and Mitigations (Clean and Tracked)
- Environmental Statement Appendices:
 - o 5.1 Parameters (Clean and Tracked)
 - o 10.5 Noise and Vibration – Noise Modelling (Clean and Tracked)
- Environmental Statement Figure 6.4 Local Landscape Character Areas
- Outline Employment, Skills and Supply Chain Plan (OESSCP) (Clean and Tracked)
- Outline Construction Environmental Management Plan (oCEMP) (Clean and Tracked)



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- Appendix E of the Outline Construction Traffic Management Plan (oCTMP)
- Outline Landscape and Ecology Management Plan (oLEMP) including updated GI Strategy Plan (Clean and Tracked)
- Draft Development Consent Order (dDCO) (Clean and Tracked – Revision 2) and Schedule of Changes to the DCO
- Works Plans (Revision 1)
- Design and Access Statement – please note that, due to the way that the document is produced and compiled, the changes that have been made to this document are explained with a list of changes at the back of this document, rather than the document being in clean and track changed form.
- Planning Statement Addendum which covers in summary terms the impacts of the revised draft National Policy Statements to the conclusions of the application Planning Statement in relation to key topics.
- Appendix 3 of the Planning Statement (clean and tracked). This incorporates updates to reflect the new revised draft National Policy Statements and in response to the ExA’s FWQ 7.0.12. Further to the Rule 8 Letter, at subsequent deadlines the Applicant will split out the NPS tracking into a separate tracker document, as requested by the ExA.

Responses to Mallard Pass Action Group Deadline 1 Submission

The Applicant has reviewed the Deadline 1 submissions of Interested Parties and considers that it responded to the points raised in its Procedural Deadline A and Deadline 1 submissions. However, it does wish to respond to MPAG’s Deadline 1 submission of Comments on Relevant Representations and has done so in the table below –

| Consultee Comment / Response | MPAG Comment | Applicant Response |
|--|--|---|
| RR-0855 - North Kesteven District Council (NKDC) | <p>Concerned about the cumulative impact on BMV land on future food security</p> <p>We don’t believe the cumulative impacts regionally and nationally have been properly taken into account by the Applicant</p> | <p>Please refer to the Applicant’s response to NKDC’s Relevant Representation in Appendix 3 of Applicants Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> <p>Matters relating to land use such as whether the land is farmed for cereals or farmed for energy crops or biodiversity is a matter for the landowners and is an economic rather than an environmental consideration.</p> <p>This is reflected in the Scoping Opinion [APP-050] <i>“The Inspectorate does not consider that impacts on the economy or to carbon emissions resulting from a proposed change from arable to low intensity farming and/or the transportation/import of food and</i></p> |



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| | | <p><i>crops are likely to result in significant effects. On this basis, consideration of such effects in the EIA is not considered necessary."</i></p> <p>The cumulative effects concerning food production with other schemes have not therefore been considered, as set out in the ES Chapter 12 at section 12.8 [APP-042].</p> <p>Furthermore, the effect on land is reversible, with only small areas affected by fixed infrastructure. Therefore, other potential developments, as identified in the ES, are not considered cumulatively, as set out in the ES Chapter 12 at 12.8 [APP-042].</p> <p>Chapter 12 also sets out the context in which the Proposed Development's impacts can be understood in terms of the regional and national availability of BMV land. The Applicant will be providing more context to these conclusions at Deadline 3.</p> |
| RR-0634 - Lincolnshire County Council (LCC) | Landscape - MPAG will be providing a detailed assessment from our landscape and visual specialist, identifying particular concerns with respect to the Applicant's methodology and subsequent conclusions | Noted. The Applicant will respond in full to any comments raised by MPAG's landscape and visual specialists once these are made available. |
| [REDACTED] | <p>Heritage. LCC are right to flag the limited evaluation work submitted with the application, highlighting how the conclusions were 'uninformed' and 'cannot be fit for purpose.'</p> <p>The applicant has given no explanation why the full trial trenching evaluation was conducted so late, and given the 400+ pages of data recently posted on the portal, how there can be no changes to the findings and conclusions.</p> <p>The late submission of document PDA-014, has provided no time for local authorities to make a proper</p> | <p>Please refer to the Applicant's response to LCC's Relevant Representation in Appendix 1 of Applicants Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> <p>A consolidated archaeological evaluation report [PDA-014] has been submitted and accepted by the ExA Procedural Deadline A Submission.</p> <p>The Applicant is liaising with LCC to develop the next stage of the Written Scheme of Investigations to guide post-consent activities, as is recorded in the Statement of Common Ground which is being submitted as part of Deadline 2.</p> |



