



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

**Application by Mallard Pass Solar Farm Limited for Mallard Pass Solar Project  
The Examining Authority's written questions and requests for information (ExQ1)  
Issued on 23 May 2023**

**Responses by South Kesteven District Council  
15 June 2023**

The following comprises the formal responses of South Kesteven District Council (SKDC) to the ExA's Written Questions for Deadline 2 (15 June 2023). Responses are provided to the questions directed and/or applicable to SKDC only. Relevant questions are highlighted in bold, with responses drafted in blue text.

ExQ1	Question to:	Question:
<b>1. General and Cross-topic Questions</b>		
<b>1.0 Design, parameters and other details of the Proposed Development</b>		
Q1.0.1	The Applicant	<p>The Works Plans [AS-003] include a Limits of Deviation Legend on each plan which provides a key to identifying which Works are proposed within the different areas of the Order limits.</p> <p>For clarity and ease of use, please update the Works Plans to include a notation of which Work Nos. are proposed for each area of works within the Order limits. For example, in a similar way to the Works Plans submitted for the recent Longfield Solar Farm Development Consent application.</p>
Q1.0.2	The Applicant	<p>The Project Parameters are set out in Volume 2 Appendix 5.1 of the Environmental Statement (ES) [AS-012]. In some respects, these differ from the parameters that are set out in the Project Description of the ES [AS-010]. For example, Table 5.7 of the Project Description include additional parameters for the onsite substation compound (such as details of a 400/30kV transformer and harmonic filters) that are not included in the Appendix 5.1 Project Parameters.</p> <p>a) For each component of the Proposed Development, please review the project parameters in both these documents to ensure full consistency and clarity as to what is proposed and what the parameters would be. Where differences remain, please explain the reason for this.</p> <p>b) Given the inconsistencies in the scope of the parameters within these documents, confirm on what basis and using which parameters the ES has assessed the Proposed Development?</p>
Q1.0.3	The Applicant	<p>The last sentence of Paragraph 1.3.1 of the Project Parameters document [AS-012] refers to the Design Guidance set out in Section 5 of the Design and Access Statement [APP-204]. It appears that this should refer to section 4.5 of the Design and Access Statement (as defined in the relevant Interpretation of the draft Development Consent Order (dDCO) [APP-017]. Please amend as appropriate.</p>

ExQ1	Question to:	Question:
Q1.0.4	The Applicant	<p>Table 5.7 of the Project Description [AS-010] in the ES and the Project Parameters [AS-012] set out the parameters of the proposed onsite substation and ancillary buildings. Figure 5.5 of the ES [APP-125] also provides an Illustrative Onsite Substation Layout.</p> <ol style="list-style-type: none"> <li>a) Provide illustrative elevations (from each side) of the proposed onsite substation and ancillary buildings, notating each individual part/component that is likely to be required. Please also provide indicative photographs of the appearance of elements of existing substations that would be similar to those intended to be used for the Proposed Development.</li> <li>b) Noting the sloping nature of the site of the proposed onsite substation, indicate through illustrative cross section drawing(s) how the levels of the substation and ancillary buildings would be likely to relate to the existing and surrounding ground levels.</li> </ol>
Q1.0.5	The Applicant	<p>Paragraph 12.4.18 of the ES [APP-042] refers to an area of 100sqm per Solar Station.</p> <ol style="list-style-type: none"> <li>a) The illustrative 'top views' of solar stations included in Figures 5.3 (a to c) [APP121- APP123] show a footprint area significantly less than 100sqm. Please explain why an area of 100sqm is required with an indicative drawing of how this might be utilised?</li> <li>b) Are separate parameters needed for Solar Stations?</li> <li>c) What is the maximum number of Solar Stations that would be likely to be needed for the Proposed Development?</li> </ol>
Q1.0.6	The Applicant	<p>The locations of the primary and secondary construction compounds are shown within Work No 5 of the Works Plans [AS-003] and indicatively on Figure 5.12 [APP-132].</p> <ol style="list-style-type: none"> <li>a) Please provide indicative layouts of the primary and secondary construction compounds.</li> <li>b) The primary construction compound is proposed in the same location as the onsite substation. Provide further details, including any illustrative phasing, for how the footprint of the onsite substation compound could be partially use as the primary construction compound.</li> </ol>

ExQ1	Question to:	Question:
Q1.0.7	The Applicant	<p>Paragraph 4.9.3 of the Transport Statement [APP-074] states that internal routing will be implemented “<i>where possible</i>” within the Solar Photovoltaic (PV) Site to avoid vehicles needing to use the Local Road Network (LRN). Design Guidance set out in the Design and Access Statement [APP-204] includes the following: “<i>PL3. 14 - Solar Stations and Access Tracks to be located on lower grade agricultural land as far as practically possible.</i>” The Illustrative/Indicative Layout Plans [APP-007 to APP-010] identify “<i>Proposed Internal Access Tracks</i>”</p> <p>Please can the Applicant clarify how the alignment of the proposed internal access tracks has taken the Design Guidance into account in order to minimise the impact on Best and Most Versatile (BMV) agricultural land?</p>
Q1.0.8	The Applicant	<p>Paragraph 1.3.1 of Appendix 6.5 (Landscape and Visual – Amenity and Recreation Assessment) of the ES [APP-058] sets out details of the four new proposed permissive paths. Whilst these are shown on Figure 6.11 (Green Infrastructure Strategy Plan) [APP-173], they are not particularly clear.</p> <p>a) Please therefore provide a separate plan showing the four new proposed paths and the existing Public Rights of Way.</p> <p>b) Provide further details of the process for the planning, implementation (including timing) and maintenance of these new paths. What would be their legal status and would there be any restrictions on their use?</p>
Q1.0.9	The Applicant	<p>Numerous concerns have been raised by local residents in Relevant Representations and at Open Floor Hearings 1 and 2 in relation to the potential effects of the Proposed Development on health and wellbeing. The Applicant explains in its response to the Relevant Representations [PDA-012] that the relevant assessments in the ES conclude that no likely significant adverse effects are expected to arise from these topics.</p> <p>Taking account of the interaction between and potential combined effects, along with the general concerns raised by Interested Parties on this matter, set out and explain in further detail how the Proposed Development (including its construction, operation and</p>

ExQ1	Question to:	Question:
		decommissioning) would be likely to affect the well-being and mental health of residents living in the locality of the Order Limits.
Q1.0.10	The Applicant	<p>Paragraph 5.13.1 of Chapter 5 (Project Description) of the ES [APP-035] states that the construction phase is anticipated to take 24 months with the final programme being dependent on the detailed design and potential environmental constraints on the timing of construction activities.</p> <p>Please provide an indicative programme in table or Gantt chart form for the proposed construction phase based upon the information and design currently known for the Proposed Development, including (i) variables that might be necessary to deal with potential environmental or other constraints and (ii) any site phasing arrangements.</p>
Q1.0.11	The Applicant (a), Local Planning Authorities (b) and Mallard Pass Action Group (b)	<p><b>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.</b></p> <p><b>a) Please provide further explanation and justification for these proposed core hours, including the start/finish times and the continuation of construction working hours until 19:00 on Saturdays.</b></p> <p><b>b) The Local Planning Authorities and Mallard Pass Action Group are requested to provide their comments on the acceptability of the Applicant's proposed core construction hours.</b></p> <p><i>Response: SKDC note that (in the event that permission is forthcoming) extended working hours are proposed, in comparison to typical construction working hours that SKDC would advise to be acceptable. SKDC acknowledge that extended working hours will no doubt help to reduce the duration of the construction programme. As such, SKDC would make the following recommendations in respect of construction working hours:</i></p> <ul style="list-style-type: none"> <li>- <i>Working hours remain as proposed, with the contractor carrying out an assessment of the impact within 250m of a sensitive receptor (as identified in table 10.2 of the noise assessment) for noisier activities (earthworks, trench construction and piling and any other similar activities likely to generate substantial levels of noise and HGV deliveries/movements) with any of the noisier activities ceasing at 4pm on any given day.</i></li> </ul>

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		<p><i>Further to this, SKDC would also request that the contractor establish a telephone contact line, for any concerns relating to noise related construction activities, to be addressed promptly, and to be maintained over the construction programme period.</i></p>
Q1.0.12	The Applicant	<p>Paragraph 5.7.7 of the ES [APP-035] explains that three cable routes/methods are being considered for crossing the East Coast Mainline railway, the locations of which are shown in Figure 5.8 [APP-128].</p> <ul style="list-style-type: none"><li>a) Please provide an update on the progress being made to determining the final option, including when the final decision will be made on which option to pursue.</li><li>b) Set out in more detail the works that would be required in association with each option, including the full extent of cabling and any associated works in connection with Option 3 (cables to be routed within the bridge deck of adopted highway along the A6121).</li><li>c) For Option 3 through Essendine, provide details of the likely duration and phasing of the cabling works within the overall construction process, the implications for pedestrians and</li></ul>

ExQ1	Question to:	Question:
		<p>traffic, including any traffic/pedestrian management measures that would be required in connection with the works and any access implications for residential properties.</p> <p>d) Please set out any constraints, advantages and disadvantages for each option along with a summary of the environmental effects of each option.</p>
Q1.0.13	The Applicant	<p>Paragraph 5.10.1 of the ES [APP-035] states that where a cable crosses a hedgerow, the hedgerow will be reinstated post construction.</p> <p>a) What does 'reinstated' mean in this context?</p> <p>b) To preserve existing hedgerows, can cables be laid underneath existing hedgerows without removing them, thereby preserving the hedgerow concerned?</p>
Q1.0.14	The Applicant	<p>The key notations on each of the inset plans of the Green Infrastructure Strategy Plans Key Plan in the Outline Landscape and Ecology Management Plan [APP-210] are missing. Please provide an updated plan including the missing key notations.</p>
Q1.0.15	The Applicant	<p>Paragraph 3.10.125 of the revised draft National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) (March 2023) states that: "<i>Applicants should consider using, and in some cases the Secretary of State may require, solar panels to comprise of (or be covered with) anti-glare/anti-reflective coating with a specified angle of maximum reflection attenuation for the lifetime of the permission</i>". Table 2 of the Glint and Glare Study [APP-104] states that the following surface material has been modelled for the tracker solar panels: "<i>smooth glass without an ARC (anti-reflective coating)</i>".</p> <p>Table 1 of the Glint and Glare Study provides corresponding technical information for fixed solar panels but it does not specify the surface material modelled. Section 7.2 of the study states that the following surfaces "<i>could be modelled</i>"; "<i>smooth glass without an anti-reflective coating, light textured glass without an anti-reflective coating, light textured glass with an anti-reflective coating or deeply textured glass</i>". The latter is not believed to be commercially viable for solar panels currently, according to the study.</p>



ExQ1	Question to:	Question:
		<p>Can the Applicant confirm the surface modelled for both tracker panels and fixed panels and their reasons for the surface chosen with specific reference to each of the options identified in the Glint and Glare Study? [APP-104].</p>
Q1.0.16	The Applicant	<p>The Grid Connection Statement [APP-205] states that an agreement to export 240MW (AC) of electricity to the grid has been reached with National Grid. Paragraph 1.4 of the Grid Connection Statement states that the parameters applied for in this Development Consent application allow for the generation of up to 350 MW (DC) to account for degradation of panels over time, seasonal and daily variations of solar irradiance, and loss of power in the conversion from AC to DC.</p> <p>Can the Applicant explain in further detail on what calculations this additional 110MW has been made?</p>
Q1.0.17	The Applicant	<p>Paragraph 5.4.4 of the Project Description [APP-035] of the ES states that the DC generating capacity of each PV (photovoltaic) Module will depend on advances in technological capabilities at the time of construction. Paragraph 5.4.6 goes onto explain that for the purposes of enabling an assessment, the ES has assumed 530,303 panels would be required to deliver approximately 350MW of installed DC capacity.</p> <ol style="list-style-type: none"> <li>a) Whilst the choice of PV Module is currently unknown, on the basis of the maximum parameters assessed in the ES, what generating capacity for each individual PV Module would be required in order to provide for the indicated installed DC capacity?</li> <li>b) Please provide further details of the range of generating capacity for the PV Modules that are currently available on the market for solar farms?</li> <li>c) Based on the technological information currently available to the Applicant, and taking account of expected technological advances prior to the procurement of the PV Modules, how might the generating capacity of the final PV Modules to be used for the Proposed Development affect the total number of panels required for the Proposed Development and their coverage across the site?</li> </ol>

ExQ1	Question to:	Question:
		d) What implications might the choice of PV Module and its generating capacity have on the extent of land that is proposed to be the subject of the proposed compulsory acquisition powers?
Q1.0.18	The Applicant	<p>Paragraph 5.4.8 of the ES [APP-035] explains that at the detailed design stage, it may transpire that the full extent of land, as shown as Works No 1 on the Works Plans [AS-003], is not required and that this would be confirmed through the production of the detailed Landscape Environmental Management Plans (LEMP) through a DCO Requirement.</p> <p>a) Please explain in further detail how the process for assessing and determining which areas within the Order land would be utilised for Works No 1, including how the relevant environmental considerations would be taken into account.</p> <p>b) How would such an assessment be properly framed in the Outline and Detailed LEMP?</p> <p>c) What implications might this have for the proposed compulsory acquisition powers sought in the draft DCO, taking into account the requirements of Section 122 of the Planning Act 2008?</p>
Q1.0.19	<b>Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Environmental Agency, Natural England, Lincolnshire Wildlife Trust, and any other Interested Party.</b>	<p><b>The Applicant has submitted the following outline management plans:</b></p> <p>a) <b>Outline Construction Environmental Management Plan [PDA-005]</b></p> <p>b) <b>Outline Operational Environmental Management Plan [APP-208]</b></p> <p>c) <b>Outline Decommissioning Environmental Management Plan [APP-209]</b></p> <p>d) <b>Outline Landscape and Ecology Management Plan [APP-210]</b></p> <p>e) <b>Outline Employment, Skills and Supply Chain Plan [APP211]</b></p> <p>f) <b>Outline Construction Traffic Management Plan [APP-212]</b></p> <p>g) <b>Outline Soil Management Plan [PDA-007]</b></p> <p>h) <b>Outline Water Management Plan [APP-214]</b></p> <p>i) <b>Outline Travel Plan [APP215]</b></p>

ExQ1	Question to:	Question:
		<p><b>Please comment as appropriate to your interests on any of these outline plans. This should include any potential amendment that may, in your view, be required in order to secure appropriate environmental outcomes and mitigation of effects.</b></p> <p><i>Response: SKDC have not yet had the opportunity to review all of the above outline plans but do wish to reserve the opportunity to do so, (particularly as they may be developed throughout the examination) as these plans are one of various areas that seek to manage the mitigating impacts of the proposed development during the construction and operational phases of development. In respect of the Outline Traffic Management Plan and Outline Travel plan, we would make the following initial observations.</i></p> <p><i>F) Outline Construction Traffic Management Plan</i></p> <p><i><u>Section 2.4 Staff and Parking</u> – The proposals outline that an average of 150 staff could be on-site at any one point with a maximum potential of up to 400 staff. The proposals only outline that a car park for up to 150 spaces would be provided, however this would not account for the 250 additional staff that could be employed if the site was working at its full potential.</i></p> <ul style="list-style-type: none"> <li><i>a) Can up to 400 spaces be accommodated within the primary compound?</i></li> <li><i>b) What measures would be in place to stop staff parking on local surrounding roads?</i></li> <li><i>c) Can the local roads accommodate up to 400 staff arriving in the morning and departing in the evening?</i></li> <li><i>d) What routing strategy would be in place for staff arriving / departing the site to ensure that construction workers do not ‘rat’-run’ using unclassified local roads?</i></li> </ul> <p><i><u>Section 2.6 Vehicle Numbers</u> – The proposals will generate circa 159 two-way deliveries per day split 54 HGVs and 105 LGVs.</i></p> <ul style="list-style-type: none"> <li><i>a) What mitigation has been proposed on the local roads / through villages where increase of good vehicles is significant?</i></li> <li><i>b) Can the current local junctions accommodate this level of increased traffic in addition to the construction staff trips?</i></li> </ul> <p><i><u>Section 3.2 Routing</u> – All HGV deliveries would be routed in via Route 1 (via A1 at Great</i></p>

