
Mallard Pass Solar Farm Environmental Statement Review

May 2023

Mallard Pass Solar Farm Environmental Statement Review

Prepared on behalf of Rutland County Council and
South Kesteven District Council

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1 INTRODUCTION

Report Purpose

- 1.1 This document sets out the findings of an independent review of the Mallard Pass Solar Farm Environmental Statementⁱ undertaken on behalf of Rutland County Council and South Kesteven District Council in their role as statutory consultees to a proposed application for a Development Consent Order under the Planning Act 2008ⁱⁱ. The ES was prepared by the Applicant Mallard Pass Solar Farm Ltd, a subsidiary of Windel Energy Ltd and development partner Canadian Solar, in accordance with the *Infrastructure Planning (Environmental Impact Assessment) Regulations 2017*ⁱⁱⁱ.

Proposed Development and Site

- 1.2 The proposals comprise the installation of solar photovoltaic electricity generating panels and associated infrastructure which would allow for the generation of 350 megawatts (MW) on an 852 hectare site at Mallard Pass, Essendine located in the counties of Rutland and Lincolnshire. The key components of the development comprise:

- PV Arrays;
- Mounting Structures;
- Inverters;
- Transformers;
- Switchgears;
- Onsite Substation and Ancillary Buildings;
- Low Voltage Distribution Cabling;
- Grid Connection Cables;
- Fencing, security and ancillary infrastructure;
- Access Tracks;
- Temporary Construction Compounds;
- Mitigation and Enhancement Areas; and
- Green infrastructure (GI).

ES Report Review Methodology

- 1.3 This review of the Mallard Pass ES is based on the requirements of the Infrastructure EIA Regulations, as set out above. Barton Willmore, now Stantec, as IEMA Quality Mark practitioners, have extensive experience in the production ESs for DCO EIA developments.

Limitations

1.4 There are a number of limitations of this review as follows:

- The review has been desk based and has not involved a site visit so statements about the baseline and existing site description and context are taken as correct;
- It is not the purpose of the review to provide an in-depth technical check of the individual specialist discipline areas. This means that the review does not:
 - Check the actual survey work undertaken was fully executed according to the cited methods; or
 - Review the consultation undertaken.
- The review has not been undertaken by a legal professional.

Structure of the Review Report

1.5 The structure of this review report is as follows:

- Chapter 2 contains tables comprising the ES Review; and
- Chapter 3 provides the conclusions.

2 ES REVIEW TABLES

Table 2.1: ES Regulatory Compliance

EIA Regulation Requirements	COMMENTS	Action Required
<p>1 A description of the development, including in particular—</p> <ul style="list-style-type: none"> a) a description of the location of the development; b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases; c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used; d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases. 	<ul style="list-style-type: none"> • Chapters 3 and 5, and relevant sections of the technical assessment chapters provide a comprehensive description of the proposed development including: <ul style="list-style-type: none"> • physical characteristics; • land use requirements; and • characteristics of the operational phase. • The number of solar panels required has been provided and dimensions of the components of the development have been provided. • Types of waste have been identified in Chapter 15. 	<ul style="list-style-type: none"> • None
<p>2 A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.</p>	<ul style="list-style-type: none"> • Chapter 4 provides details of the Alternatives considered. 	<ul style="list-style-type: none"> • None
<p>3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.</p>	<ul style="list-style-type: none"> • The baseline conditions are comprehensively described in Chapter 3 Order Limits and each of the technical assessments (Chapters 6-15). 	<ul style="list-style-type: none"> • None
<p>4 A description of the factors specified in regulation 5(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for</p>	<ul style="list-style-type: none"> • For the topics included in the ES, the environmental factors likely to be significantly affected have been identified and clearly described. 	<ul style="list-style-type: none"> • None

