



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

**Applicant's Responses to  
Interested Parties' Deadline 2  
Submissions - Other Matters**

**Deadline 3 - June 2023**

EN010127

EN010127/APP/9.28

## Applicant's Response Interested Parties Deadline 2 Submissions on Other Matters

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
<p>REP2-051, REP2-053, REP2-193, REP2-153, REP2-060, REP2-220, REP2-182, REP2-129, REP2-119 REP2-198 REP2-181 REP2-146 REP2-233</p> <p>REP2-215, REP2-176, REP2-090</p>	Community Benefits	<p>It is not clear from the proposed development how these overarching positive impacts would provide direct benefits at the local level to affected communities.</p> <p>Consider that the local area has no direct 'energy' recompense.</p>	<p>The power generated by Mallard Pass Solar Farm would connect directly to the National Grid and so it is not possible to directly pass the benefits of lower cost electricity to the local community, however the provision of more secure, resilient and affordable electricity across the UK is reliant on schemes such as Mallard Pass Solar Farm being delivered and the Proposed Development would make a significant contribution in this regard.</p> <p>The Applicant also followed a design-led response from an early stage, as explained in the Design and Access Statement [REP2-018], with the intention of delivering meaningful benefits to the local community, including 8.1km of new permissive paths, to enable a circular walk in the local area, and opening up of the river corridor along the West Glen.</p> <p>The Scheme will also deliver extensive local BNG, substantial business rates which can be retained locally, and local employment and skills pursuant to the Outline Skills, Employment and Supply Chain Plan [REP2-024].</p>
<p>REP2-047, REP2-048</p>		<p>RCC would also expect the applicant to fund the provision of a community liaison post throughout the life of the development.</p> <p>We would expect a substantial offer from the developer to cover an annual programme of interventions for the lifetime of the solar farm and its decommissioning around the following themes:</p> <ol style="list-style-type: none"> <li>1. Renewable energy and energy efficiency;</li> <li>2. Biodiversity net gain;</li> <li>3. Reducing waste and increasing recycling;</li> <li>4. Rural business and agriculture/farming support;</li> </ol>	<p>Paragraph 5.1.4 of the Outline Construction and Environmental Management Plan [REP2-019] states that a Community Liaison Officer will be appointed to respond to any complaints raised by the local community (or other stakeholders) during construction.</p> <p>During operation, the effects of the solar farm would be principally related to landscape and visual effects and so the Applicant does not consider that a Community Liaison post would be necessary at this stage.</p> <p>The Applicant notes RCC's comments in relation to an annual programme of interventions and will engage with RCC on this further before reporting back to the ExA.</p>

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		5. Community health and wellbeing support; 6. Employment and skills development in renewables and supply chains; 7. Active travel and public transport support; 8. Highways mitigations and improvements; 9. Visitor Economy  10. Education and young people.	It should be noted that any interventions secured by a S106 agreement would need to meet the relevant tests for planning obligations, including that they must be necessary to make the development acceptable in planning terms, be directly related to the development and be fair and reasonable in scale and kind.
REP2-047, REP2-048  REP2-138, REP2-190  REP2-111 REP2-054		At this stage, it is unclear if the applicant would agree to provide a community benefits package or at what scale it might be provided. They raised that there have been no discussions between the local community or Local Planning Authority with the developer at this stage regarding any benefits.	The Applicant notes following the response above that no discussions have taken place to date with any of the host authorities on the provision of a community benefits package, however it will engage with RCC on this and report back to the ExA in due course.
REP2-191, REP2-158, REP2-137, REP2-182, REP2-129, REP2-148, REP2-218, REP2-149, REP2-230, REP2-108, REP2-209, REP2-190, REP2-054, REP2-143, CREP2-176,  REP2-118, REP2-145	Actual benefits and profit of developers	Concern that the scheme is merely to make money and the developers are bribing local politicians and offering large amounts of cash to landowners	<p>Any development scheme must make a reasonable profit in order for a willing developer to take it forward. The Applicant is not claiming that the Proposed Development would not make a profit and the benefits stated by the Applicant are planning-related and those that must be considered by the ExA in coming to a recommendation, and the Secretary of State in making a decision.</p> <p>The Applicant strongly disputes any suggestion of bribery and evidence of this is provided in the Local Impact Reports and Written Representations which provide the local authorities unencumbered position on the proposals.</p> <p>The Applicant will ensure that any discussion on the financial element of any community benefits package requested by the LPAs is carried out in an open and transparent manner and reported to the ExA as such, in keeping with the open nature of previous Examinations on this topic.</p>