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| | assessment before submitting their Local Impact Reports, the same can be said for any other Interested Parties wanting to give feedback. | <p>The Applicant is of the opinion that sufficient assessment (evaluation) has been undertaken to design suitable mitigation and thus inform the decision in accordance with industry good practice and aligned with policy. Specifically, EN-3 notes (draft 2023 in relation to Solar Photovoltaic Generation projects, at paragraph 3.10.100; 3.10.105; 3.10.106) that below-ground impacts are “generally limited”; that “in some instances, field studies may include intrusive investigative work” and that this should be “proportionate”. This matter is presented within Chapter 8: Cultural Heritage [APP-038] paragraphs 8.4.2 - 8.4.6 (re impacts) and section 8.3 re mitigation.</p> <p>The Applicant further understands that LCC’s concern is focused on the extent of the evaluation undertaken, not the evaluation methods undertaken.</p> |
| RR-1078 South Kesteven District Council (SKDC) | MPAG would like to draw specific attention to SKDC’s Policy RE1 (Renewable Energy Generation) which outlines the criteria required to enable such a development to take place. It is clear that the Applicant does not meet the majority of their criteria, further explanation will be given in MPAG’s Written Representation | <p>The Applicant has carried out a planning assessment in response to Policy RE1 within the Renewable Energy Appendix 3, as part of the DCO application, which can be found in Table 7 – South Kesteven District Council Local Planning Policy - Table of Compliance, Appendix 3, within the Planning Statement [APP-203]. The Applicant considers that the Application is in compliance with this policy.</p> <p>The Applicant will respond in full to any comments raised by MPAG in their Written Representation once this is made available.</p> |
| | MPAG concur with SKDC’s concerns ‘in relation to the evidence and technical reviews’ and ‘the importance of ensuring they are sufficiently robust’. Irrespective of the fact the site is a huge 852 Ha, this does not negate the requirement to carry out assessments at the right density and level of depth. | <p>The Applicant also notes that SKDCs response stated that ‘An initial review of the submitted application would appear to show that some, but not all of the points raised have been addressed. The Council may wish to comment further on these points during the examination stage.’</p> <p>The Applicant will respond in full to any comments raised by SKDC through their Local Impact Report and Written Representations once these are made available.</p> |



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| | | <p>The Applicant is also preparing a Statement of Common Ground (SoCG) with SKDC with the intention of highlighting and addressing any outstanding areas of concern and responding to LIRs.</p> |
| | <p>MPAG also support SKDC's comment about looking at cumulative developments in the pipeline, albeit we would stress that given this is a national infrastructure project, the considerations should be national as well as local and regional.</p> | <p>The long list of cumulative Developments are presented in the Environmental Statement Volume 2 Appendix 2.4 [APP-052]. The schedule of cumulative developments that have informed the DCO application was included in the PIER stage consultation for LPA for comment and has been monitored and updated through the pre-application process.</p> |
| <p>RR-1016 - Rutland County Council (RCC)</p> | <p>RCC's Core Strategy seems to be in conflict with the proposed development, as does Policy CS2 (Spatial Strategy).</p> | <p>The Applicant has carried out a planning policy assessment in response Local Planning policy which can be found within the Planning Statement [APP-203]. Policy CS2 has been referred to within paragraph 7.2.16 and the applicant's responses to this local policy within paragraph 7.2.18. Following this, it is considered that the Application is in compliance with this policy.</p> |
| <p>[REDACTED]</p> | <p>RCC rightly highlights in Policy CS4 (The Location of the Development) their concerns about the appropriateness of the proposed development in this location given its countryside designation. Particular attention needs to be drawn to the visual impacts given the overall scale of the development and the amount of agricultural land take.</p> | <p>The Order Limits are located within the area designated as countryside as defined in Policy CS4.</p> <p>The Applicant has carried out a planning policy assessment in response to Policy CS4 – The location of the development, as part of the DCO application, which can be found in Table 8 – Rutland County Council Local Planning Policy - Table of Compliance, Appendix 3, within the Planning Statement [APP-203].</p> <p>The Applicant notes that Rutland County Council commissioned a landscape sensitivity and capacity assessment in relation to wind turbine development in September 2012 for each of the Local Character Areas within Rutland as part of the evidence base for their Local Plan. Whilst this study is specifically related to onshore wind development, it is notable that for a turbine of 50m in height, the Rutland Plateau D(ii) Clay Woodlands</p> |