*Casterton / Rutland) and out via Route 3 (via A15 at Bourne / Lincolnshire). However, no assessment regarding the suitability of the B1081 / Ryhall Road or B1176 / A6121 T-junctions have been undertaken.*

- a) Can a 16.5m articulated lorry turn left onto Ryhall Road whilst a car(s) is waiting to turn out of the junction? There could be safety implications to local residents who use the junction if two vehicles collide as it could result in rear end shunts on a major road.*
- b) Can a 16.5m articulated lorry turn right then left from Rynall Road to the A6121 without blocking a car turning left off the A6121. There could be safety implications to local residents who use the junction if two vehicles collide as it could result in rear end shunts on a major road.*

*Section 3.2 Routing – There are no definitive plans of the local roads provided confirming the recommended HGV construction routes to and from the site or existing weight and height limit restrictions. This could lead to confusion for delivery drivers approaching / leaving the site, resulting in HGVs on unsuitable roads.*

*Section 3.3 Access – There are 10 access points onto the local highway network to serve the development, with 1 primary compound and 9 secondary compounds. Of these, 5 would be located within South Kesteven boundaries with drawings confirming that visibility splays would be achieved in line with the speed of the road.*

- a) Whilst swept path analysis has been provided at the access points, no assessment of how the tractors and trailers, 16.5m articulated lorries (carrying the inverters that cannot be broken down), or cranes would be able to travel to / from the primary and secondary compounds on the local roads.*
- b) No assessment of whether the above vehicles could pass a car along the route has been demonstrated and therefore residents who use these roads on a daily basis may meet an oncoming delivery and get stuck given the size of the vehicle and narrowness of the carriageway. What mitigation would be in place?*

*Section 3.8 Working / Delivery Hours – HGV deliveries will be restricted to only deliver to the compound between 0900 to 1500. However, the Great Casterton C of E Primary School is also located in close proximity of the B1081 / Ryhall Road T-junction and therefore no deliveries should take place during drop-off / pick-up times. This location is circa 10 mins drivetime from the site and therefore extended restricted delivery hours should take this into account.*

		<p><i>l) Outline Travel Plan</i></p> <p><i><u>Section 3.2 Objectives</u> – How realistic is a target to promote walking and cycling to / from the site given the nature of the development.</i></p> <p><i><u>Section 3.3 Actions</u> – Again the provision of cycle parking facilities does not seem appropriate given the nature of the development and the high level of HGV deliveries.</i></p> <p><i><u>Section 4.2 Car Parking</u> – It is understood that the development could generate up to 400 staff and therefore the proposed provision of 150 spaces at the primary compound could result in overspill parking on the local roads. It needs to be demonstrated that an area for up to 400 spaces could be provided should it be needed. Furthermore, no confirmation of whether parking of a similar scale could be achieved at the secondary compounds which would be a requirement given the large scale of the development meaning that staff cannot walk (with tools) between areas.</i></p>
<p><b>1.1 Environmental Statement (General)</b></p>		
<p>Q1.1.1</p>	<p>The Applicant</p>	<p>The significant effects reported in the ES Non-Technical Summary (NTS) [APP-106] are inconsistent with those reported in the ES as significant effects are only reported in relation to landscape and visual.</p> <p>Can the Applicant provide an updated NTS which is consistent with the conclusions set out in the ES?</p>
<p>Q1.1.2</p>	<p>The Applicant</p>	<p>Appendix 6.2 of the ES (Landscape and Visual Assessment Methodology) [APP-055] provides a definition of the duration of short-term, medium-term, long-term and permanent effects. Other ES aspect chapters do not define these terms and these are not provided within ES Chapter 2 (Overview of Environmental Impact Assessment (EIA) Process) [APP-032].</p> <p>Please can the Applicant define the duration of effects?</p>

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Q1.1.3	The Applicant	<p>Paragraph 2.5.7 of the ES Chapter 2 (EIA Methodology) [APP-032] explains that the decommissioning assessment is based on an assumption that decommissioning would take place after 40 years of operation, but it is noted that the dDCO would allow decommissioning to take place before or after this date. Furthermore, since the Applicant is not seeking a time-limited consent there is potential that decommissioning may not occur.</p> <p>Can the Applicant comment on the implications for the conclusions of relevant ES assessment, for example the assessment of impacts to agricultural land, should the operational lifespan of the Proposed Development extend beyond 40 years?</p>
Q1.1.4	The Applicant	<p>Paragraph 12.1.28 of the ES Appendix 12.8 [APP-095] states that soil excavated during construction will be stored in 'low mounds' for the duration of the operational phase for reuse upon decommissioning. The outline Operational Environmental Management Plan [APP-208]</p>

ExQ1	Question to:	Question:
		<p>includes a provision to maintain these mounds. Paragraph 6.2 of the Outline Soil Management Plan [PDA-007] states that these mounds would be up to 1.5m in height. The specific quantity of soil to be excavated is not provided within the ES, nor is the location of the soil mounds.</p> <ul style="list-style-type: none"> <li>a) Can the Applicant confirm whether the soil mounds are proposed to be stored within the Order limits and the anticipated volume and locations of soil to be excavated, along with clarification of any effects associated with this?</li> <li>b) If soil is proposed to be stored in mounds off-site can the Applicant confirm whether its transportation has been taken into account within the relevant assessments such as transport and air quality?</li> <li>c) Has the transportation of soil been included within the estimated construction vehicles summary presented in Table 2-1 of the Outline Construction Traffic Management Plan [APP-121]?</li> </ul>
<p>Q1.1.5</p>	<p>Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council</p>	<p><b>Appendix 2.4 of the ES [APP-052] presents the Cumulative Long List and Figures 2.1 [APP-109] and 2.2 [APP-110] present the Cumulative Developments Shortlisted for Cumulative Effects Assessment.</b></p> <p><b>Are any updates required to these lists taking account of any recent or missing proposals?</b></p> <p><i>Response: SKDC have not received a request from the applicant in relation to any update of the developments listed for cumulative assessment but are happy to engage with the applicant direct on this issue as required. The current list appears to be up-to-date and accurate in respect of developments within SKDC. However, this should be kept under review, in light of other significant development proposals currently in the planning process, including a number of large scale solar projects.</i></p>

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<b>1.2 Need</b>		
Q1.2.1	The Applicant, any Interested Party	Paragraph 4.3.9 of the Applicant's Statement of Need [APP-202] refers to the then unpublished 'Skidmore Review'. Following its recent publication on 13 January 2023 as 'Mission Zero Independent Review of Net Zero', comments are invited on any implications this review may have in respect of the consideration of the Proposed Development.
Q1.2.2	The Applicant	Figure 8.1 of the Statement of Need [APP-202] shows Illustrative Generation Capacity Dependability for a combined portfolio of solar and wind in Great Britain, with some supporting commentary in paragraphs 8.8.4 to 8.8.6.



ExQ1	Question to:	Question:
		<p>a) Please provide further details of the methodology and evidence used in providing Figure 8.1, including the number, proportion, size and location of solar and wind generating assets used in its formulation.</p> <p>b) What level of certainty can there be that the conclusions derived from this Figure are typical for solar and wind installations as a whole?</p>
Q1.2.3	The Applicant	<p>Figure 8.2 of the Statement of Need [APP-202] shows the results of a model that seeks to illustrate the mutual compatibility of solar and wind generation, with some supporting commentary in paragraphs 8.8.10 to 8.8.14.</p> <p>a) Please provide further details of the methodology and evidence used in this model and the resulting Figure 8.2, including any relevant assumptions and limitations.</p> <p>b) What level of certainty can be attached to the model, taking account of any assumptions and limitations within it?</p>
Q1.2.4	The Applicant	<p>Paragraph 9.3.11 of the Statement of Need [APP-202] refers to the importance of ancillary service provision such as those available from solar and/or storage assets, as described in Table 9.2 of the Statement of Need, to contribute to the proper functioning of the local National Electricity Transmission System (NETS). Further commentary on the importance of electricity storage is set out in paragraphs 11.5.1 to 11.5.2.</p> <p>a) Provide further details of why electricity storage is not proposed, including a more detailed explanation for why the Proposed Development's grid connection agreement does not provide sufficient import power capacity to justify the inclusion of electrical storage capability without a likely significant cost.</p> <p>b) How does the absence of storage provision, and therefore a lack of any consequent flexibility benefits, effect the weight that should be given to the overall benefits of the Proposed Development in this case? Are there any disbenefits that arise due to the inability to utilise storage at the site of the Proposed Development?</p>
Q1.2.5	National Grid Electricity Transmission Plc (NGET)	<p>Paragraph 9.3.12 of the Statement of Need [APP-202] concludes that the connection of the Proposed Development to the local NETS will not cause any specific or additional operability</p>

ExQ1	Question to:	Question:
		<p>concerns either now or into the future. Paragraph 1.11 of the Grid Connection Statement [APP-205] states that the Ryhall Substation will not need to be expanded.</p> <p>a) Please confirm if NGET agrees with this conclusion, setting out reasoning and justification for any concerns that may arise with the Applicant’s assessment in this regard.</p> <p>b) What is the existing available capacity of the Ryhall Substation? Please confirm that no expansion works would be required to the substation as a result of the Proposed Development.</p>
Q1.2.6	The Applicant, any Interested Party	<p>a) Provide a summary of the effect upon, and the implications for, the Government’s Net Zero and climate change commitments should the Proposed Development not be implemented.</p> <p>b) Taking account of the availability and capacity of other existing points of connection to the NETS or local Distribution Network (both in the region and nationally), what evidence is there of opportunities for other solar projects to come forward in other locations that would be likely to fulfil the Governments Net Zero and climate change commitments in the absence of the Proposed Development?</p>
<p><b>1.3 Site selection and alternatives</b></p>		
Q1.3.1	The Applicant	<p>Chapter 4 of the Environmental Statement (ES) [APP-034] and Section 5 of the Design and Access Statement [APP-204] provide commentary on the design evolution of the Proposed Development in general terms. A site appraisal of all “available” land is referenced at Section 5.7 of the Design and Access Statement [APP-204]. Section 5.8 states “This appraisal focused on the suitability of the individual fields for PV Arrays and based on environmental, social, economic factors, site visits and desktop analysis by all of the technical disciplines, areas were identified as not being suitable for accommodating PV Arrays were removed, based on the Project Principles...”.</p> <p>a) Can the Applicant submit further details of the appraisal undertaken that clearly identifies the criteria and findings for each individual field within the Order limits?</p> <p>b) Have fields adjoining the Order limits also been assessed with the criteria?</p>

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ExQ1	Question to:	Question:
Q1.3.2	The Applicant	<p>Paragraph 3.1.27 of the Site Selection Assessment as provided in Appendix 1 to the Planning Statement [APP-203] states that there are ten potentially available connection points with the capacity to deliver large scale solar within 80km of the National Grid Ryhall Substation. The closest two (Spalding North and Bicker Fen) are referenced but the remainder are cited as being all over 50km from the Order limits and deemed not to be reasonable alternatives on this basis.</p> <p>Please provide further details of other substations in the region that were considered specifying location, distance from the Order limits, spare capacity and likely viability of connection.</p>
Q1.3.3	The Applicant	<p>Paragraph 3.1.30 of the Site Selection Assessment [APP-203] states that there are only 13 grid connection points on the distribution network in the East Midlands Region where there is potential for large scale generation to connect. The closest of these is identified as Nottingham South 33kV substation, approximately 55km from National Grid Ryhall Substation which has a headroom of 127MVA (megavolt amperes). The 12 other points are cited as having a headroom of less than 95MVA but they are not referenced individually.</p> <p>Please provide further details of the 12 other connection points considered, including location, distance from the Order limits and spare capacity.</p>
Q1.3.4	The Applicant	<p>Paragraph 3.1.5 of the Site Selection Assessment [APP-203] states that the Applicant did not consider delivering a smaller scheme with less generation capacity on a smaller area, as a smaller scheme with less generation capacity would not deliver the same capacity or energy security and climate change benefits nor meet the opportunities presented by the secured connection agreement.</p> <p>Paragraph 4.1.7 of the ES [APP-034] lists “<i>alternative sites, size and scale</i>” amongst the alternatives assessed but the subsequent assessment focuses on alternative sites and does not directly address size and scale.</p> <p>Whilst acknowledging that from a policy perspective there is not a “<i>general requirement to consider alternatives or to establish whether a development represents the best option</i>” (Overarching National Policy Statement for Energy, paragraph 4.4.1), can the Applicant please</p>

**ExQ1: 23 May 2023**

**Responses due by Deadline Thursday 15 June 2023**

ExQ1	Question to:	Question:
		elaborate on why the consideration of a smaller scheme has not been assessed as a reasonable alternative?
Q1.3.5	The Applicant	<p>Paragraph 3.1.11 of the Site Selection Assessment [APP-203] states that the general topography of the area immediately surrounding the Ryhall substation is gently undulating and therefore this makes a particularly suitable site for solar.</p> <p>Please explain with appropriate evidence why it is particularly suitable and how the topography has influenced the proposed site layout and choice of fields used for the Proposed Development?</p>
Q1.3.6	The Applicant	<p>Paragraph 3.1.11 on page 22 of the Site Selection Assessment (Appendix 1 of the Planning Statement) [APP-203] states that additional Grade 2 agricultural land was identified following further analysis and removed from areas proposed for PV panels where this was in single fields.</p> <p>Chapter 4 of the ES alludes to practical difficulties of farming crops on land of varying quality [APP-034]. Paragraph 12.4.91 states that <i>“In practical terms there is little between the subgrade 3a or 3b land, and the limited amounts of Grade 2 retained within the area for the Solar PV Site are similarly constrained in practical terms.”</i></p> <p>a) Please elaborate on the practical reasons why only the additional Grade 2 land in single fields was removed from areas for PV panels in relation to the scope for arable farming.</p> <p>b) Please clarify the area (in Hectares) and location of additional Grade 2 land that has been identified that has i) subsequently been removed and ii) remains within the area planned for PV panels. Please provide details of the locations of land referenced under i and ii.</p>
Q1.3.7	The Applicant	<p>Paragraphs 3.1.16 and 3.1.17 on page 24 of the Site Selection Assessment [APP-203] refers to other areas that have been considered but deemed unsuitable for various reasons, including: likely significant effects on a Grade I listed building, the number of residential properties likely to be affected, impacts on other heritage assets, PRow and Rutland Water. Please provide further details and explanation of the assessments that have informed these conclusions.</p>

ExQ1	Question to:	Question:
Q1.3.8	The Applicant and Rutland County Council	<p>Paragraph 3.1.22 of the Site Selection Assessment [APP-203] and related table entitled “<i>Consideration of Alternative Site</i>” provides details of three large previously developed (or partially previously developed) sites that have been considered, namely: Woolfox Depot, North Luffenham (St Georges Barracks) and Cottesmore.</p> <p>Land ownership issues, the length of the grid connection and other potential development proposals considered through the Rutland Local Plan process are cited amongst the reasons why the sites are unavailable or unsuitable.</p> <p>a) Could the applicant please confirm the extent to which discussions have been held with the landowners regarding the availability of the sites listed.</p> <p>b) Can Rutland County Council please confirm the current status of the Local Plan review process and any implications for the sites in question?</p> <p>c) Can the Applicant please provide further details of the assumptions made regarding grid connections from the sites assessed including in terms of trench width and depth as well as the operational corridor required for protection and maintenance?</p>
Q1.3.9	Lincolnshire County Council, Rutland County Council and South Kesteven District Council	<p><b>Paragraphs 4.1.8 to 4.1.14 of the Site Selection Assessment [APP-203] provide commentary of the local planning policies that may be considered important and relevant in relation to the site selection process.</b></p> <p><b>Do the local authorities have any comments on the extent of policies identified and any implications for the site selection process?</b></p> <p><i>Response: SKDC note the contents of this section of the Site Selection Assessment Report and agree that policy RE1 and the accompanying Renewable Energy Appendix 3 are the main policies of specific relevance in relation to Renewable Energy Development. However, SKDC would also consider other strategic policies to be of relevance in relation to a site selection exercise for the form of development proposed, namely policies SP1 (Spatial Strategy), SP5 (Development in the Countryside) as set out in the Council’s Local Impact Report.</i></p>