EIA Regulation Requirements	COMMENTS	Action Required
<p>example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.</p>		
<p>5 A description of the likely significant effects of the development on the environment resulting from, inter alia— a) the construction and existence of the development, including, where relevant, demolition works; b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources; c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste; d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters); e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources; f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; g) the technologies and the substances used. h) The description of the likely significant effects on the factors specified in regulation 5(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC(1) and Directive 2009/147/EC(2).</p>	<ul style="list-style-type: none"> • The ES was subject to a Scoping exercise, the Applicant has undertaken comprehensive consultation, and a Preliminary Environmental Information Report was prepared which further refined the scope and content of the ES. • The assessment has identified cumulative and intra-project effects; • Types of effect have also been identified including short/long term, permanent/temporary etc; • Cumulative effects have been identified in detail. 	<ul style="list-style-type: none"> • None
<p>6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.</p>	<ul style="list-style-type: none"> • The assessment methodologies adopted for each of the technical assessments have been clearly set out along with assumptions and limitations 	<ul style="list-style-type: none"> • None
<p>7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any</p>	<ul style="list-style-type: none"> • Detailed mitigation measures have been included in the ES and Appendix 17.1, however, Appendix 17.1 provides a key 	<ul style="list-style-type: none"> • None

EIA Regulation Requirements	COMMENTS	Action Required
proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.	<p>summary and it is felt this would have been better placed in the main text. This is not a serious flaw.</p> <ul style="list-style-type: none"> The mitigation measures are identified as either embedded or additional mitigation and both types are well explained. 	
<p>8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU of the European Parliament and of the Council(3) or Council Directive 2009/71/Euratom(4) or UK environmental assessments may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.</p>	<ul style="list-style-type: none"> Accidents and disasters are considered in: <ul style="list-style-type: none"> Chapter 15, Chapter 11 and Appendix 11.5 - Flood Risk; and Chapter 13 – Climate Change. There was no requirement for other European assessments as part of the proposed development. 	<ul style="list-style-type: none"> None
<p>9. A non-technical summary of the information provided under paragraphs 1 to 8.</p>	<ul style="list-style-type: none"> A separate standalone NTS is provided 	<ul style="list-style-type: none"> None
<p>10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement</p>	<ul style="list-style-type: none"> Each technical assessment provides a reference list as do the majority of the technical appendices 	<ul style="list-style-type: none"> None

Table 2.2: Advice Note 7^{iv} Compliance

Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements	COMMENTS	Action Required
<p>Paragraph 9.3 states "The Planning Inspectorate considers that a good ES is one that:</p> <ul style="list-style-type: none"> provides a clear description of the Proposed Development through all phases of the development consistent with the DCO ie in terms of construction, operation and decommissioning phases; clearly explains the processes followed to develop the ES including the established scope for the assessment; explains the reasonable alternatives considered and the reasons for the chosen option taking into account the effects of the Proposed Development on the environment; 	<ul style="list-style-type: none"> It is considered that the Mallard Pass ES provides a clear description of the proposed development through all phases; The ES clearly explains the processes used to develop the ES and the established scope; The ES includes reasonable alternatives and the reasons for the option chosen; 	<ul style="list-style-type: none"> None

Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements	COMMENTS	Action Required
<ul style="list-style-type: none"> • details the forecasting methods for the assessment and the limitations (as relevant); • assesses in an open and robust way the assessment of likely significant effects explaining where results are uncertain; • provides sufficient details of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects, the likely efficacy of such measures and how they are secured; • details the need for any ongoing monitoring or remediation; and • demonstrates that the information is sufficient to enable a reasoned conclusion to be reached. 	<ul style="list-style-type: none"> • Forecasting methods for the assessment and limitations are clearly set out; • The ES assesses in a robust open way the likely significant effects of the proposed development; • Sufficient details of the proposed mitigation measures and mechanisms to deliver monitoring are provided. It is considered that Appendix 17.1 should have been included in the main ES text as opposed to being provided as an appendix given the importance of the information however this is not a fatal error. The expected efficacy of the mitigation measures proposed is not discussed in the ES however the mitigation proposed is not novel or contain unfamiliar processes therefore this is also not considered a serious error. • Monitoring is identified in the ES along with the mechanism to secure monitoring. • The information provided in the ES is sufficient to reach a reasoned conclusion. 	