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REP2-090 REP2-125 REP2-193	Applicant's motivation	The applicant's motive is profit, and they will be selling the site on, if approved, to a different organisation to run.	The Applicant notes its comments above on profit. It also notes that it is not relevant to the ExA's recommendation or Secretary of State's decision which organisation will operate the site, providing that any mitigation required is properly secured through the DCO. In any event, any transfer of the powers under the DCO are subject to the provisions of article 35 in the DCO (such as Secretary of State consent, or being regulated as an electricity licence holder). Breach of the DCO is a criminal offence
REP2-051, REP2-053, REP2-100 REP2-198, REP2-117 REP2-108 REP2-171 REP2-066 REP2-059	Construction and Operational impacts	That there remains a significant concern in the local community about the Proposed Development as a whole, including potential impacts during the development's construction and operational phases.  Effects of the construction period and cable laying on electricity and internet cabling to homes and businesses near the proposed development	The Environmental Statement presents the assessment of effects of the Proposed Development on receptors including local communities. The ES also identifies suitable mitigation to avoid and reduce the effects identified which are secured through the management plans which are secured through the Requirements of the DCO. The management plans include monitoring requirements to ensure that the mitigation measures that have are effective during the construction, operation, and decommissioning phases.  The Applicant is consulting with the Statutory Undertakers to agree protective provisions and statements of common ground with utility providers to ensure the protection of their assets within the Order Limits.  Further information can e found within the Statutory Undertaker Schedule [REP2-036]. In this document it confirms that Gigaclear Limited confirmed that they are content with the protections provided in the protective provisions and that the assets of BT Limited and Vodafone Limited are also protected under Part 2 of Schedule 15 of the dDCO [REP2-006].
REP2-185	Construction Hours	Concerns regarding the proposed construction hours of work set at 07.00 am to 19.00 hours with travel time for staff to / from one hour either side,	The delivery hours of HGVs to the primary compound will be restricted to avoid morning and evening peak hours, as well as avoiding school drop-off and pick-up hours – meaning on weekdays HGV deliveries to the primary compound will only take

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		06.00 – 20.00. These hours should be reduced to 08.00 – 18.00 instead.	<p>place between 09:00-15:00 – minimising the impacts to users of the local road network. This is set out in the <u>outline Construction Traffic Management Plan [APP-212]</u> and is secured by way of <u>Requirement 13</u> in the DCO.</p> <p>It is acknowledged that traffic movements associated with the arrival and departure of construction workers will take place an hour before and an hour after the standard hours of construction, which will reduce the traffic impact on the local road network occurring during the traditional morning and evening network peak hours (08:00-09:00 and 17:00-18:00).</p>
REP2-047, REP2-048	Grid Connection	Clarity is needed regarding the method by which the electricity generated to the north of the railway line is transmitted to the new substation and the grid connection point.	The Applicant has made substantial progress in the option selection for the cable crossing of the railway. The Applicant has now obtained up-to-date engineering records from Network Rail for the brick arch structure option and has undertaken a detailed survey. The Applicant is actively considering the routing of the cable underneath the railway to the bridge carrying the East Coast Mainline known as Bridge 198. The proposal, which has been discussed with the Network Rail Asset Protection team, is to route the new cable on a cable tray support system through the centre arch of Bridge 198; and the engineering proposal is being drafted for approval by Network Rail. In tandem, the Asset Protection Agreement is being progressed with Network Rail to allow the solution to be implemented. Please also see the Applicant's response to FWQ 4.0.9.
REP2-129, REP2-194		Concern that Ryhall Substation will not be sufficient to deal with the output that a new substation will need to be built.	<p>The Applicant has a grid connection agreement with National Grid Electricity Transmission to export 240MW (AC) of clean power to the national grid.</p> <p>A Grid Connection Statement [APP-205] has been submitted with the DCO Application. This Grid Connection Statement has been submitted pursuant to Regulation 6(1)(a)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("APFP Regulations"), which requires the</p>