## 2. Air Quality and Emissions

**ExQ1: 23 May 2023**

**Responses due by Deadline Thursday 15 June 2023**

Q2.0.1	The Applicant	Paragraph 7.9.7 of the Planning Statement [APP-203] states that the outline Construction Environmental Management Plan (oCEMP) and outline Decommissioning Environmental Management Plan (oDEMP) include requirements for a Dust Management Plan (DMP) to be prepared as part of the detailed CEMP prior to construction. Table 3-6 of the oCEMP [APP-207] lists measures that “ <i>may</i> ” be included in the CEMP, including a DMP. Table 3-6 suggests
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ExQ1	Question to:	Question:
		<p>that the level of detail to be provided in the DMP will depend on the risk and specify minimum recommended measures.</p> <p>a) Please can the Applicant confirm if it is their intention to produce a DMP in support of the CEMP prior to construction?</p> <p>b) How will the level of risk be determined to inform DMP measures and by whom?</p>
Q2.0.2	The Applicant	<p>Section 4.9 of the outline Construction Traffic Management Plan (oCTMP) [APP-212] proposes to incorporate a wheel washing system with rumble grids to dislodge accumulated dust and mud prior to leaving the order limit access points “<i>where reasonably practicable</i>”.</p> <p>a) Please identify the proposed access points where it may not be reasonably practicable to provide wheel washing facilities described and why this is the case?</p> <p>b) What alternative mitigation should be provided where it is not reasonably practicable to implement the measures set out in Section 4.9?</p>
<p><b>3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b></p>		
Q3.0.1	The Applicant	<p>Paragraph 7.2.2 of ES Chapter 7 (Ecology and Biodiversity) [APP-037] states that the inner parts of larger woodland parcels were not surveyed as part of the badger survey as any setts would be located “<i>sufficiently distant</i>” from the proposed construction areas, with a distance of over 25m quoted as “<i>sufficiently distant</i>”. Paragraph 7.5.29 refers to a buffer zone of 30m surrounding badger setts and Table 3-2 of the outline Construction Environmental Management Plan (oCEMP) [APP-207] states pre-construction badger surveys will take place and that buffers of 30m around any identified badger setts will be employed as reasonable avoidance measures.</p> <p>Can the Applicant clarify whether these inner parts of larger woodland parcels located within 30m of the Proposed Development will be included in the pre-construction surveys? If these woodland parcels would not be included in the pre-construction surveys, how would harm to the badger population be avoided?</p>

ExQ1	Question to:	Question:
Q3.0.2	The Applicant	<p>Paragraph 7.4.2 of the ES [APP-037] states that mitigation measures set out in environmental management plans will be monitored by an Ecological Clerk of Works (ECoW) to ensure they have been implemented and adhered to. The oCEMP [APP-027] refers to the intent for a “<i>suitably experienced ECoW to be employed/contracted</i>” whilst the outline Decommissioning Environmental Management Plan (oDEMP) [APP-029] refers to the use of a “<i>licensed ECoW</i>”.</p> <p>a) How regularly will monitoring be undertaken during each phase by the Ecological Clerk of Works?</p> <p>b) Will monitoring information and actions arising be reported to the local authorities?</p> <p>c) Please provide further details of how it will be determined if the ECoW is suitably experienced and licensed. Update the oCEMP and oDEMP as necessary.</p>
Q3.0.3	The Applicant	<p>Chapter 7 of the ES [APP-037] identifies a loss of 75m of species rich hedgerow within the Order limits and within the Essendine Hedgerow south side MacMillan Way Local Wildlife Site (LWS) due to the need to increase visibility splays. The creation of temporary passing points on Uffington Lane is also expected to impact grassland verges, including within the Essendine Verge South East of the Freewards (North Side) LWS and the Essendine Verge (North East Side) Near North Lodge Farm LWS with one passing point in each. An adverse effect of significance at District level is identified for the LWSs in question.</p> <p>Please can the Applicant clarify if alternative access points, visibility splays and passing points been considered in the interests of minimising adverse ecological effects?</p>
Q3.0.4	The Applicant	<p>Paragraph 7.5.5 of ES Chapter 7 (Ecology and Biodiversity) [APP-037] reports the loss of 15.6% of species-rich hedgerow which is the conservation objective of ‘Essendine hedgerow south side MacMillan Way’ Local Wildlife Site (LWS). It is noted that this effect is significant at the district level which is not considered significant “in terms of the EIA process”. The ES states (in paragraph 7.1.5) that the methodology is based on Chartered Institute of Ecology and Environmental Management (CIEEM) guidance. This guidance states that a significant effect is an effect that undermines the biodiversity conservation objectives of ecological features.</p> <p>Can the Applicant justify why a significant effect on the LWS would not arise?</p>



ExQ1	Question to:	Question:
Q3.0.5	The Applicant	<p>Paragraph 7.5.6 of ES Chapter 7 [APP-037] explains that temporary passing points, measuring approximately 20m long and 2m wide, are required to facilitate the passage of HGVs along Uffington Lane during the construction phase leading to an adverse effect of significance at District Level. Paragraph 7.6.3 states that once the construction period is complete, passing points within and outside the LWSs will be removed, their footprint replaced with nutrient poor soil and seeded with species rich grassland. Paragraph 7.5.10 identifies no direct impacts if passing points are required during decommissioning as the passing points created during the construction phase will be present.</p> <p>a) Can the Applicant confirm whether the passing points along Uffington Lane will be replaced or remain following the completion of the construction phase?</p> <p>b) If the passing points are going to be retained, what are the implications for the conclusions on the significance of effects in the ES?</p>
Q3.0.6	The Applicant	<p>As outlined in the question above, new planting is set to be provided as mitigation following the creation of passing points along Uffington Lane (Table 7-1 of ES Chapter 7 [APP-037]).</p> <p>a) Can the Applicant explain how these measures have been secured in the draft Development Consent Order (dDCO)?</p> <p>b) Additionally, can the Applicant provide a description of what is considered “medium term” as this term is not defined in ES Appendix 7.2 (Ecology and Biodiversity Assessment Methodology) [APP-060].</p>
Q3.0.7	The Applicant	<p>Table 7-1 of the ES [APP-037] identifies “<i>adverse, permanent</i>” effect on bats with a residual effect significance of “<i>Site – District</i>”. However, the commentary between paragraphs 7.5.21 and 7.5.27 appears to indicate residual adverse effects at a Site level only.</p> <p>Please can the Applicant clarify if the residual effects of the Proposed Development on bats will be at Site or Site-District level?</p>
Q3.0.8	The Applicant	<p>Chapter 7 of the ES [APP-037] identifies the loss of approximately 30 territories for Skylark nesting. This results in an adverse effect of significance at up to a District level.</p>

ExQ1	Question to:	Question:
		<p>Paragraph 4.2.34 of the outline Landscape and Ecology Management Plan (oLEMP) [APP-210] includes measures to mitigate this by creating uncropped areas within the retained arable farmland. Plots will be created by either turning off the drill during sowing to leave an unsown plot or by sowing the crop as normal and spraying with a herbicide to create the plot by 31 December.</p> <p>What measures are in place to determine the optimal option for the creation of Skylark plots and to ensure that the chosen measure will be adhered to and effective?</p>
Q3.0.9	The Applicant	<p>Paragraph 7.5.61 of ES Chapter 7 [APP-037] states that the “<i>majority of breeding birds</i>” would experience a beneficial effect however it is not clear which species this refers to or what the significance of the effect would be to other bird species. Similarly, paragraph 7.5.62 states that “<i>certain wintering species</i>” would experience a beneficial effect.</p> <p>Can the Applicant provide an indication of the specific species of bird which would experience a beneficial effect, and what effects would be experienced by other bird species which would not experience a beneficial effect?</p>
Q3.0.10	The Applicant	<p>Paragraph 7.3.81 of ES Chapter 7 [APP-037] notes the difficulties in predicting future baseline due to uncertainties in future farming methods and agri-environmental schemes. As such, the existing baseline information has been used to assess the future baseline scenario (as stated in paragraph 7.3.82). It is unclear whether the reported effects in relation to the decommissioning phase represent a worst-case scenario or whether there is potential for effects to become worsened by changes in the future baseline.</p> <p>Can the Applicant clarify whether the effects reported in the ES in relation to the decommissioning phase represent a worst-case scenario and if they are not, what the likely significance of effects would be during the decommissioning phase.</p>
Q3.0.11	The Applicant	<p>Table 16-2 of ES Chapter 16 (Interactions of Effects and Summary of Cumulative Effects) [APP-046] shows that in-combination effects have been assessed in relation to Ecology and Biodiversity and Air Quality, Water Resources, and Ground Conditions. In-combination effects between Ecology and Biodiversity and Landscape and Visual Impact do not appear to have</p>

ExQ1	Question to:	Question:
		<p>been assessed despite several of the mitigation measures proposed within ES Chapter 6 (Landscape and Visual), such as vegetation screening, being dependent on ecological factors. Can the Applicant comment on in-combination effects between Ecology and Biodiversity and Landscape and Visual (LVIA), including the potential for LVIA mitigation to impact on ecology on and off-site?</p>
Q3.0.12	The Applicant	<p>Some of the proposed mitigation measures are not specified within ES Chapter 7 (Ecology and Biodiversity) [APP-037]. For example, an effect on Ryhall Pasture and Little Warren Verges Site of Special Scientific Interest (SSSI) and Tolethorpe Road Verges SSSI and Local Wildlife Sites is excluded on the basis of “<i>measures set out in the oCEMP and oDEMP</i>”. However, it is not clear what specific mitigation measures are referred to. Can the Applicant clarify which specific mitigation measures within the oCEMP/oDEMP are relied upon for reducing each potential effect?</p>
Q3.0.13	The Applicant	<p>Paragraph 7.5.8 of ES Chapter 7 [APP-037] states that during the operational phase hedgerow management will be used to increase the value of habitats as set out within the oLEMP [APP-210]. Within Appendix 1 (Management Programme Schedule) of the oLEMP it is indicated that existing hedgerows will be managed throughout the operational phase but boundary hedgerow enhancements are only proposed to be managed for Year 0. Can the Applicant explain why the hedgerow enhancements are not proposed to be managed throughout the operational phase as is indicated within paragraph 7.5.8 of ES Chapter 7?</p>
Q3.0.14	The Applicant	<p>With reference to Appendix 1 (Management Programme Schedule) of the oLEMP [APP-210], the description provided for “<i>New Hedgerows</i>” does not appear to be relevant as it references tree stock. Can the Applicant explain whether this is a typographical error and, if necessary, provide an amendment to the oLEMP to ensure the descriptions of the management activities proposed are accurate.</p>

ExQ1	Question to:	Question:
Q3.0.15	The Applicant and Natural England	Chapter 7 of the ES [APP-037] notes the requirement for works relating to badgers and Great Crested Newts. It is understood from the Relevant Representation submitted by Natural England that they are yet to receive draft protected species licence applications for review. Please can the Applicant and Natural England consider the scope to agree an appropriate timeframe for the submission of Protected Species Licences applications and look to record any outcome in a Statement of Common Ground?
Q3.0.16	The Applicant and Anglian Water	Paragraph 3.1.13 d. of the oLEMP [APP-210] states that the <i>“Applicant is in dialogue with Anglian Water who have identified the West Glen River for potential works to improve biodiversity and riparian habitats as part of their Catchment Based Approach (CaBA) partnerships programme. These works are mutually compatible and beneficial with the aspiration GI Strategy and would bring biodiversity benefits to the West Glen River”</i> Please can the Applicant and Anglian Water provide an update on these discussions and any implications for the Proposed Development and related management plans?
Q3.0.17	The Applicant	A Green Infrastructure Strategy Plan is provided at Figure 6.11 [APP-173] and within the Design and Access Statement [APP-204]. Section 6 of the Design and Access Statement summarises the key principles of the Green Infrastructure Strategy. They include the following: <i>“reconnection of existing habitats and designated ecological sites through new woodland, grassland and hedgerows planting that is reflective of local soil conditions and existing species and as part of landscape scale GI enhancements and facilitating a network of permeable ‘wildlife corridors’ throughout the Order limits.”</i> However, the plan provided is not particularly clear in terms of the identification of the wildlife corridors and ecological networks to be connected within the Order limits or how these corridors connect beyond the Order limits. Please can an updated plan be provided that provides clarification on the above?
Q3.0.18	Lincolnshire County Council, Rutland County Council, South	<b>Paragraph 7.3.18 of the ES [APP-037] refers to multiple parcels of semi-natural woodland adjacent to the Order limits that contain some species that are indicative of ancient woodland.</b>

ExQ1	Question to:	Question:
	Kesteven District Council and any other Interested Party	<p>However, it goes on to state that MAGIC mapping does not identify any of the woodlands close to the Order limits as ancient semi-natural woodland.</p> <p><b>Do the local authorities or other Interest Parties have any comments on the classification of the woodlands in question?</b></p> <p><i>Response: SKDC can advise that based on information that it holds, there are no species of ancient woodland that lie within the order limits. There are, however, some areas of ancient woodland species that lie adjacent to the order limits. As identified within the LIR, these comprise Braceborough Little Wood and Castle Dike Wood.</i></p>
<b>3.1 Habitats Regulations Assessment</b>		
Q3.1.1	The Applicant	<p>With reference to the shadow Habitat Regulations Assessment Report (sHRA) [APP-063] it is unclear whether mitigation is relied upon for the conclusion of no likely significant effects to Baston Fen Special Area of Conservation (SAC). The sHRA states that given the distance between the Proposed Development site and the SAC any pollutants entering the watercourse would be diluted. However, the sHRA also refers to “<i>significant planting</i>”.</p> <p>Can the Applicant confirm whether the conclusion of no likely significant effects to Baston Fen SAC relies upon mitigation planting?</p>
Q3.1.2	The Applicant and Natural England	<p>Table 3 of the sHRA [APP-063] states that there is a potential impact pathway on Baston Fen SAC from siltation or pollution from the Proposed Development entering the waterway due to the hydrological connectivity between the Order limits and the SAC. It is stated in Table 3 that this impact pathway has been assessed within the ES. However, Table 11-5 (Statutorily Designated Sites within 5km of the Order limits) of ES Chapter 11 (Water Resources and Ground Conditions) [APP-041] states that the Order limits are not hydrologically connected to the (incorrectly named) Baston and Thurlby Fens SAC and therefore effects of the Proposed Development on designations are ‘scoped out’, as stated in paragraph 11.2.68 of [APP-041]. As such there are discrepancies between the two documents.</p> <p>a) Can the Applicant clarify whether the Order limits are hydrologically connected to this SAC and therefore whether there is a potential impact pathway which should be assessed within ES Chapter 11?</p> <p>b) Do Natural England have any comments on the above?</p>

ExQ1	Question to:	Question:
Q3.1.3	The Applicant and Natural England	<p>Paragraph 7.1 of the sHRA [APP-063] rules out in-combination effects on European sites on the basis that no effects would occur on European sites alone and so the Proposed Development cannot add to any effects resulting from any other development. No methodology has been provided to support this statement and it is unclear what other plans and projects have been considered within the assessment of in-combination effects. Furthermore, although significant effects are screened out, potential effect pathways are noted in Table 3 of the sHRA. The Habitats Regulations require assessment of the potential for effects, which alone may be insignificant, to combine with any other plan or project that affects the same European site(s) and qualifying feature(s).</p> <p>a) Can the Applicant provide the methodology and evidence used for reaching the conclusion of no likely significant in-combination effects, including the list of other plans and projects considered?</p> <p>b) Do Natural England have any comments on the above?</p>
<b>4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>		
Q4.0.1	The Applicant	<p>The Applicant's letter [PDA-001] submitted at Procedural Deadline A sets out the proposed use of a Schedule of Negotiations and Powers Sought [APP-024].</p> <p>As the Examination progresses and at each successive deadline the Applicant is requested update the Schedule as necessary, including taking account of the positions expressed in Written Representations and any Compulsory Acquisition Hearing and giving reasons for any additions.</p>
Q4.0.2	The Applicant	<p>The Book of Reference (BoR) [APP-023] includes a number of Statutory Undertakers with interest in land.</p> <p>a) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them.</p> <p>b) State whether there are any envisaged impediments to the securing of such agreements.</p> <p>c) Provide a list of any additional Statutory Undertakers identified since submission of the BoR, and answer the above two questions, for such additional Statutory Undertakers.</p>