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| | | <p>Landscape Character Area which is contained within the Order Limits was considered to exhibit a high capacity.</p> <p>In this context and given the significantly reduced height of a solar project, it is considered that the Application is in compliance with this policy.</p> |
| <p>RR-0029 - Alicia Kearns MP (Rutland & Melton)</p> | <p>Core strategy Policy CS20 (Energy Efficiency and low carbon energy developments). MPAG draw the ExA's attention to the elements of this policy and how there are more negative than beneficial impacts as a result of the development.</p> <p>As one of 2 members of Parliament Alicia Kearns MP has played an active role in understanding the feedback to the proposed development from her constituents from day 1, before drawing any conclusions herself. The level of concern, anxiety, anger, upset is evident through the many letters/emails received, and the Parliamentary petition with over 2,400 signatures to date clearly indicate the level of opposition across a wide range of issues, as outlined in her Relevant Representation.</p> | <p>The Applicant has carried out a planning policy assessment in response to Policy CS20 Energy Efficiency and Low Carbon Energy Generation, as part of the DCO application, which can be found in Table 8 – Rutland County Council Local Planning Policy - Table of Compliance, Appendix 3, within the Planning Statement [APP-203]. Following this, it is considered that the Application is in compliance with this policy. The Applicant strongly disagrees with the contention that there are more negative than beneficial impacts from the Proposed Development and considers that the opposite is true,</p> <p>Noted. The various points made in RR-0029 are collectively responded to within Appendix 5 of Applicant's Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> |
| <p>RR-0348 - Gareth Davies MP (Stamford & Grantham)</p> | <p>Whilst wanting to weigh up the positive and negative impacts carefully before raising his concerns, the continuous feedback from residents over the course of the pre-application period has confirmed the many</p> | <p>Noted. The various points made in RR-0348 are collectively responded to within Appendix 5 of Applicant's Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> |



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| | concerns and issues he has raised in his Relevant Representation. | |
| Parish Councils | 15 Parish councils made Relevant Representations, a clear message of the concerns raised by their parishioners not just in villages adjacent to the site but in further outlying villages that will be affected, as well as Stamford Town Council | Noted. Comments from Parish Councils have all been reviewed and responses provided in Appendix 3 of Applicant's Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A. The Applicant will provide a further response as appropriate to any Written Representations received. |
| RR-0323 - Environment Agency (EA) | <p>The EA acknowledge there is flood risk 2 and 3 areas on the site, and that flood risk 3 is "important for storing flood water". Whilst they are clear the Applicant's solar panels are safely located, they don't take account of faster water run-off (also acknowledged by the Applicant) from the panels on to land caused by likely compaction occurring during construction. The land may be unable to absorb both the speed of rainfall and it may also be at a point in the year it has reached field capacity. The consequent effect is the rainfall will reach the river faster than would normally be the case. When the river is overwhelmed during exceptional rainfall, the speed and height of the river rises too fast for the current flood mitigation measures to work fully, the consequent impact being that the river breaches its banks and flooding occurs running into the back of Greatford Gardens. This will be explored in more detail in our Written Representation. MPAG urge greater consideration is given to the combined pluvial and fluvial flooding off-site risks especially into adjacent residential areas.</p> | <p>Noted.</p> <p>The Outline Construction Environmental Management Plan (oCEMP) [APP-208], and Outline Soil Management Plan (including outline Excavated Materials Management Plan) [PDA-007] both include management prescriptions to ensure that any construction stage effect, including any potential for soil compaction, is addressed.</p> <p>The Applicant's Flood Risk Assessment [APP-086] concludes that no increase in flood risk elsewhere is expected to arise from the Proposed Development.</p> <p>The Applicant is also preparing a Statement of Common Ground (SoCG) with the Environment Agency with the intention of highlighting and addressing any outstanding areas of concern. The majority of the matters raised to date have been agreed between the Applicant and EA.</p> <p>The Applicant will respond in full to any comments raised by MPAG in their Written Representation once this is made available.</p> |
| RR-0823 - Natural England (NE) | RR-0823 - Natural England (NE) MPAG fully support the NE's request for a clearer breakdown of the BMV land as outlined | Please refer to the Applicant's response to Natural England's Relevant Representation in Appendix 2 of Applicant's Response to |