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			<p>Applicant to state who will be responsible for designing and building the connection to the electricity grid from the Scheme.</p> <p>The Statement provides confirmation to the Secretary of State that the electricity generated by the Mallard Pass Solar Farm will be exported via a 400kV connection between the Onsite Substation and the existing Ryhall Substation. The Ryhall Substation itself benefits from an available transformer bay and therefore will not need to be expanded to accommodate the connection from the Proposed Development.</p>
<p>REP2-044, REP2-046 REP2-090</p>	<p>Decommissioning</p>	<p>Mallard Pass Solar Farm is one of ten solar NSIPS being proposed within LCC, with a concern for primarily agricultural land being covered.</p> <p>The county states within their WR –</p> <p><i>LCC will therefore be seeking the applicant to provide a bond equal to the full cost of site restoration and safe disposal of all the solar panels (without landfill) and infrastructure to ensure the land is restored once it is decommissioned. This bond should be based on a Green Book calculation that, as a minimum, is based on the year of the expected operational life of the development.</i></p>	<p>The Applicant does not consider that this is necessary, as it will be required to decommission in line with an approved Decommissioning Environmental Management Plan pursuant to a DCO Requirement. Breach of this is a criminal offence.</p> <p>No such bond has been required on any made solar DCO to date.</p>
<p>REP2-152, REP2-135 REP2-114 REP2-064, REP2-136, REP2-135, REP2-211, REP2-231 REP2-047, REP2-048 REP2-090</p>		<p>Concern regarding what will happen to the Site and the materials following the end of the life cycle and who will be responsible for this.</p>	<p>In accordance with Requirement 18 of the DCO [REP2-006] a decommissioning environmental management plan will be submitted to the relevant authorities for approval. The plan submitted and approved must be substantially in accordance with the relevant part of the outline decommissioning environmental management plan.</p> <p>An outline Decommissioning Environmental Management Plan [APP-209] has been prepared with the objective of compliance with the relevant legislation and mitigation measures identified through the EIA process. Any additional licences, permits or approvals that are required for the decommissioning phase of the Proposed Development. The appointed principal</p>

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			<p>decommissioning contractor will be responsible for working in accordance with the environmental controls documented in the oDEMP and the approved DEMP. The overall responsibility for implementation of the DEMP(s) will lie with the appointed principal decommissioning contractor as a contractual responsibility to the Applicant, as the Applicant is ultimately responsible for compliance with the DCO.</p>
<p>REP2-125, REP2-124 REP2-090</p>		<p>What consideration has been made for the removal of the panels, and the return of land to agriculture, should the venture fail, or the farm come to the end of its life? 2.17 of the Non-Technical Summary does not give this full consideration. For example, how will this be funded, particularly if the company goes into administration at the time?</p>	<p>As set out in the outline Decommissioning Environmental Management Plan [APP-209] all the solar infrastructure, including PV Modules, Onsite Substation, Mounting Structures, cabling on or near the surface, Inverters, Transformers, Switchgear, fencing and ancillary infrastructure, would be removed and recycled or disposed of in accordance with good practice following the waste hierarchy, with materials being reused or recycled wherever possible. All waste will be disposed of in accordance with the legislation at the time of decommissioning. Soil restoration would be managed in line with the provisions of the outline Soil Management Plan. It is likely that decommissioning would include the potential reversion of grassland underneath the PV Arrays. Any landscape structural planting, such as tree planting, hedgerows, scrub etc created to deliver biodiversity mitigation and enhancement associated with the Proposed Development that have potential to contain protected species would be left in-situ when the Site is handed back to landowners, who would then have the ability to do as they wish (within the restrictions of the planning system) with their land.</p> <p>This will be required to be funded as compliance with the approved DEMP is a requirement of the DCO.</p>

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<p>REP2 152, REP2-235 REP2-114 REP2-064, REP2-136, REP2-135, REP2-211, REP2-231 REP2-047, REP2-048</p>		<p>Concern regarding what will happen to the Site and the materials following the end of the life cycle and who will be responsible for this.</p>	<p>As set out in the outline Decommissioning Environmental Management Plan [APP-209] all the solar infrastructure, including PV Modules, Onsite Substation, Mounting Structures, cabling on or near the surface, Inverters, Transformers, Switchgear, fencing and ancillary infrastructure, would be removed and recycled or disposed of in accordance with good practice following the waste hierarchy, with materials being reused or recycled wherever possible. All waste will be disposed of in accordance with the legislation at the time of decommissioning. Soil restoration would be managed in line with the provisions of the outline Soil Management Plan. It is likely that decommissioning would include the potential reversion of grassland underneath the PV Arrays. Any landscape structural planting, such as tree planting, hedgerows, scrub etc created to deliver biodiversity mitigation and enhancement associated with the Proposed Development that have potential to contain protected species would be left in-situ when the Site is handed back to landowners, who would then have the ability to do as they wish (within the restrictions of the planning system) with their land.</p> <p>The appointed principal decommissioning contractor will be responsible for working in accordance with the environmental controls documented in the oDEMP and the approved DEMP. The overall responsibility for implementation of the DEMP(s) will lie with the appointed principal decommissioning contractor as a contractual responsibility to the Applicant, as the Applicant is ultimately responsible for compliance with the DCO.</p>
<p>REP2-047, REP2-048</p>		<p>Unsure how potential environmental impacts of any change to the panels used on the site throughout the life of the development could be addressed without the need for future consent applications and therefore questions the appropriateness of a permanent consent.</p>	<p>As set out in Chapter 5 of the ES [REP2-012] the Environmental Impact Assessment has been undertaken on the basis that during the operational phase of the Proposed Development, onsite activities would include routine servicing, maintenance and replacement of solar equipment as and when required. Any solar equipment that requires to be replaced during the operational period will be disposed of following the waste hierarchy, with materials being reused or recycled wherever possible. Any</p>