ExQ1	Question to:	Question:
Q4.0.3	The Applicant	<p>The Key to the Land Plans [APP-005] refers to the pink land as “Order land - freehold and leasehold to be compulsorily acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights” and also “land to be possessed temporarily and, during any period of temporary possession, the exercise of easements, servitudes and other private rights, are to be suspended”. The later wording is also included in the key to the blue land. This appears to result in overlap with the yellow land described as “temporary use of land.....”.</p> <p>a) The Applicant is requested to explain the rationale behind the inclusion of temporary possession in relation to the pink and blue land and the overlap between those plots and the yellow land.</p> <p>b) The descriptions in key of the Land Plans also differs from those used on page 3 of the BoR. Please update these for consistency.</p>
Q4.0.4	The Applicant	<p>Any person entitled to enjoy easements or other private rights over land which the Applicant proposes to extinguish, suspend or interfere with identified in Part 3 of the BoR should also be recorded in Part 1 as a person within categories 1 or 2 as set out in section 57 of the Planning Act 2008.</p> <p>Please confirm the BoR has been drafted accordingly?</p>
Q4.0.5	The Applicant	<p>In the light of the relevant guidance “<i>Planning Act 2008: procedures for the compulsory acquisition of land</i>” (September 2013) and in particular paragraph 8:</p> <p>a) How can the Examining Authority (ExA) be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored?</p> <p>b) Please set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interest in each case.</p>

ExQ1	Question to:	Question:
Q4.0.6	The Applicant	<p>Paragraph 17 of the guidance "<i>Planning Act 2008: procedures for the compulsory acquisition of land</i>" (September 2013) states the Funding Statement should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required.</p> <p>a) The Funding Statement [APP-022] does not identify the CA costs separately from the project costs or explain in detail how a figure for CA costs was arrived at. Please clarify the anticipated cost of CA and how this figure has been estimated.</p> <p>b) Notwithstanding the details within the Funding Statement, what further information/evidence can be provided to demonstrate that adequate funding is likely to be available?</p> <p>c) What financial arrangements would be put in place to secure the decommissioning of the Proposed Development at the end of its (albeit unspecified) operational lifetime?</p>
Q4.0.7	The Applicant	<p>Paragraph 5.1.4 of the Statement of Reasons (APP-021) confirms that there are a number of interests identified in the Book of Reference [APP-023] where it has not been possible to identify ownership. Details are also provided of further measures being carried out to seek to identify unknown landowners or persons with an interest in the land.</p> <p>Please provide an update on the identification of such owners/interests along with an update of what further steps will be undertaken in this regard.</p>
Q4.0.8	The Applicant	<p>Paragraph 6.2.13 of the Statement of Reasons [APP-021] states that the residual significant adverse effects will only occur while the Proposed Development is under construction, operational or being decommissioned and will disappear when the Proposed Development is decommissioned.</p> <p>a) Given that the draft Development Consent Order (dDCO) does not include any time limit for the operational period of the Proposed Development and assuming that the Environment Statement is based on a worse case assessment with no time limit restriction, what weight is given to the possibility that the adverse effects will disappear as stated in Paragraph 6.2.13?</p>



ExQ1	Question to:	Question:
		<p>b) How is this factored into the condition imposed under Section 122(3) of the Planning Act 2008 that the Secretary of State needs to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily?</p>
Q4.0.9	The Applicant	<p>Q1.0.12 above refers to the proposed cable routes, including the use of the A6121 through Essendine.</p> <p>a) Clarification is sought on whether the proposed cable route along the A6121 through Essendine would still be required in the event that an alternative crossing route of the East Coast Main Line is pursued?</p> <p>b) Assuming that the potential crossing of the East Coast Main Line is a reasonable and realistic option, how should such an alternative be considered in determining whether the acquisition of rights, as currently proposed, should be authorised by the Secretary of State?</p>
Q4.0.10	The Applicant	<p>Compulsory acquisition powers are proposed for extensive areas of land for Works No.7 (works to create, enhance and maintain green infrastructure).</p> <p>Please explain in further detail, providing examples of particular land parcels as illustration, how the acquisition of land for Works No.7 is no more than reasonably necessary for that purpose, and that it is proportionate?</p>
Q4.0.11	The Applicant	<p>Paragraph 7.5.13 of the Statement of Reasons [APP-021] states that other areas around, and further from the substation, were discounted due to reasons such as multiple land ownerships, unwilling landowners or smaller, irregular field boundaries.</p> <p>For areas around and within proximity of the site substation, please provide further details of the land parcels which may have been potentially suitable on environmental/land-use issues but were discounted due to multiple land ownerships or unwilling landowners.</p>
Q4.0.12	The Applicant	<p>The Applicant's attention is also drawn to the compulsory acquisition elements of Written Questions 1.0.17 (part d) and 1.0.18 (part c).</p>

ExQ1		Question to:	Question:
5.		Draft Development Consent Order (DCO)	
5.0		Articles	
Q5.0.1	The Applicant	<p><b>Part 1, Article 2 (Interpretation)</b></p> <p><b>“apparatus”</b> – This definition has been expanded to include specifically named apparatus such as pipeline, aerial markers etc.</p> <p>Whilst the Explanatory Memorandum (EM) [APP-108] notes this has precedent in the Riverside Energy Park Order 2020, further explanation is requested for why it is particularly necessary for the Proposed Development?</p>	
Q5.0.2	The Applicant	<p><b>“authorised development”</b> – This definition includes ‘any other development within the meaning of Section 32 (meaning of “development”) of the 2008 Act authorised by this Order’.</p> <p>a) Provide justification for why this wording is required in addition to the development described in Schedule 1 (authorised development)?</p> <p>b) Can the above wording be reviewed to include just the development described in Schedule 1?</p>	
Q5.0.3	The Applicant	<p><b>“maintain”</b> – This definition includes the potential for works of a significant nature. For example, to adjust, remove, reconstruct, replace and improve any part of the authorised development. Whilst the definition prevents the removal, reconstruction or replacement of ‘the whole of’ authorised development, this would still allow for potentially significant works, including at different times during operation. The EM [APP-108] explains that the drafting will enable technological and practice advancement and that flexibility must be built in to keep up with changing standards, controls and advances in technology.</p> <p>a) In this context, please explain what works are expected to be proposed to the authorised development during operation due to such technological and practical advancement?</p> <p>b) Why has a restriction been applied to ‘the whole of’ the authorised development when lesser interventions might still amount to significant elements of work?</p>	

ExQ1	Question to:	Question:
Q5.0.4	The Applicant	<p><b>Article 4 (Operation of generating station)</b></p> <p>The Explanatory Memorandum explains that this Article is included so that the undertaker has powers to operate the generating station.</p> <p>a) Does a definition of ‘generating station’ need to be provided in Article 2?</p> <p>b) Is it intended that this Article only applies to Work No.1? If so, explain why is it needed specifically for this and not other parts of the authorised development?</p>
Q5.0.5	The Applicant	<p><b>Article 5 (Power to maintain authorised development)</b></p> <p>This article does not authorise any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the Environmental Statement (ES).</p> <p>a) Please explain the process and criteria for fairly and transparently determining whether any proposed maintenance works would give rise to any such materially new or materially different effects?</p> <p>b) Who would be responsible for making such a judgement and what role could the relevant local planning authority or any other Interested Party have in this process?</p> <p>c) What risks might arise that proposed maintenance works might be carried out under this Article that, notwithstanding the restrictions in current drafting, could potentially lead to adverse effects?</p>
Q5.0.6	Lincolnshire County and Rutland County Councils	<p><b>Article 6 (Application and modification of statutory provisions)</b></p> <p>This Article provides for the disapplication of sections of the Land Drainage Act 1991, including section 23 (prohibitions of obstructions etc in watercourses).</p> <p>As the respective local lead flood authorities, please comment on the acceptability of this disapplication including whether your consent is given to the disapplication of section 23.</p>
Q5.0.7	The Applicant	<p><b>Article 7 (Statutory Nuisance)</b></p>

ExQ1	Question to:	Question:
		Please expand the explanation in paragraph 4.2.19 of the Explanatory Memorandum [APP-108] to explain why the broad defence in s.158 of the Planning Act 2008 is not sufficient and why this additional provision is required for the Proposed Development?
Q5.0.8	The Applicant	<p><b>Article 8 (Street Works)</b></p> <p>This allows the undertaker to carry out certain works to a street for the purposes of the Proposed Development.</p> <p>a) Please expand the explanation in paragraph 4.3.1 of the Explanatory Memorandum [APP-108] to explain the relevance of sections 54 to 106 of the 1991 Act.</p> <p>b) Also explain in further detail the relevance of Article 9 of The Immingham Open Cycle Gas Turbine Order 2020 to the draft Development Consent Order (dDCO) [APP-017] and why the wording in Article 8 (1) (e) is appropriate for the Proposed Development?</p>
Q5.0.9	The Applicant, Lincolnshire County and Rutland County Councils	<p><b>Article 9 (Power to alter layout, etc. of streets)</b></p> <p>Article 9 allows the undertaker to alter the layout of or carry out works in a street. For the works set out in Article 9 (a) and (b) which are listed in Schedule 5 of the dDCO [APP-017], is it necessary to include provision for the consenting of the detail of such works by the relevant street authority?</p>
Q5.0.10	The Applicant	<p><b>Article 9 (Power to alter layout, etc. of streets)</b></p> <p>The EM [APP-108] explains that this Article has been extended to include streets outside of the Order limits to allow for unforeseen circumstances during the construction stage.</p> <p>a) Given that the dDCO [APP-017] is limited to works within the Order limits please provide further justification for this power for works relating to areas outside of the Order limits?</p> <p>b) What type of works might be required due to such unforeseen circumstances and why are they not able to be envisaged at this stage? How have the effects of such works been included within the environmental statement?</p> <p>c) What might the implications be of not including this provision to include streets outside the Order limits?</p>

ExQ1	Question to:	Question:
		d) Why is it necessary to authorise the alteration etc of any street within the Order limits?
Q5.0.11	Lincolnshire County Council	<p><b>Article 12 (Claimed public right of way)</b>  This Article seeks to deal with a claimed public right of way that is the subject of a Definitive Map Modification Order (DMMO) application to Lincolnshire County Council.</p> <p>a) Please can Lincolnshire County Council provide its comments on the drafting of this Article, including any alternative suggested drafting when necessary?</p> <p>b) What is the timetable and current stage for the determination of the DMMO application?</p>
Q5.0.12	The Applicant	<p><b>Article 13 (Access to works)</b>  The EM [APP-018] explains that Schedule 7 is split into Part 1 (permanent means of access to works) and Part 2 (temporary means of access). However, Schedule 7 of the dDCO [APP-017] only includes permanent means of access.</p> <p>a) Please confirm whether Schedule 7 requires amending in this respect to include temporary means of access?</p> <p>b) Is it the intention that all permanent means of access listed in Schedule 7 will be the subject of detailed design approval under Requirement 6 of the dDCO [APP-017]?</p>
Q5.0.13	The Applicant	<p><b>Article 15 (Traffic regulation measures)</b>  Does part 15(5)(b) of this Article need re-drafting to make it clearer?</p>
Q5.0.14	The Applicant	<p><b>Article 17 (Removal of human remains)</b>  This Article extends the model provision to include that (11) no notice of intended removal of human remains from the Order Land needs to be published where the undertaker is satisfied that the remains were interred more than 100 years ago and no relative or personal representative of the deceased is likely to object to their removal. This is described in paragraph 4.4.3 of the EM [APP-108], though not justification is provided.</p> <p>a) Please provide a clear justification and reasoning for this exclusion.</p>

ExQ1	Question to:	Question:
		<p>b) Set out the criteria and process that would be used for determining the matters referred to in 11 (a) and (b) of Article 17.</p>
Q5.0.15	The Applicant	<p><b>Article 18 (Protective work to buildings)</b>            This Article seeks to provide powers to the undertaker to enter any building any land within its curtilage to determine whether protective works need to be carried out in respect of buildings with the Order Land.            Please set out a justification of why this Article is required for the Proposed Development, including an indication of the types and likelihood of the protective works that might be required to any buildings within the Order Land.</p>
Q5.0.16	The Applicant	<p><b>Article 19 (Authority to survey and investigate land)</b>            Article 19 includes an enforcement mechanism where entry onto land under the Article is refused.            a) Please set out in further details why this is necessary in the context of the Proposed Development including how it is a proportionate response to any refusal to give permission.            b) What alternative measures would be available in cases where there has been refusal to give permission?</p>
Q5.0.17	The Applicant	<p><b>Article 22 (Compulsory acquisition of rights)</b>            Article 22(1) appears to be broadly drafted to enable compulsory acquisition (CA) of new rights over all of the Order land. Schedule 9 limits the CA power in defined plots to the defined rights in that schedule, but the CA of rights is not limited to the plots listed in Schedule 9.            a) If this is intended, the Explanatory Memorandum [APP-108] and Statement of Reasons [AS-009] is requested to be updated to clearly explain and justify this approach.            b) Please demonstrate how the persons with an interest in the Order Land (and not only those plots listed in Schedule 9) have been made aware that undefined new rights are potentially being sought over all the order land and were consulted on that basis?</p>

ExQ1	Question to:	Question:
		<p>c) If this is not the intended approach (and that CA of rights is only proposed to be limited to the plots listed in Schedule 9) then please provide amended drafting.</p>
Q5.0.18	The Applicant	<p><b>Article 23 (Private rights) and Article 26 (Statutory authority to override easements etc)</b></p> <p>a) Please demonstrate how the Applicant has made diligent enquiries to establish what such private rights exist (Article 23) over the Order Land and that affected parties have been consulted.</p> <p>b) Set out the distinction between Articles 23 and 26, explaining why both are necessary rather than a single Article.</p>
Q5.0.19	The Applicant	<p><b>Articles 29 and 30 (Temporary use of land for constructing/maintaining the authorised development)</b></p> <p>Whilst Schedule 11 sets out land of which temporary possession may be taken, Article 29(1)(a)(ii) extends this power more broadly. The temporary possession powers sought in Article 30(1) also relate to ‘any land with the Order Land’.</p> <p>a) Please demonstrate how persons with an Interest in the Order Land have been made aware of and have been consulted on this possibility.</p> <p>b) Provide justification for the 14 days prior notice of temporary possession set out in Article 29(3).</p>
Q5.0.20	The Applicant	<p><b>Article 38 (Felling or lopping of trees and removal of hedgerows)</b></p> <p>This Article includes reference to Schedule 12 (Hedgerows to be removed) whilst also including a generic power for any hedgerows within the Order land to be removed where required.</p> <p>a) Please update Schedule 12 to identify those hedgerows that are ‘important’ hedgerows (see Regulation 4 and Schedule 1 of the Hedgerows Regulations 1997 and section 97 of the Environment Act 1995) along with the identification of any further hedgerows that would be affected by the Proposed Development.</p>

ExQ1	Question to:	Question:
		<p>b) Where it is not possible for hedgerows to be specifically identified in Schedule 12, what provision would be in place to ensure that the removal of such previously unspecified hedgerows would be subject to the prior consent of the relevant local planning authority?</p> <p>c) The Article allows the undertaker to fell or lop any tree or shrub near any part of the authorised development or cut back its roots. Is revised drafting required to ensure that this relates to trees and shrubs that are within or encroaching upon the Order limits?</p>
Q5.0.21	The Applicant	<p><b>Article 39 (Trees subject to tree preservation orders (TPO))</b>  This Article would apply generally to any tree subject to a TPO.  The EM [APP-108] states that this Article does not include a paragraph identifying specific TPO trees affected as such information is not yet known. Please provide an update on this position including, as applicable, a Schedule and plan to specifically identify any affected trees and revised drafting of this Article, noting the advice in the Planning Inspectorate's <i>Advice Note Fifteen: Drafting Development Consent Orders</i> that it is not appropriate for this power to be included on a precautionary basis.</p>
Q5.0.22	The Applicant, any Interested Party	<p><b>Article 44 (Procedure in relation to certain approvals etc)</b>  Under this Article, applications for consent submitted by the undertaker will be deemed to be granted if notice is not given of their refusal by the consenting authority within six weeks of the submission of the application (unless a longer period has been agreed).</p> <p>a) Whilst a precedent for this Article has been cited, please provide justification for and circumstances why this is specifically required for the Proposed Development?</p> <p>b) Comments are sought from interested parties on the merits of this clause along with the proposed time period of six weeks for determination (unless a longer period has been agreed).</p>
<b>5.1 Schedule 1 – Authorised Development</b>		
Q5.1.1	The Applicant	This Schedule includes further associated development (a) to (q).