Table 2.3: Technical Content of Topics within the ES

Chapter Number	Chapter Title	Review Comments
N/A	Glossary	<ul style="list-style-type: none"> • Listed of Appendices and Figures included after Glossary which is helpful but is not mentioned in Chapter name
1	Introduction	<ul style="list-style-type: none"> • Whilst the glossary is helpful and the importance of brevity in the ES main text is recognised, it is considered that explanation of key terms such as Order Limits and Work Plans would be better included in Chapter 1 to ensure clear understanding of the proposed development. • Other than that, Chapter clear and logical
2	Overview of EIA process	<ul style="list-style-type: none"> • Standard information provided. • Chapter clear. • Para 2.5.21 states "<i>There are no monitoring requirements identified within this ES</i>". Whilst monitoring may not be required it is noted that several chapters (e.g. Ch 14 Socio-economics) include references to monitoring. This is a minor issue that does not require corrective action but suggest monitoring proposed is undertaken through a DCO requirement.
3	Order limits Description	<ul style="list-style-type: none"> • The term Order limits is considered awkward and Site would have been clearer – with the site defined as the Order limits. • No other comments.
4	Alternatives and Design Development	<ul style="list-style-type: none"> • Chapter clear and comprehensive.

Chapter Number	Chapter Title	Review Comments
5	Project Description	<ul style="list-style-type: none"> Minor comment but 'Authorised Development' not defined in the chapter or the Glossary
6	Landscape and Visual	<ul style="list-style-type: none"> No comments.
7	Ecology and Biodiversity	<ul style="list-style-type: none"> No comments.
8	Cultural heritage	<ul style="list-style-type: none"> No comments.
9	Highways and Access	<ul style="list-style-type: none"> Minor discrepancy in referring to three and four permissive paths.
10	Chapter 10 – Noise and Vibration	No comments.
11	Chapter 11 – Water Resources and Ground Conditions	<ul style="list-style-type: none"> No comments.
12	Chapter 12 – Land Use and Soils	<ul style="list-style-type: none"> No comments.
13	Chapter 13 – Climate Change and Resilience	<ul style="list-style-type: none"> Chapter scope could have been tighter given PINS consultation comments identified that only resilience and GHG calculations need be addressed, however this is not a deficiency as it has been over, rather than under scoped.
14	Chapter 14 – Socio-Economics	<ul style="list-style-type: none"> No comments.
15	Chapter 15 – Other Environmental Topics (comprising Air Quality, Arboriculture, Glint and Glare, Major Accidents and/or Disasters, Utilities/EMF, Waste)	<ul style="list-style-type: none"> Unclear why Glint and Glare report singles out property 166 for additional mitigation when it appears the embedded mitigation also focuses on mitigation for individual properties. Unclear why the Arboricultural Impact Assessment is included when PINS agreed in consultation the topic could be scoped out. Minor inconsistency in referencing to Cumulative Long List. SKDC Tree Preservation Order information not provided to the Applicant These minor inconsistencies do not require corrective action.
16	Chapter 16 – Interaction of Effects and Cumulative Effects	<ul style="list-style-type: none"> No comments
17	Chapter 17 – Summary of Effects	<ul style="list-style-type: none"> Minor inconsistency in the Agricultural Land text between Chapters 17 and Chapter 12. Chapter 17 includes Additional Mitigation Measures in the form of development design however this is not set out in the Land and Soils chapter. It is a minor point that does not require corrective action.
General comment		<ul style="list-style-type: none"> Several appendices have redacted text- some redactions are errors and blocking text that is not sensitive e.g. Appendix 11.6 and Appendix 8.5

3 CONCLUSIONS

3.1 This document provides an independent review of the Mallard Pass Environmental Statement submitted to the Planning Inspectorate in advance of an application for a Development Consent Order to permit the construction of a 350mw solar farm on an 852 hectare site at Mallard Pass, Essendine located in the counties of Rutland and Lincolnshire. The review has identified that the ES:

- is in compliance with the Infrastructure EIA Regulations' requirements;
- is in compliance with the requirements of Advice Note 7;
- comprehensively identifies and assesses the likely significant effects of the proposed development;
- provides sufficient information to allow the Planning Inspector to make an informed decision on the Development Consent Order; and
- As with the EIA Scoping Report, and PEIR, the ES includes some superfluous detail and minor errors but given the scale of the ES, these are not deficiencies that require corrective action.

REFERERNCES

ⁱ ES: <https://www.mallardpassolar.co.uk/documents>

ⁱⁱ Planning Act 2008 ([legislation.gov.uk](https://www.legislation.gov.uk))

ⁱⁱⁱ <https://www.legislation.gov.uk/uksi/2017/572/made#f00020>

^{iv} <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-seven-environmental-impact-assessment-process-preliminary-environmental-information-and-environmental-statements/#8>