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| <p>[REDACTED]</p> | <p>below. The current level of detail on BMV breakdowns is inadequate especially when you consider the significance of 360Ha of land being affected on the site.</p> <p>They also draw attention to the significance of assessment needing to take account of the pattern of grades, so that the highest significance value for the agricultural land receptor is that which is then applied to the site as a whole</p> | <p>Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> <p>Table 12-1 of Chapter 12 of the ES [APP-042] provides a breakdown of the land quality by grade and proportion for the Order Limits and the areas within the solar PV site and field margins, as described in the methodology.</p> <p>Annex A of the Applicant’s Response to Relevant Representations includes a table which sets out the ALC grades of land within the Mitigation and Enhancement Areas. The ALC grades are not set out for the entirety of the Mitigation and Enhancement Areas in the annex as some of these areas are included within the Solar PV Site which is reported on in Table 12-1 of Chapter 12 of the ES. As such, Annex A sets out the ALC grades within the 'biodiversity and arable areas'. This area comprises 0.3ha that is to be used for skylark plots. These plots will not continue under arable use during operation but there would be no adverse effects on the soil resource with the potential for beneficial effects due to resting of the soils. The soils could be returned to arable production following decommissioning of the Proposed Development.</p> <p>The Site Selection Assessment [APP-203] and DAS [APP-204] explain how BMV considerations have been applied to the Proposed Development, which has sought to minimise impacts to such land.</p> <p>The Applicant is also preparing a Statement of Common Ground (SoCG) with Natural England with the intention of highlighting and addressing any outstanding areas of concern. Several matters which have been raised to date have been documented in the attached SoCG and we are continuing to discuss soil matters discussed with NE.</p> |
| | <p>NE raises the issue of no time limit being imposed. This lack of clarity</p> | <p>Please refer to the Applicant’s response to Natural England’s Relevant Representation in</p> |

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| | <p>raises questions about how robust the Applicant's assumptions can be about returning the land to its original status whether in 25 years or 40+ years time due to the differing impact on soil health over time. With an undefined time limit it is not possible to define and claim certain benefits as the operational life of the development will affect soil carbon storage, soil structure and biodiversity differently.</p> | <p>Appendix 2 of Applicant's Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> <p>The application seeks temporary use of the land for the production of low-carbon energy. The Environmental Statement has not identified any specific project impact which would require the development to be linked to a specific operational timeframe, however, it is anticipated that the development will be decommissioned at some point in the future in accordance with the Outline Decommissioning Management Plan [APP-209].</p> <p>Thus, while there is no timeframe, the impacts will be reversible. The measures in the outline Soil Management Plan [PDA-007], as well as considered impacts of the solar PV parts of the Proposed Development, mean that there will not be a permanent reduction in agricultural production.</p> |
| <p>[REDACTED]</p> | <p>NE are very clear about the importance of creating the grass sward in advance of construction to protect the soil health (which will also help reduce flood risk), yet there are contradictions in the Applicant's documents concerning the timing of construction relative to the sowing of the grass seed</p> | <p>Please refer to the Applicant's response to Natural England's Relevant Representation in Appendix 2 of Applicant's Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> <p>The measures in the oSMP seek to minimise the risk of soil damage through trafficking. Where it can be achieved, advanced sowing with grass is advantageous for construction purposes. However, in some areas that will not provide the best outcome, and a successful sward may be better achieved by sowing following installation and when trenching has been completed.</p> <p>Accordingly, the detailed Soil Management Plan will set out the aspiration of advance-sowing as much of the Site as possible but leaves the detail of local decisions to be taken closer to the start of works. The decision will be influenced by the expected timing of construction works, the weather,</p> |




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| | <p>NE highlight further weaknesses in the phase 2 auger testing, rendering the BMV calculations unreliable in our opinion. MPAG explore this further in our Written Representation</p> | <p>and the date when agricultural crops are harvested.</p> <p>Please refer to the Applicant’s response to Natural England’s Relevant Representation in Appendix 2 of Applicant’s Response to Relevant Representations [PDA-012] submitted at Procedural Deadline A.</p> <p>The soil and ALC survey involved the sampling of soils at 334 locations across the Site, with 4 soil pits dug and 11 samples of soil sent for laboratory analysis. The lab analysis was used to validate the hand texturing results from the 334 auger point sampling. The explanation of soil sensitivity is set out in the ALC [APP-091]. This has informed the oSMP.</p> <p>The Applicant will respond in full to any comments raised by MPAG in their Written Representation once this is made available.</p> |

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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