ExQ1	Question to:	Question:
		<p>a) Please explain the differences between items (c), (d) and (m) which include, amongst other things, works to existing irrigation systems, surface water drainage systems, works to existing drainage networks and improvements or extensions to existing drainage and irrigation systems?</p> <p>b) Could these elements be more nearly categorised within the list of further associated development?</p> <p>c) There is some overlap between the listed ‘further associated development’ and the ‘permitted preliminary works’ in Article 2. Please explain this overlap and any implications that may result, making any drafting refinements as necessary.</p>
<b>5.2 Schedule 2 – Requirements</b>		
Q5.2.1	The Applicant	<p><b>Requirement 3 (Phasing of the authorised development)</b></p> <p>No details of potential phasing are included in Chapter 6.1 (Project Description) [APP-035] of the ES. It is also noted that ‘the date of final commissioning’ is defined as meaning ‘in respect of each phase of development as approved under requirement 3 the date on which each phase of the authorised development commences operation by generating electricity.....’.</p> <p>a) Please explain why a phasing requirement is necessary for the Proposed Development?</p> <p>b) Set out indicative phasing details for the construction of the Proposed Development.</p> <p>c) How has the phasing of construction been assessed in the ES, taking account of the possibility that phasing may result in different construction phases at different times?</p>
Q5.2.2	The Applicant	<p><b>Requirement 4 (Approved details and amendments to them)</b></p> <p>a) Please justify why this requirement has been drafted to include provision for amendments to the documents certified under Article 40 (certification of plans and documents etc) as well as plans, details and schemes that have been approved pursuant to any requirement?</p> <p>b) The response above should take into account (i) Schedule 6 of the Planning Act 2008, (ii) the Planning Act 2008: Guidance on Changes to Development Consent Orders, (iii) the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders)</p>

ExQ1	Question to:	Question:
		Regulations 2011 (as amended in 2015) and (iv) paragraphs 17.2 to 17.6 of Advice Note Fifteen: Drafting Development Consent Orders.
Q5.2.3	The Applicant	<p><b>Requirement 6 (Detailed design approval)</b></p> <p>a) For the avoidance of doubt, please set out each specific elements of the Proposed Development that would be included within each of the details to be submitted for items (a) to (g).</p> <p>b) Should the list of details required include i) drainage, water, electrical and communication cables (including those part of Work Nos. 3 and 4) and pipelines, and ii) any noise mitigation measures? If not, how will these elements be controlled?</p>
Q5.2.4	The Applicant, Lincolnshire County Council, Rutland County Council and South Kesteven District Council	<p><b>Requirement 7 (Landscape and ecology management plan)</b></p> <p><i>Response: SKDC would wish to make the following observations as listed below.</i></p> <p>a) <b>Should the list of individual requirements include details of trees to be retained and any necessary measures for their protection?</b> <i>Yes – this should be captured in one of the existing requirements drafted. It is common practice amongst other DCO’s and is captured as a common issue in the Model Provisions (Provision of Landscaping) and is generally seen as best practice in the mitigation of impacts on trees as a result of proposed development.</i></p> <p>b) <b>Should existing hedgerow protection measures be included?</b> <i>Yes – so as to ensure the impacts of the proposed development can be suitably controlled and mitigated.</i></p> <p>c) <b>Should details of existing trees to be removed be included?</b> <i>Yes – in the interests of providing clarity on the impacts of the proposed development.</i></p> <p>d) <b>What would ‘hard landscaping works’ include?</b> <i>It would be useful if this was defined by the applicant.</i></p> <p>e) <b>Is there any conflict between the provision for landscaping management and</b></p>

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		<p><b>maintenance measures ‘during the operational life of the authorised development’ in 2(f) and the five year replacement period for any shrub or tree planted under part 3 of this requirement.</b></p> <p>f) <i>Yes – this does appear to be a potential conflict, with part 3 limiting the ability of the plan to maintain landscaping over the longer term. SKDC take the view that landscaping management and maintenance is essential over the longer term, to mitigate the impacts of the development.</i></p> <p>g) <b>Does part 3 also need to include new hedgerows planted?</b> <i>Yes – in the interest of ensuring that a comprehensive approach to landscaping is taken.</i></p>
Q5.2.5	The Applicant	<p><b>Requirement 8 (Fencing and other means of enclosure)</b></p> <p>Should the drafting of this requirement include an implementation and retention clause for the permanent fencing, walls or other means of enclosure?</p>
Q5.2.6	The Applicant	<p><b>Requirement 10 (Archaeology)</b></p>

ExQ1	Question to:	Question:
		a) Should this requirement be amended to include reference to an Outline Written Scheme of Investigation (see question 6.0.1 below)? b) Is an implementation clause required to ensure that any archaeological works or watching brief are carried out in accordance with the approved scheme?
Q5.2.7	The Applicant	<b>Requirement 16 (Operational Noise)</b> a) Is 'operational noise strategy' the most suitable term for a document that would be expected to include detailed design details to ensure that appropriate noise mitigation is properly implemented? b) The current drafting refers to 'the operational noise rating levels as set out in the environmental statement'. For clarity and precision, can such 'noise rating levels' be specified in the requirement? c) Please explain the links and any overlap between this requirement and requirements 6 (Detailed design approval) and 12 (Operational environmental management plan).
Q5.2.8	The Applicant	<b>Requirement 17 (Skills, supply chain and employment)</b> a) Please set out the full reasons including policy justification for all aspects of the skills, supply chain and employment plan? b) Paragraph 3.1.2 of the outline Employment, Skills and Supply Chain Plan [APP-211] states that in order for the Plan to be successful, it will need to be implemented as early as practicable prior to the commencement of construction. Consequently, does the time frame for the submission and approval of the Plan (currently prior to commencement) need to be earlier in the scheme development process, or should the final Plan be part of the DCO application process? c) Should parts (2) and (3) of the requirement refer to the 'skills, supply chain and employment plan' to be consistent with part (1) and the actual title of the plan?
<b>5.3 Schedule 3 – Legislation to be disapplied</b>		

ExQ1	Question to:	Question:
Q5.3.1	<p>The Applicant (a) and (b) Anglian Water (c) Network Rail (c) Rutland County Council (c) South Kesteven Council (c) Lincolnshire County Council (c)</p>	<p>The EM [APP-018] explains that Schedule 3 sets out a list of the historic legislation that Article 6 would disapply in so far as the provisions still in force are incompatible with the powers contained within the dDCO [APP-017].</p> <ol style="list-style-type: none"> <li>a) For each, provide details and a summary of the relevant provisions for which disapplication is sought.</li> <li>b) Provide justification for why each is proposed to be disappplied, including any relevant provisions of the dDCO [APP-017].</li> <li>c) Please comment, as applicable, on the proposed disapplication of the listed legislation.</li> </ol> <p><i>Response – It would appear that the legislation sought to be disappplied within the proposed powers set out within the Draft DCO, does not cover the statutory functions of SKDC and therefore we have no further specific comments to add on this point.</i></p>
<p><b>5.4 Schedule 16 – Procedure for discharge of requirements</b></p>		
Q5.4.1	<p>The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council Any other Interested Party</p>	<p>The procedure for the discharge of requirements is set out in Schedule 16.</p> <ol style="list-style-type: none"> <li>a) Has the Applicant consulted with the relevant discharging authorities on the approach and procedure to discharging requirements?</li> <li>b) Please set out which matters are agreed and/or disagreed, including any suggested alternative drafting as appropriate</li> </ol> <p><i>Response: SKDC have not been consulted by the applicant on this matter and therefore nothing to date has been agreed. Notwithstanding this, SKDC are happy to engage directly with the applicant on this matter.</i></p>

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Q5.4.2	The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council Any other Interested Party	<p>Part 2(1) of Schedule 16 requires that the relevant planning authority must give notice of its decision within a period of six weeks (subject to the criteria set out in 2(1) (a), (b) and (c).</p> <p>a) Is a determination period of six weeks generally appropriate, including when taking account of the likely content of the submissions to be considered, the relevant procedures of each relevant planning authority and the possible need for publicity and consultation?</p> <p><i>Response: SKDC agree that 6 weeks is considered too short a period to (in the event of the project being consented) to consider the level of detail likely to be submitted whereby we would need to consult relevant technical consultees upon its content, even in the absence of any public consultation. If possible it would also be welcomed if pre-warning of any submission could be provided, either on an a formal or informal basis, so that this additional work beyond the day to day statutory functions of the authority can be suitably planned for and resourced.</i></p> <p>b) Where new or different environmental effects are reported in any application under part 2(3) of Schedule 16, would a longer determination period be appropriate, including when taking into account circumstances where the relevant planning authority might need to carry out further publicity and consultation?</p> <p><i>Response: SKDC agree that a longer determination period would be appropriate for the similar reasons to that listed above, but also considering that (in the event of the project being consented) significant public interest on the project would remain and therefore public consultation would be fair and reasonable in the event of any new or different environmental effects.</i></p>
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ExQ1	Question to:	Question:
Q5.4.3	The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council	<p>a) <b>Would it be appropriate to include provision for the payment of fees to the discharging authority for applications made under Schedule 16?</b></p> <p><i>Response: Yes, this would be a potentially significant resourcing commitment for SKDC to manage and it is therefore entirely appropriate that a fee should be agreed for the provision of this service.</i></p> <p>b) <b>Provide additional drafting as appropriate.</b></p>
<b>6.</b>	<b>Historic Environment</b>	
Q6.0.1	The Applicant	<p>Requirement 10 of Schedule 2 of the draft Development Consent Order (dDCO) [APP-017] requires the submission and approval of a Written Scheme of Investigation (WSI) prior to commencement of any phase. Table 3-3 of the outline Construction Environmental Management Plan (oCEMP) [APP-207] states that a WSI is appended to the Trial Trenching Summary Report [APP-070]. However, whilst the 'interim' Trial Trenching Report refers to a WSI for an archaeological evaluation prepared in 2022, this has not been submitted with the Application.</p> <p>The applicant is requested to submit:</p> <p>a) A copy of the WSI referenced in the Interim Trial Trenching Summary Report; and</p> <p>b) An outline WSI which would form the basis and guiding principles for the final WSI to be submitted under Requirement 10 of the dDCO. If this document is not able to be provided by Deadline 2 then please provide details of the timetable for its submission including the opportunity for consultation with relevant Interested Parties.</p>
Q6.0.2	Historic England, Lincolnshire County Council and Rutland County Council	<p>Requirement 10 of Schedule 2 of the dDCO [APP-017] relating to archaeology includes the requirement for the submission and approval of a WSI.</p> <p>Please provide your comments on the proposed drafting of this requirement including any additional/revised drafting as appropriate with accompanying justification.</p>
Q6.0.3	Historic England, Lincolnshire County Council, Rutland County Council, South	<b>At Procedural Deadline A, the Applicant submitted a Supplementary Trial Trenching Report [PDA-014].</b>

ExQ1	Question to:	Question:
	Kesteven District Council (as appropriate)	<p>Please provide comments on this additional document, as part of your Written Representation or Local Impact Report.</p> <p><i>Response: SKDC note the provision of this document, but as LCC have been leading on archaeological matters in Lincolnshire, we shall leave it for that authority to respond.</i></p>
Q6.0.4	The Applicant	<p>Paragraphs 4.37 of the Cultural Heritage Impact Assessment [APP-068] notes that the construction methodology will entail the installation of minimally intrusive piles in order to mount the panel frames. Paragraph 4.38 states that the Proposed Development presents an opportunity to restrict further damage to the archaeological resource by removing the site from arable use and therefore the effects of modern ploughing.</p> <p>a) Noting the proposed maximum pile depth for the proposed mounting structures of 2.5m and the proposed extent of works proposed, how would this compare to the possible extent and depth of any subsequent archaeological intrusion that might result from the effects of modern ploughing?</p> <p>b) Provide further explanation of what would constitute ‘minimally intrusive piles’?</p>
Q6.0.5	The Applicant	<p>Paragraph 4.39 of the Cultural Heritage Impact Assessment [APP-068] explains that the detailed design will allow for the implementation of a specific and targeted mitigation strategy to minimise or avoid any construction effects on important buried archaeological remains.</p> <p>a) Explain the criteria that would be used to determine those localised areas of the Order limits where the installation of Photovoltaic (PV) arrays (and any other construction work) would be avoided.</p> <p>b) Based on the currently available evaluation information, are there any areas of the Order limits where it can be determined at this stage that works should be avoided?</p>
Q6.0.6	The Applicant	<p>Paragraph 4.40 of the Cultural Heritage Impact Assessment [APP-068] explains that ‘no dig’ solutions are likely to include where ground disturbance is proposed for the construction of the substation and other infrastructure. The information provided (including Figures 2a, 3 and 4 of the Assessment) indicates potential for archaeological interest in the area of the proposed substation location and the adjacent construction compound.</p> <p>Please set out in further detail the effects upon potential archaeological remains in this area, including further details of the likely ground disturbance required for these works.</p>



ExQ1	Question to:	Question:
Q6.0.7	The Applicant	<p>Paragraph 5.4.15 of the Project Description [APP-035] states that the option to install concrete blocks known as “<i>shoes</i>” may also be considered, avoiding the need for driven and screw anchored installation, therefore minimising ground disturbance.</p> <ol style="list-style-type: none"> <li>a) Please provide further details, including indicative drawing(s), of the design of these “<i>shoes</i>” in association with the PV Modules.</li> <li>b) Summarise the circumstances and process for determining whether these would be used in the final design?</li> <li>c) Should the possible use of this design/construction approach be specifically included in Table 3-3 of the oCEMP [APP-207]?</li> </ol>
Q6.0.8	The Applicant	<p>Paragraphs 5.6 to 5.8 and paragraph 5.15 of the Cultural Heritage Impact Assessment [APP-068] consider the effects upon nearby Scheduled Monuments, concluding that there would be no impact on any resulting from the Proposed Development.</p> <ol style="list-style-type: none"> <li>a) Please identify and describe in further detail the significance of each Scheduled Monument as a designated heritage asset, including those elements of the setting that make a positive contribution to the significance.</li> <li>b) Update as appropriate the consideration of the effects of the Proposed Development on the significance of each Scheduled Monument by any development within its setting.</li> </ol>
Q6.0.9	The Applicant	<p>Paragraphs 5.10 to 5.14 of the Cultural Heritage Impact Assessment [APP-068] consider the effects upon nearby Conservation Areas and concludes that none will be affected by the Proposed Development.</p> <ol style="list-style-type: none"> <li>a) Please identify and describe in further detail the significance of each Conservation Area as a designated heritage asset, including those elements of the setting that make a positive contribution to the significance.</li> <li>b) Update as appropriate the consideration of the effects of the Proposed Development on the significance of each Conservation Area by any development within its setting.</li> </ol>

ExQ1	Question to:	Question:
Q6.0.10	The Applicant	<p>Paragraphs 5.14 and 5.15 of the Cultural Heritage Impact Assessment [APP-068] describe works to reinforce kerbs and relocate some of the street furniture and lighting adjacent to the Great Casterton Conservation Area (which also includes fourteen listed buildings). A temporary change is reported to the setting of the Scheduled Monument of the Roman town of Great Casterton.</p> <p>Please provide further detail and justification for the assessment of these works upon the significance of the designated heritage assets (including any listed buildings).</p>
Q6.0.11	The Applicant	<p>Paragraph 8.2.30 of the ES [APP-038] notes that six Registered Parks and Gardens lie within 5km of the Order limits (including the Grade II* Burghley House Registered Park and Garden). It states that there are no meaningful historic associations or intervisibility between the Proposed Development and each one of the Registered Parks and Gardens and that the distances involved, and their heritage values, mean that they did not need to be assessed in any further detail.</p> <p>Please provide a more detailed and reasoned justification for why these Registered Parks and Gardens do not need to be assessed in any further detail?</p>
Q6.0.12	The Applicant	<p>Paragraph 5.9.9 of the draft Overarching Policy Statement for Energy March 2023 (EN-1) states that consideration will need to be given to the possible impacts, including cumulative, on the wider historic environment and that assessment should include reference to any historic landscape character assessment and associated studies as a means of assessing impacts.</p> <p>a) Notwithstanding the information provided, including paragraphs 8.2.33 to 8.2.34 of the ES (APP-038) and Chapter 6 (Landscape and Visual) [APP-036] please explain in further detail how the Proposed Development has been assessed in the context of its overall impact on historic landscape character, taking account of Historic England's Historic Landscape Characterisation guidance?</p> <p>b) Please provide a copy of the Leicestershire County Council 2019: The Leicestershire, Leicester and Rutland Historic Landscape Characterisation Project referred to in paragraph 8.2.33 of the ES.</p>

ExQ1	Question to:	Question:
Q6.0.13	The Applicant	<p>Section 4.0 oCEMP [APP-207] states that the detailed CEMP(s) will set out all roles, responsibilities and actions required in respect of the implementation of the measures contained in the oCEMP.</p> <p>In respect of archaeology, explain the supervisory, decision-making processes and responsibilities that would be required in connection with the proposed archaeological protection and mitigation measures, including the need for the appointment of any suitably qualified person(s). Update the oCEMP as necessary.</p>
Q6.0.14	The Applicant, Lincolnshire County Council, Rutland County Council	<p>The Applicant, Lincolnshire County Council and Rutland County Council are requested to provide an update on the discussions between the parties on archaeology, including but not limited to archaeological evaluation work.</p> <p>This can be incorporated into the relevant Statements of Common Ground and should provide a specific summary of any matters of disagreement remaining on archaeology, the reasons for this disagreement and the steps being taken to seek to address outstanding concerns.</p>
<b>7. Land Use and Soils</b>		
Q7.0.1	Rutland County Council and Lincolnshire County Council	<p>A Minerals Assessment is provided within Appendix 4 of the Planning Statement [APP-203]. Please confirm whether you agree with the content and conclusions of this assessment, setting out justification for any areas of disagreement.</p>
Q7.0.2	The Applicant	<p>Paragraphs 12.4.10 to 12.4.14 of the ES [APP-042] explains that the temporary construction compounds will have no adverse long-term effect on soils or agricultural land quality.</p> <p>a) In the case of the primary construction compound, how does its relationship with the onsite substation proposed in the same location (and with no limit on its operational life), have a bearing on this assessment?</p> <p>b) For the secondary construction compounds, will the areas of these be subsequently used as solar PV site areas? If so, how will the soil restoration process and solar photovoltaic (PV) construction, be managed and phased for these areas?</p>

ExQ1	Question to:	Question:
Q7.0.3	The Applicant	<p>Paragraphs 12.4.33 and 12.4.34 of the ES [APP-042] refer to two previous solar farm planning decisions at Little Crow (EN010101) and St Asaph (Welsh DNS 3247619).</p> <p>a) What weight was given in those cases to any maximum operational time period and how might that influence the conclusions reached in this case?</p> <p>b) Assuming that the time period for operation was limited in both those cases, what bearing should those decisions have on the consideration of the Proposed Development, which does not include a time limit for the operational period?</p>
Q7.0.4	The Applicant	<p>Paragraph 12.4.48 of the ES [APP-042] states that the effects of farm businesses during construction would not be significant.</p> <p>a) Please provide further details of the likely effects during construction with reference to each farm affected.</p> <p>b) Summarise the proposed measures that would be secured by the dDCO to minimise any disruption to farm businesses during construction.</p>
Q7.0.5	The Applicant	<p>Paragraph 12.4.62 of the ES [APP-042] states that none of the occupying farm business will cease and that all have considerable areas of land that extend beyond the solar PV Array areas.</p> <p>a) What percentage area of land for each farm business would be utilised by i) land within the Order limits and ii) the proposed PV array areas?</p> <p>b) Please provide a plan showing the full extent of the land of each farm business.</p> <p>c) For each farm business and with reference to any affected fields, provide further details of how access and severance (both inside and outside the Order limits) could be affected by the Proposed Development?</p> <p>d) Identify any difficulties or constraints that might arise for the use of any of the fields retained in the Order limits for agricultural use?</p>
Q7.0.6	The Applicant	<p>Paragraphs 12.4.57 and 12.4.58 of the ES [APP-042] states that the land under and around the PV Arrays could be used for the grazing of sheep or fodder production.</p>

ExQ1	Question to:	Question:
		<p>a) For each farm business affected by the Proposed Development please explain how likely the proposed use for sheep grazing would be, given that the existing farms are either wholly or primarily arable. This explanation should take account of how the practices of the farm would need to change to accommodate sheep grazing and the incentive for doing so.</p> <p>b) Provide evidence of any examples of existing solar farms where sheep grazing is successfully operated by an arable farm business.</p> <p>c) How would fodder production be carried out taking account of the obstructions of the solar arrays and solar stations etc</p>
Q7.0.7	The Applicant	<p>The Land Use and Soils Assessment Methodology within Appendix 12.2 of the ES [APP-089] explains that under the Institute of Environmental Management and Assessment (IEMA) Guide the methodology considers the permanent sealing of land or Agricultural Land Classification (ALC) downgrading of more than 20ha to be a major adverse magnitude of impact.</p> <p>Given that (in the absence of any time limit) the operational effects of the Proposed Development need to be considered on a permanent basis, in circumstances where the land to be used for PV arrays was not to be used for either sheep grazing or fodder production, how would this change the conclusions reached on the effect on agricultural land?</p>
Q7.0.8	The Applicant	<p>Paragraph 12.4.61 of the ES [APP-042] states that the retained agricultural land within the Mitigation and Enhancement Areas as set out in the outline Landscape and Ecology Management Plan [APP-210] will continued to be farmed.</p> <p>Does this include the areas of proposed wildflower grassland with calcareous species within Fields 1 and 3 [APP-112] in the northwest section of the Order limits?</p>
Q7.0.9	The Applicant	<p>An assessment of potential impacts of the Mitigation and Enhancement areas on agricultural land and soils has not been provided. Paragraphs 12.2.8, 12.3.6 and 12.4.81 of ES Chapter 12 [APP-042] state that 239 ha of the Mitigation and Enhancement Areas will remain in agricultural use and are not affected by any works.</p>

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**Responses due by Deadline Thursday 15 June 2023**

ExQ1	Question to:	Question:
		Please provide an additional table in ES Chapter 12 or an expanded version of Table 12-1 to clearly show the amounts and proportions of agricultural land, including BMV, impacted by each element of the proposed Mitigation and Enhancement areas.
Q7.0.10	The Applicant	Paragraph 12.2.28 states that the existing farmyard area and buildings could be used as a temporary construction compound area as shown on the Works Plans. What would the implications of this be for the operation of the farm during the construction period?
Q7.0.11	The Applicant	Paragraph 12.8.3 of the ES [APP-042] states that the Proposed Development would not result in any irreversible or permanent loss of agricultural land, and therefore there are no cumulative effects associated with other projects. Nonetheless, several Relevant Representations (RR) have raised the issue of the cumulative effects on agricultural land (including Best and Most Versatile (BMV) resulting from other solar farm developments. a) Please explain this statement in the context that the effects of the Proposed Development need to be considered on a permanent basis given that there is no time limit for its operational phase. b) Provide an estimate of the total area of BMV agricultural land within the regional area, and express the area of ‘temporary loss’ from (i) the Proposed Development and (ii) other known solar farm developments as a percentage of that total area? The response should also explain how these figures support the ES conclusion of no likely significant effect from any loss of BMV agricultural land.
Q7.0.12	The Applicant	Table 6 (South Kesteven Local Plan Policy – Table of Compliance) of Annex 3 of the Panning Statement [APP203] sets out the Applicant’s response to ‘Renewable Energy Appendix 3 Criteria). However, it omits any assessment in response to Solar Energy Criterion 9 which is referred to in the RR from South Kesteven District Council. Please therefore update the Table of Compliance to include a full response for how the Proposed Development has been assessed against this Criterion 9.

ExQ1 8.	Question to: Landscape and Visual	Question:
Q8.0.1	The Applicant	<p>Paragraph 1.1.29 of the Applicant's Landscape and Visual Assessment Methodology [APP-055] states that effects that are Major-Moderate or Major are considered to be significant, whilst effects of Moderate significance or less are "<i>of lesser concern</i>" and not significant. This differs from the standard approach set out in Chapter 2 (Overview of EIA Process) of the Environmental Statement (ES) [APP-032].</p> <p>Please explain why, for landscape and visual matters, effects of Moderate significance are not considered as being significant within the ES?</p>
Q8.0.2	The Applicant	<p>Paragraph 3.34 of the Guidelines for Landscape and Visual Impact Assessment (GLVIA) (3<sup>rd</sup> Edition) states that it should be made clear that effects not considered to be significant will not be completely disregarded.</p> <p>Explain how this has been taken into consideration, including in relation to the assessment of combined effects, the effects on the well-being of residents and the wider 'planning balance' within the Planning Statement [APP-203].</p>
Q8.0.3	The Applicant	<p>Both representative and illustrative viewpoints are assessed within ES Chapter 6: Landscape and Visual [APP-036]. Paragraph 1.1.48 of the Applicant's Landscape and Visual Assessment Methodology [APP-055] states that representative viewpoints have been "<i>selected in locations and 'micro-sited' where significant effects are likely to be experienced</i>" as well as some viewpoints which have been selected to demonstrate that a particular receptor would not be affected. No rationale is provided for the selection of illustrative viewpoints, although paragraph 6.3.52 of the ES [APP-036] states that these viewpoints "<i>demonstrate a particular effect or specific issues</i>".</p> <p>Paragraph 6.3.53 of the ES [APP-036] states that the representative and illustrative viewpoints were subject to consultation with the LCC, RCC and SKDC in January 2022. However, the letter sent to these authorities provided in ES Appendix 6.6 [AS-001] does not identify any illustrative viewpoint locations. It is noted that the third paragraph of page 4 of 7 of the Applicant's letters to the authorities states that "<i>illustrative views will be identified during the assessment process to illustrate and describe particular points made within the assessment.</i>"</p>

ExQ1	Question to:	Question:
		<p><i>These may include locations outside the study area to illustrate the nature of visibility, if necessary.</i></p> <p>Please provide further justification for the locations of illustrative viewpoints selected and explain the difference between the terms 'representative' and 'illustrative' viewpoints in this context.</p>
Q8.0.4	The Applicant	<p>Paragraph 6.5.46 of the ES [APP-036] states that photomontages, showing the Proposed Development at Years 1 and 15 of operation, have been prepared for representative viewpoints 1, 2, 4, 8 and 11.</p> <p>Please provide additional photomontages of the Proposed Development from Field no. 35, approximately 50m north of VP06B [APP-138], as well as from any other locations which would aid the ExA's understanding of the likely visual impact of the Proposed Development once operational.</p>
Q8.0.5	Lincolnshire County Council, Rutland County Council and South Kesteven District Council	<p><b>Figures 6.6 [APP-138] and 6.7 [APP-139] of the ES show the representative viewpoints, illustrative viewpoints and visual receptor groups, further details of which are provided in paragraphs 6.3.50 to 6.3.58 of the ES [APP-036].</b></p> <p><b>Please confirm if you agree with these viewpoints and visual receptor groups. If you consider that any further viewpoints would be reasonably required, provide precise details of these along with a clear justification for why they are required.</b></p> <p><i>Response: As set out in the LIR submitted by SKDC, the authority has commissioned an ES review by Stantec, jointly with RCC. This review concludes that the EIA has been undertaken in accordance with the appropriate legislation and guidance and comprehensively assesses the likely significant effects of the proposed development. In addition, SKDC have been involved in the agreement of viewpoints at the pre-submission stage and therefore have nothing further to add in respect of viewpoints.</i></p>
Q8.0.6	The Applicant	<p>Figure 6.4 of the ES [APP-136] shows the local Landscape Character Areas (LCA). The colours used make this figure difficult to understand, particular for those with any degree of colour blindness.</p> <p>Please provide a revised Figure 6.4 using a more easily distinguishable range of colours, along with clear notation.</p>



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Q8.0.7	The Applicant	Paragraph 6.3.1 of the ES [APP-136] notes, under Baseline Conditions, that the Order limits comprise gently undulating arable land.
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ExQ1	Question to:	Question:
		<p>Please explain in further detail how the LVIA has taken the undulating nature of the site into account, including in terms of situations where the PV arrays may be more prominent on a sloping site.</p>
Q8.0.8	The Applicant	<p>Paragraph 6.3.37 of the ES [APP-036] refers to the Lincolnshire Historic Landscape Characterisation (LHLC) informing the baseline study of the LVIA. Paragraph 8.2.33 of Chapter 8 (Cultural Heritage) [APP-038] also refers to the Leicestershire, Leicester and Rutland Historic Landscape Characterisation but not the LHLC.</p> <p>a) Should both these documents be used in the assessments carried out for both the landscape and visual impacts and the cultural heritage impacts?</p> <p>b) Please update both assessments accordingly. If either document is not relevant to either assessment then please explain why?</p>
Q8.0.9	The Applicant	<p>Paragraph 6.4.2 of the ES [APP-036], in considering ‘embedded mitigation’, states that compared to other technologies, solar photovoltaic (PV) installations can be easily and economically decommissioned and removed from the landscape at the end of their operational lifespan. Though, paragraph 6.5.10 subsequently acknowledges that during the operational phase, the Proposed Development would result in permanent effects.</p> <p>Given that there is no time limit within the dDCO for the operational period of the Proposed Development, what weight if any can be given to paragraph 6.4.2 in the assessment of landscape and visual effects?</p>
Q8.0.10	The Applicant	<p>Paragraph 6.5.2 of the ES [APP-036] lists the key components that would likely give rise to landscape and visual effects to varying degrees.</p> <p>Drawing on the development parameters and the project description, along with the illustrative material provided and the likely design and form of each component (including but not limited to the onsite substation and ancillary buildings), provide further narrative and explanation for how the likely design and appearance of the different components of the Proposed Development have been taken into account in the landscape and visual assessment.</p>

ExQ1	Question to:	Question:
Q8.0.11	The Applicant	<p>The Design and Access Statement [APP-204] sets out the need for good design and includes Design Guidance that would be used to inform the detailed design process for different components of the Proposed Development.</p> <ol style="list-style-type: none"> <li>a) Provide further explanation of how the onsite substation and ancillary buildings (taking account of the different components within that part of the Proposed Development) would be capable of being laid out and designed in order to promote the best possible aesthetic and visual appearance and to minimise its landscape and visual effects.</li> <li>b) Explain in further detail how the proposed landscaping strategy has been designed in order to seek to minimise the effects of the onsite substation and ancillary buildings.</li> <li>c) What bearing would the proposed colour and any reflectivity of the solar panels have on their landscape and visual impact?</li> <li>d) Provide a summary of how the location and final appearance of the proposed invertors, transformers and switchgears (including any associated solar stations/storage containers) would be determined in order to minimise their landscape and visual effects?</li> <li>e) Would there be any differences between the dDCO controls for solar stations and storage containers (noting that Design Guidance PE.4.2 of the Design and Access Statement states that there will be a 50m offset of solar stations from Public Rights of Way). Should the Design Guidance be amended to also refer to storage containers in this respect?</li> </ol>
Q8.0.12	The Applicant	<p>Paragraph 6.5.17 of the ES [APP-036], discussing LCAs, states that the assessment of landscape effects particularly focuses on the Rutland LCA and the South Kesteven LCA as agreed through consultation with the LPAs. The assessment goes on to only assess the likely significant effects on these two LCAs with no assessment of landscape effects on other landscape receptors included in the Baseline Conditions such as National Character Areas or Landscape Features. Evidence of agreement with consultees is not provided in Appendix 6.3 (Landscape and Visual Consultation Summary) of the ES [APP-056].</p> <ol style="list-style-type: none"> <li>a) Provide evidence of the agreement reached with relevant consultees on the scope of this assessment.</li> <li>b) Explain the reasoning as to why it was considered unnecessary to assess effects on National Character Areas and Landscape Features.</li> </ol>

ExQ1	Question to:	Question:
Q8.0.13	The Applicant	<p>The assessment of likely significant effects only considers effects on Visual Receptor Groups and Key Transport Groups, in addition to residential receptors within the Residential Visual Amenity Assessment [APP-057]. Although the “<i>scale of effect</i>” for representative viewpoints is provided in Table 6-2 [APP-036] this indicates small, medium or large-scale effects and likely significant effects are not reported. Furthermore, no assessment of illustrative viewpoints has been provided.</p> <p>Please clarify the scope of the assessment of visual effects and whether there is potential for likely significant effects to occur on representative or illustrative viewpoints identified within the Baseline Conditions.</p>
Q8.0.14	The Applicant	<p>The summary of landscape effects in paragraph 6.5.31 of the ES [APP-036] on the Rutland Plateau Clay Woodlands LCA and in paragraph 6.5.37 on the Kesteven Uplands LCA, state that the Proposed Development would be “<i>small scale</i>”.</p> <p>Please explain the term “<i>small scale</i>” in this context.</p>
Q8.0.15	The Applicant	<p>The Residential Visual Amenity Assessment in Appendix 6.4 of the ES [APP-057] concludes that the ‘Residential Visual Amenity Threshold’ would not be exceeded for any residential property.</p> <p>a) Please explain in further detail how a professional judgement is reached on whether or not the ‘Residential Visual Amenity Threshold’ is exceeded?</p> <p>b) Within Table 1 of the Assessment, no property is recorded as having a greater than ‘Moderate’ significance of effect’ in Year One of operation, with North Lodge Farm, North Lodge Farm Bungalow and Wood Farm Cottages being subject to a moderate significance of effect. In the event that the significance of effect for any property was found to be greater than moderate (and therefore ‘significant’ using the assessment methodology in Appendix 6.3 [APP-055]) would this amount to the Residential Visual Amenity Threshold being exceeded?</p>

ExQ1	Question to:	Question:
Q8.0.16	The Applicant	<p>Chapter 16 of the ES (Interactions of effects and summary of cumulative effects) [APP-046] sets out in-combination effects. In-combination effects between landscape and visual effects and noise and vibration has been assessed for Public Rights of Way users.</p> <p>Can the Applicant confirm whether there is potential for other in-combination effects to occur between landscape and visual effects and other potential impacts or other landscape and visual receptors (including effects on the occupiers of residential properties)?</p>
Q8.0.17	The Applicant and/or Rutland County Council	<p>Paragraph 6.5.106 states that the potential for cumulative landscape and visual effects are considered to be limited in scope to an approved warehouse development adjacent to Meadow Park Industrial Estate in Essendine (Ref. 2021/0379/MAF).</p> <p>a) Please provide a location plan, site layout plan and any relevant elevation plans or other illustrative material for this approved development.</p> <p>b) Set out details of the date of approval, time period of the planning permission and any relevant details of implantation for this approved development.</p>
Q8.0.18	The Applicant, Rutland County Council and South Kesteven District Council	<p><b>Requirement 7 (Landscape and Ecology Management Plan (LEMP)) of the dDCO [APP-017] includes a five years maintenance period which is generally reflected in the Management Programme Schedule (Appendix 1) of the outline LEMP. Paragraph 6.2.5 of the ES [APP-036] explains that the LVIA assesses the landscape and visual effects at years 1 and 15 of operation to account for the visual screening provided by the proposed planting over time. It recognises that the exact timescales for visual screening can never be guaranteed as growth rates would be variable depending on a number of factors.</b></p> <p><b>Is the proposed maintenance period of five years appropriate, taking into account any benefits arising from the proposed landscaping in mitigating effects? If an alternative maintenance period is considered necessary, provide justification for this.</b></p> <p><i>Response: SKDC considers that any commitment to mitigate landscape effects that the assessment identifies as being necessary should be secured over the full period i.e.. A minimum of 15 years, as this will ensure that the mitigation is embedded over the period for which it is necessary and ensures a robust approach is undertaken.</i></p>

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Q8.0.19	The Applicant	Please provide copies, for inclusion into the Examination Library of:  a) Ref 6-4: Historic England and the Lincolnshire Wolds Countryside Service (2001), Lincolnshire Historic Landscape Characterisation Project;
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ExQ1	Question to:	Question:
		b) Ref 6-5: David Tyldesley and Associates (2003), The Landscape Character Assessment of Rutland; c) Ref 6-6: FPCR Environment and Design Ltd (2007), South Kesteven Landscape Character Assessment; and d) Ref 8-8 (Cultural Heritage chapter): Leicestershire County Council 2019, The Leicestershire, Leicester and Rutland Historic Landscape Characterisation Project
<b>9. Noise and Vibration</b>		
Q9.0.1	The Applicant	Paragraph 1.1.24 of Appendix 10.2 [APP-078] of the Environmental Statement (ES) considers a level of 55dB $L_{Aeq,1h}$ as a threshold of significant noise effects for Public Rights of Way (ProW) receptors for the operational phase of the Proposed Development (based on the guidance of BS 8233).  Please provide further explanation of this threshold for significance and the criteria used in professional judgement to assess the construction, operation and decommissioning effects on recreational users of any PRoW (including the proposed new PRoW)? This should include the consideration given to existing background noise levels, the character of existing noise and the likely expectations of recreational users of the ProW within the countryside.
Q9.0.2	The Applicant	Tables 12 and 15 of Appendix 10.2 [APP-078] of the ES provide night-time assessment results. However, the third column in each is titled 'Typical day background noise level (dB)'. For clarification, should these columns be titled 'Typical night-time background noise level (dB)? Please amend as appropriate.
Q9.0.3	The Applicant	Paragraph 1.1.20 of Appendix 10.2 (Noise and Vibration Methodology) [APP-078] of the ES refers to an external free field noise rating level criterion of $L_{ar,Tr}$ 35 dB where background levels are low. It notes that BS 8233 advises average internal noise levels of 30dB for sleeping at night in bedrooms.  For those residential properties potentially affected by the Proposed Development (including Wood Farm, Wood Farm Cottages, North Lodge Farm, North Lodge House, Banthorpe Lodge

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ExQ1	Question to:	Question:
		and Glen Lodge), explain in further detail how the assessment (including for construction and operation) has taken account of potential noise effects, including within the inside of rooms where windows might be left open at night-time during warmer weather.
Q9.0.4	The Applicant	<p>Paragraph 10.8.19 of the ES [APP-040] concludes that there would be a low magnitude of impact on balance from the proposed Onsite Substation.</p> <p>a) As the precise details of the design and specific components of the Onsite Substation are not yet known, and considering the ‘on balance’ assessment, what level of certainty is there that potentially low level yet still potentially annoying levels of noise would not result for local residential properties, including at night-time and when windows might be open?</p> <p>b) Is it possible for further design related mitigation measures to be imposed to minimise any risk of any adverse effects from noise from the Onsite Substation?</p>
Q9.0.5	The Applicant	<p>Paragraph 5.11.4 of the National Policy Statement (NPS) EN-1 (and paragraph 5.12.6 of the revised draft NPS for Renewable Energy Infrastructure (EN-3), March 2023) requires that the Applicant’s assessment includes the identification of any distinctive tonal, impulsive or low frequency characteristics of noise.</p> <p>a) Please provide a summary, in the clearest possible terms, of how these characteristics have been identified. This may include examples of equivalent sounds sources to provide a guide to all Interested Parties.</p> <p>b) Give the design flexibility sought for particular elements of the proposal, what likelihood is there that such characteristics might change once the final design has been determined?</p>
Q9.0.6	The Applicant	<p>The third limb of paragraph 5.11.9 of NPS EN-1 (and paragraph 5.12.17 of the draft NPS EN-1 March 2023) requires that proposals, where possible, contribute to improvements to health and quality of the life through the effective management and control of noise.</p> <p>a) Please summarise how the Proposed Development does this, cross referencing where necessary to existing documents.</p>



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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		b) If it has not been possible for the Proposal Development to achieve this then please explain why not.
Q9.0.7	The Applicant	<p>Paragraph 5.12.6 of the draft NPS EN-1 (March 2023) requires that, where noise impacts are likely to arise from the proposed development, the applicant's assessment includes an assessment of any likely impact on health and well-being where appropriate.</p> <p>Submissions have been made by local residents on the potential effects on health and well-being. Please explain further how the application has taken this draft policy requirement into consideration?</p>
Q9.0.8	The Applicant	<p>Paragraph 10.7.1 of the ES [APP-040] states that works likely to generate substantial levels of noise (including earthworks, trench construction and any piling) will be excluded from Saturday afternoons (13:00 to 19:00) along with HGV deliveries and movements. This is also included within the outline Construction Environmental Management Plan [APP-207] but with the caveat 'unless otherwise agreed with the relevant local authority'.</p> <p>a) Please provide a definition of 'substantial levels of noise' with reference as appropriate to the relevant ES methodology.</p> <p>b) Which other construction works would be likely to generate 'substantial levels' of noise?</p> <p>c) In what circumstances might the relevant local authority be likely to agree such construction works and what criteria would be used for the local authority to determine such requests?</p> <p>d) In order to provide greater certainty and clarity for local residents and recreational users during construction, explain why this approach has been proposed rather than more simply further restricting core construction hours?</p>
Q9.0.9	The Applicant	<p>Paragraphs 10.7.3 of the ES [APP-040] states that Horizontal Directional Drilling (HDD) could be required in some cases to continue outside of the assumed day-time construction hours.</p> <p>a) In what circumstances and with what justification would HDD be expected to occur outside assumed day time construction hours?</p>

ExQ1	Question to:	Question:
		b) What would be the expected frequency and duration of such HDD works and over what period might they be expected to continue in any specific location?
<b>10.</b>	<b>Socio-economic Effects</b>	
Q10.0.1	The Applicant	Paragraphs 14.2.22 to 14.2.24 of the Environmental Statement (ES) [APP-044] identify the main visitor attractions in Rutland and South Kesteven within the vicinity of the Proposed Development. Tolethorpe Hall which hosts an open-air theatre is not referenced. Concerns have been raised regarding the impact of potential noise pollution [RR-1079]. Please can the Applicant clarify if effects on the Tolethorpe Hall have been assessed including any potential noise effects of the Proposed Development on the open-air theatre?
Q10.0.2	The Applicant	The Proposed Development would provide an additional 8.1km of permissive paths which would be open to horse riders and cyclists. What will happen to the permissive paths after decommissioning?
Q10.0.3	The Applicant	Paragraph 5.1.1 of the outline Employment, Skills and Supply Chain Plan [APP-211] states that <i>"The Applicant proposes to enable research and innovation in the renewables sector, by facilitating access to the operational Proposed Development for appropriate research organisations on request."</i> Appendix 1 to the plan sets out intended communications but appears to focus on employment opportunities and skills. Please explain what particular measures are proposed that would facilitate access to the operational Proposed Development for appropriate research organisations.
Q10.0.4	The Applicant	Section 6 of the outline Employment, Skills and Supply Chain Plan [APP-211] includes an ethical procurement policy that would apply to potential suppliers. This includes various commitments to be met by potential suppliers including the need to publish an annual modern slavery and human trafficking statement (which is informed by a risk assessment). a) Would the statement be subject to scrutiny by a third party?

ExQ1	Question to:	Question:
		b) How would an ethical procurement policy be monitored and enforced?
Q10.0.5	The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group and any other Interested Party	<p>Paragraph 14.4.2 of the ES [APP-044] explains that “...<i>Furthermore, economic modelling identifies that the study area (Rutland and South Kesteven) is a popular destination for visitors, particularly for countryside pursuits like walking. Within the Rutland and South Kesteven Local Plans employment and economic activity are high on the list of priorities, and both local authorities have dedicated tourism teams promoting the area.</i>”</p> <p>a) Is any evidence available that quantifies how regularly the Public Rights of Way (PRoW) within and adjacent to the Order limits are used?  <i>Response: SKDC do not hold any specific evidence on this but note that anecdotal evidence suggests they are well used and valued public rights of way.</i></p> <p>b) Are there any particular routes or circular walks or rides that are promoted for recreational use by residents or visitors?  <i>Response: SKDC note that the Macmillan Way is a key PROW that is promoted for recreational use.</i></p>
Q10.0.6	The Applicant	<p>Paragraph 14.4.22 of the ES [APP-044] refers to limited number of temporary PRoW diversions during construction. Paragraph 14.4.24 specifically identifies the need to temporarily divert Bridleway E169/1 and Bridleway BrAW/1/1 during the construction of internal access tracks.</p> <p>a) Please can the Applicant confirm if any further temporary diversions may be needed.</p> <p>b) For all temporary diversions, please provide any further details regarding the likely location of the diversions and the length of time they would be in place?</p>

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Q10.0.7	The Applicant	<p>Paragraph 14.4.44 of the ES [APP-044] refers to a “<i>growing body of research</i>” that indicates that the presence of large-scale renewable energy development is not a significant factor for people when making holiday/leisure decisions. One example of research undertaken in 2013 in Cornwall in the context of a 172MW solar farm is cited.</p> <p>Please can the Applicant provide further examples of research that support the conclusion that large-scale renewables do not negatively impact upon holiday/leisure destination decision-making? Is any more recent or local evidence available?</p>
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ExQ1 11.	Question to: Transportation and Traffic	Question:
Q11.0.1	The Applicant and Rutland County Council	<p>In relation to pedestrian and cyclist amenity during the construction phase, Paragraph 9.6.29 of the Environmental Statement (ES) [APP-039] acknowledges that the Proposed Development will result in a change above the threshold recommended within the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic (GEART) on Link 1 (Uffington Lane). It goes on to state that “<i>Whilst there may be some associated recreational use of this link 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, as well as being influenced by other factors such as time of year and weather.</i>”. However, construction will be undertaken on Saturdays when demand for recreational use may be higher.</p> <p>The ES concludes that the construction phase of the Proposed Development will have a non-significant effect on Pedestrian and Cyclist Amenity overall.</p> <p>a) Is any data available regarding the usage of Uffington Lane by pedestrians and cyclists? b) Can the Applicant please set out the possible implications for pedestrian and cyclist amenity of construction works on Saturdays?</p>
Q11.0.2	The Applicant	<p>Paragraph 3.8.3 of the outline Construction Traffic Management Plan (oCTMP) [APP-212] includes provisions to control Heavy Goods Vehicle (HGV) movements, only allowing deliveries to the primary construction compound between the hours of 9am and 3pm. This is proposed to mitigate the impact of HGVs on sensitive receptors, including schools within Great Casterton. However, it might result in HGV movements through Great Casterton before 9am.</p> <p>Can the applicant provide any further details of any analysis that has been undertaken to inform the proposed time restrictions for HGV deliveries to ensure that they have the apparent desired effect of avoiding school drop off/pick up times? This should include details of school opening and closing times and any coach/bus drop-off points in local villages such as Essendine.</p>
Q11.0.3	The Applicant	<p>Paragraph 5.3.16 of ES Appendix 9.4 [APP-074] reports an increase in HGV movements of 167% along Uffington Lane during the construction phase. This is not identified as a significant effect on the basis that there are very low levels of existing traffic along this route. The</p>

ExQ1	Question to:	Question:
		<p>transport methodology is based on the GEART which suggests that increases of traffic flows of 30%, 60%, and 90% should be considered minor, moderate, and major effects respectively.</p> <p>Can the Applicant justify why a significant effect has not been reported in relation to the increase in HGV movements along this route in relation to published guidance, noting that the provision of passing bays will not reduce the number of HGV movements.</p>
Q11.0.4	The Applicant, Lincolnshire County Council, Rutland County Council and National Highways	<p>Paragraphs 9.3.2 – 9.3.4 of the ES [APP-039] state that operational effects have been scoped out of the ES based on a worst-case scenario that 20 staff arrive and depart the order limits by car each day.</p> <p>a) Have the operational effects in terms of the potential need to replace photovoltaic (PV) panels and other supporting infrastructure that may necessitate the need for HGVs been assessed?</p> <p>b) If so, what are the effects of additional HGV movements during the operation phase, including abnormal indivisible loads (AIL)?</p> <p>c) Do Lincolnshire County Council, Rutland County Council and National Highways have any comments in relation to the effects and related implications for HGV and potential abnormal indivisible loads during the operational phase?</p>
Q11.0.5	The Applicant	<p>Paragraph 9.3.15 of the ES [APP-039] states that <i>“It is acknowledged that Light Goods Vehicles could reasonably utilise Routes 1-3 to access the Order limits. On that basis, it is assumed for the purposes of assessment that LGV trips will utilise Routes 1, 2 and 3 evenly.”</i></p> <p>What is the basis for the assumption that LGV trips will utilise Routes 1, 2 and 3 evenly?</p>
Q11.0.6	The Applicant, Lincolnshire County Council and Rutland County Council	<p>The Transport Assessment [APP-074] analyses collision data provided by Lincolnshire County Council and Rutland County Council over the latest three-year period.</p> <p>Can collision data over the past three years be considered representative given the possible impacts in terms of traffic movements of the Covid-19 pandemic?</p>

ExQ1	Question to:	Question:
Q11.0.7	The Applicant	<p>Section 9.9 of ES [APP-039] states that <i>“Ongoing monitoring of construction traffic and staff travel matters will be undertaken pursuant to future iterations of the CTMP and TP, that are secured by way of a DCO requirement. This will ensure that the impacts of the Proposed Development will remain non-significant.”</i> However, Table 9-4 identifies monitoring requirements for each of effects/activities assessed as <i>“none”</i>.</p> <p>Please confirm monitoring requirements for each of the effects/activities considered.</p>
Q11.0.8	The Applicant	<p>ES Chapter 9 [APP-039] lists the following potential environmental effects:</p> <ul style="list-style-type: none"> <li>a. Severance;</li> <li>b. Driver Delay;</li> <li>c. Pedestrian Delay;</li> <li>d. Pedestrian and Cyclist Amenity;</li> <li>e. Fear and Intimidation;</li> <li>f. Accidents and Road Safety; and</li> <li>g. Hazardous Loads.</li> </ul> <p>Chapter 9 goes on to provide specific commentary to inform the conclusions drawn on all of the above except from g. hazardous loads.</p> <p>Please provide commentary and information to substantiate the conclusions of negligible (non-significant) effects identified in Table 9-4 of the ES for hazardous loads.</p>
Q11.0.9	The Applicant	<p>Paragraph 2.4.4 of the oCTMP [APP-212] states that <i>“Initially, the car park will be located within the primary compound, however, this may be located to other parts of the Order limits, subject to the construction methodology. Further information on the temporary car parking arrangements will be confirmed within later iterations of the CTMP once full details are available on staffing numbers.”</i></p> <p>To what extent have other potential locations within the order limits to accommodate the car park been identified to date and assessed in terms of impacts and likely significant effects?</p>

ExQ1	Question to:	Question:
Q11.0.10	The Applicant	<p>The oCTMP [APP-212] proposes that HGVs access the primary compound via Route 1 and depart via Route 3 to reduce the impact of two-way HGV traffic on Ryhall Road. This arrangement would be utilised unless Route 1 was not available. Construction routes from the primary compound to secondary compounds are identified in Figure 3-2 of the oCTMP [APP-212]</p> <p>a) Please clarify the circumstances under which Route 1 would not be available to be used.</p> <p>b) Can the Applicant clarify how road safety, including for people undertaking journeys to and from school has been taken into account when defining these routes?</p> <p>c) Please provide a plan illustrating how the proposed construction traffic routes relate to schools and school bus routes</p>
Q11.0.11	The Applicant	<p>Section 4.8 of the oCTMP [APP-212] commits to the preparation of an Incident Management Plan for inclusion in the CTMP to set out procedures should any parts of the Local Road Network (LRN) or Strategic Road Network (SRN) be impacted by the Proposed Development. Please submit a draft of the Incident Management Plan for comments.</p>
Q11.0.12	The Applicant and any other Interested Party	<p>Section 5 of the oCTMP [APP-212] proposes the appointment of a Transport Coordination Officer who will be responsible for monitoring the CTMP and ensuring that the mitigation measures are sufficient. The Traffic Coordination Officer will report to a Traffic Management Working Group. The Group is proposed to consist of, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• National Highways</li> <li>• Rutland County Council</li> <li>• Lincolnshire County Council</li> <li>• South Kesteven District Council</li> <li>• Great Casterton Primary School and Great Casterton College</li> <li>• Essendine Parish Council</li> <li>• Ryhall Parish Council</li> <li>• Stamford Parish Council</li> </ul>



ExQ1	Question to:	Question:
		Which other organisations could be beneficially included in the Traffic Management Working Group? Please provide justification as required.
Q11.0.13	The Applicant	Appendix E to the oCTMP [APP-212] provides details of access from primary to secondary compounds. However, whilst “ <i>Route to Secondary Compound</i> ” and “ <i>Access Reference</i> ” are listed in the legend, no corresponding icons or alignments are provided on the plan. Please can an updated Appendix E be provided that includes the routes to secondary compounds and access references?
Q11.0.14	The Applicant	Section 2.1 of the outline Travel Plan [APP-215] states that a Travel Plan Coordinator will be appointed to take responsibility for the management of the Travel Plan. How will the respective roles of the Travel Plan Coordinator and Transport Coordination Officer (as proposed in the oCTMP [APP-212]) align?
<b>12. Water Environment</b>		
Q12.0.1	The Applicant	The Flood Risk Assessment (FRA) [APP-086] refers to land drains, drainage ditches, watercourses and surface water features located within the Order limits, however, a figure clearly depicting these features has not been provided. Can the Applicant provide a figure clearly depicting the location of existing land drains, drainage ditches and any other surface water features within the Order limits?
Q12.0.2	The Applicant, the Environment Agency (EA) and the Lead Local Flood Authorities (LLFA)	Section 2.4 of the outline Surface Water Drainage Strategy (oSWDS) [APP-087] details that surface water flows will be directed to existing outfalls along existing topography towards the West Glen River. It is further stated that as the West Glen River is an Environment Agency (EA) Main River an Environmental Permit will be sought at least three months prior to the construction phase. Article 6 (e) of the draft Development Consent Order (dDCO) [APP-017] seeks to disapply Environmental Permitting in “ <i>respect of a flood risk activity only</i> ”. a) Does the Applicant, EA or LLFA foresee any potential impediments in connection with gaining such a permit for this activity?

ExQ1	Question to:	Question:
		<p>b) Can the Applicant clarify how this relates to provisions in Article 6 (e) of the dDCO [PDA-003]?</p>
Q12.0.3	The Applicant	<p>In relation to allowances made for climate change, the FRA uses the higher central band for the 2050s climate change allowance for peak river flow (Section 2.2.1). It is noted that the revised peak river flow allowances for the Welland Management Catchment for the Higher 2050s is 10% and so the assessment uses a conservative approach. There is no mention of climate change allowances for peak rainfall intensity; it is not clear what allowance has been applied.</p> <p>Please can the Applicant clarify what climate change allowance has been applied for peak rainfall intensity within the FRA?</p>
Q12.0.4	The Applicant	<p>In relation to limitations of the Environmental Statement (ES), Paragraph 11.1.8 [APP-041] refers to changeable weather conditions with extended periods of dry weather during site walk overs.</p> <p>Paragraph 11.1.9 [APP-041] states that it was not possible to obtain a response from all Private Water Supplies identified by Rutland County Council (RCC) and South Kesteven District Council (SKDC). Regarding Private Water Supply (PWS) Bowthorpe Park, where it was not possible to agree on the process of supplying information on the specifics of the supply, information from the SKDC was used to inform the assessment. Paragraph 11.1.10 [APP-041] states that with the exception of the private water supplies consultation and walkover, all data considered necessary to identify and assess the likely significant effects was available.</p> <p>Figure 11.5 in the ES [APP-199] locates private water supplies but PWS Bowthorpe Park is not identified.</p> <p>a) Can the Applicant comment on whether this gap in data could affect the findings of the assessment?</p> <p>b) Can the Applicant clarify if the omission of PWS Bowthorpe Park from Figure 11.5 is due to the outlined difficulties in obtaining information?</p>

ExQ1	Question to:	Question:
Q12.0.5	The Applicant	<p>Mitigation measures are set out in the submitted management plans as well as embedded within the Works Plans and Design Guidance [APP-204]. There does not appear to be an indication on the plans of where elements of the proposed drainage systems are proposed to be located within the Order limits and the current wording of the dDCO [APP-017] allows full flexibility of their location. Section 2.8 of the oSWDS [APP-087] states that the exact locations of drainage measures will be confirmed prior to the construction phase within a Detailed Drainage Strategy.</p> <p>Can the Applicant provide an update of the anticipated location of these proposed drainage system features?</p>
Q12.0.6	The Applicant	<p>Section 3.1 of the oSWDS [APP-087] states that the installation of photovoltaic (PV) panels may increase runoff rates by approximately 256%. However, it is then stated that <i>“the calculated increase does not represent the impact of the PV Arrays on surface water runoff”</i> and <i>“PV Arrays will not result in an increase in hardstanding areas and therefore will not significant increase surface water runoff rates”</i>. These statements appear to be contradictory. Section 3.1 also acknowledges that the <i>“energy of the flow which drains from PV Arrays will be greater than that of the rainfall”</i>. Therefore, this could result in erosion under the driplines and possibly lead to ground instability. Proposed mitigation to address this includes seeding with a suitable grass mix in the area under the drip line of the PV Arrays to prevent rilling. Paragraphs 12.4.57 and 12.4.58 of the ES [APP-042] state that the land under and around the PV Arrays could be used for the grazing of sheep.</p> <p>a) Can the Applicant provide an explanation as to whether the installation of PV panels will increase surface runoff rates for the site?</p> <p>b) Does the proposal for sheep grazing under the PV Arrays pose any risks to the suitability of grass mix seeding as a mitigation measures to address erosion following rainfall?</p>
Q12.0.7	The Applicant	<p>Section 5 of the oSWDS [APP-087] refers to the potential for onsite foul water storage and states that either a cesspit or porta-loo will be required. It is not clear on what basis a cesspit will be required.</p>

ExQ1	Question to:	Question:
		Can the Applicant confirm whether a decision has been reached regarding the onsite foul water storage or indicate what would trigger the need for a cesspit?
Q12.0.8	The Applicant and Lincolnshire County Council	<p>Section 1.4 of the Flood Risk Assessment [APP-086] states that the Order limits are not within the operational boundary of an Internal Drainage Board (IDB). However, consultation feedback summarised in ES Appendix 11.3 [APP-084] revealed the Order limits do fall within the extended operational boundaries of the Black Sluice and Upper Witham IDBs as they act as an agent to the Lead Local Flood Authority (LLFA), namely Lincolnshire County Council. ES Appendix 11.3 details evidence of engagement between the Applicant and the IDBs. However, it is not clear from Appendix 11.3 if the Upper Witham IDB has provided any feedback to the Applicant to confirm the 6m buffer or on any other matters.</p> <p>a) Please can the role of the IDBs and their relationship with the LLFA be clarified?</p> <p>b) To what extent has feedback been obtained from the Upper Witham IDB and how has this been addressed by the Applicant?</p>
Q12.0.9	The Applicant	<p>Section 2.2 of the FRA [APP-086] identifies that the PV Arrays within the 1 in 1,000-year extent are limited to a section of PV Arrays north of Browne's Oaks woodland in the east of the Order limits and a section of PV Arrays south of Heath Farm in the north of the Order limits. A Flood Risk Map is provided at Figure 11.4 [APP-198] but the areas identified above are not clearly identified.</p> <p>a) Please can plans be provided that clearly identify the areas within the Order limits proposed to accommodate PV Arrays that fall within the 1 in 1000 year flood risk area?</p> <p>b) Please quantify the area of land proposed to accommodate PV Arrays that fall within the 1 in 1000 year area in Hectares.</p>
Q12.0.10	The Applicant	<p>Section 2.4 of the FRA [APP-086] states that "<i>the electrically sensitive infrastructure (the Onsite Substation) is not located within the 1 in 100-year pluvial event, as shown in Annex D.</i>" However, it goes on to state that "<i>Where required, the electrically sensitive infrastructure will be located within contained units upon ground mounted platforms within aggregate based</i></p>

ExQ1	Question to:	Question:
		<p><i>embankments which will lift the infrastructure above ground level by approximately 200 to 300 mm and provide additional protection from surface water flooding as shown in Plate 4.</i></p> <p>Please can the Applicant clarify what is deemed to be “<i>electrically sensitive infrastructure</i>” in the context of flooding and provide details of where ground mounted platforms may be required?</p>
Q12.0.11	The Applicant	<p>Section 2.7 of the FRA [APP-086] provides commentary on reservoir flood risk from a breach or failure at Rutland Water. The Reservoir Flooding Extent map at Annex E indicates that a sizeable proportion of the Proposed Development would be affected should such an event occur, particularly when potential flooding from rivers is also taken into account. This includes land adjacent to the on-site substation.</p> <p>The FRA refers to the Reservoirs Act 1925 that requires all large reservoirs to be regularly inspected and supervised. The FRA concludes by stating that the residual risk of flooding from reservoirs is negligible.</p> <p>What mitigation measures are proposed to minimise impacts should such a flooding event occur?</p>
Q12.0.12	The Applicant	<p>In relation to the Sequential Test, Section 4.1 of the FRA [APP-086] acknowledges that a minor area of PV Arrays fall within Flood Zone 2 “<i>demonstrating a sequential design approach to remove PV Arrays from the extent of the Proposed Development within the floodplain.</i>” The same section goes on to highlight the key factors considered in Chapter 4 of the ES [APP-034] regarding Alternatives and Design Development. However, aside from the removal of some land for PV Arrays along the West Glen River (Table 4-1), Chapter 4 does not fully explain how flood risk matters have informed the design evolution.</p> <p>Please can the Applicant provide further details of how it has considered alternatives to the design and extent of Order limits to minimise the siting of PV Arrays within Flood Zone 2?</p>
<p><b>13. Other matters/issues</b></p>		

**ExQ1: 23 May 2023****Responses due by Deadline Thursday 15 June 2023**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q13.0.1	The Applicant	<p>Paragraphs 15.4.54 and 15.4.55 of the ES [APP-045] report no potential impacts from 'glint and glare' upon the ATC Tower or Approach Paths for RAF Wittering.</p> <p>a) Could the Applicant set out whether any engagement and consultation has taken place with RAF Wittering and/or Ministry of Defence on this assessment and provide any copies of any consultation responses received.</p> <p>b) If no such engagement/consultation with RAF Wittering has taken place, please can this be done so and submitted at the first practicable deadline, so that any response can be considered in the Examination.</p>
Q13.0.2	The Applicant	<p>Chapter 15 of the ES (Other Environmental Topics) [APP-045] explains the anticipated waste streams for the construction, operational and decommissioning phases, however specific quantities of waste are not provided.</p> <p>In line with the requirements of the Overarching National Policy Statement for Energy [EN-1] can the Applicant confirm the anticipated volumes of waste from the Proposed Development, the proposed waste management strategy on-site, and the impact of waste generation from the Proposed Development on the capacity of waste management facilities, particularly when considering other waste arising in the area?</p>
Q13.0.3	The Applicant	<p>For the assessment of embodied climate change emissions within the ES Chapter 13 [APP-043] the Applicant has utilised published estimates of lifetime emissions for typical solar farms.</p> <p>a) Can the Applicant explain how this information has been applied to the Proposed Development with reference to the embodied carbon associated with manufacturing components and transportation to the Order limits, particularly for any that have been sourced outside the UK.</p> <p>b) Please confirm the appropriateness of the median lifetime emission scenario for determining the worst-case scenario of the assessment rather than the maximum lifetime emissions scenario?</p>

ExQ1	Question to:	Question:
Q13.0.4	The Applicant	<p>ES Chapter 13 [APP-043] reports a beneficial effect on climate change resulting from the renewable energy production of the scheme. It is noted from paragraph 13.4.10 that the operational energy output is calculated based on the assumption that the Proposed Development would operate on a 24/7 basis.</p> <p>Considering the reliance of the Proposed Development on solar irradiation, please justify in further detail this assumption?</p>
Q13.0.5	The Applicant	<p>There are inconsistencies within ES Chapter 13 [APP-043] where the effect of the Proposed Development on climate change is considered significant in places but not in others. ES Chapter 17 [APP-047] summarises the effect as not significant whereas the Non-Technical Summary [APP-106] states that the effect is significant. Furthermore, the climate change assessment methodology (ES Appendix 13.2 [APP-097]) does not provide a clear explanation as to how significant effects are determined.</p> <p>The Applicant is requested to confirm whether the identified positive effect on climate change is considered significant and explain the methodology for determining significance.</p>
Q13.0.6	The Applicant	<p>Details of several of the monitoring requirements proposed in the Outline Construction Environmental Management Plan [PDA-005] are limited.</p> <p>Whilst acknowledging the plan is in Outline, please provide further details of the following monitoring requirements:</p> <ul style="list-style-type: none"> <li>a) Potential for risk to human health from contamination.</li> <li>b) Greenhouse gas emissions from construction vehicles and equipment.</li> <li>c) Impacts to local residents, businesses and community facilities and disruption to users of Public Rights of Way.</li> <li>d) Impacts of major accidents and disasters.</li> </ul>