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			<p>electrical waste will be disposed in accordance with the Waste from Electrical and Electronic Equipment (WEEE) regulations, minimising the environmental impact of the replacement of any elements of the Proposed Development. Other impacts arising from on-going maintenance will be managed through an OMP approved by the LPAs, to be in accordance with the Outline Operational Environmental Management Plan [APP-208]</p> <p>In the event of the need to replace any of the operational equipment of the Proposed Development, there may be a level of HGV activity required to replace equipment within the Order limits. However, this will be on an ad-hoc, low frequency basis only to replace broken or faulty equipment. The definition of 'maintain' in the draft DCO ensures that there cannot be replacement of the whole of the authorised development.</p>
<p>REP2-130, REP2-219 REP2-167 REP2-193, REP2-159, REP2-158 REP2-228, REP2-129, REP2-229 REP2-212, REP2-203 REP2-223, REP2-186, REP2-205, REP2-131 REP2-120 REP2-151</p>	<p>Slave/forced labour issue</p>	<p>There are significant concerns over the corporate governance &amp; structure of the applicants, including evidence of the use of slave labour to build the proposed solar panels, which would be deeply unethical.</p>	<p>The Applicant strongly refutes allegations of slave labour and has responded to these concerns by a statement from Canadian Solar's CEO in May 2022 which is available both on Canadian Solar's website and the Mallard Pass Solar Farm website. This is available at Appendix K.</p> <p>With regard to the Mallard Pass Solar Farm project itself, the Application is accompanied by an Outline Employment, Skills and Supply Chain Plan which has been designed to create opportunities for the improvement and employment of local skills and the ethical procurement of supply chain. The OESSCP is secured through requirement 17 of the draft DCO [REP2-006].</p> <p>The make and model of equipment to be used in the project, including the solar panels have not yet been established as it is far too early in the project's development cycle. The ultimate equipment ordered will depend on market conditions and availability at the time. The equipment used in the designs is what is available today. All panels will be procured in accordance with the OESSCP.</p>

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REP2-165 REP2-185 REP2-225, REP2-097 REP2-108, REP2-190 REP2-127, REP2-187, REP2-192, REP2-237, REP2-156, REP2-115, REP2-154, REP2-157, REP2-170, REP2-135, REP2-123, REP2-132, REP2-114, REP2-126, REP2-128, REP2-143, REP2-231, REP2-176, REP2-124 REP2-150, REP2-145, REP2-161 REP2-090			
REP2-137 REP2-156	Corporate Social Responsibility	Concerns that Canadian Solar wouldn't pass any responsible company vetting process.	The Applicant notes its response above on Canadian Solar and the OESCP that would be secured for the Mallard Pass Solar Farm Project.

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			<p>Whilst Canadian Solar Inc would refute any suggestion that it is not a responsible company, it is noted that the Government regulates electricity generation companies through the electricity generation licencing system and considers the security profile of companies pursuant to the provisions of the National Security and Investment Act 2021. It is not a matter for the planning system.</p>
<p>REP2-090 REP2-213, REP2-165, REP2-194, REP2-235</p>	<p>Supply Chain and investment</p>	<p>Greater transparency of the supply chain and investment is needed. Concern of UK being held to ransom over electricity supplies at any time in the future.</p>	<p>The Applicant notes its responses above on Canadian Solar and the OESCP that would be secured for the Mallard Pass Solar Farm Project.</p>
<p>REP2-090 REP2-112, REP2-158 REP2-198  REP2-129  REP2-179 REP2-213  REP2-171, REP2-194,  REP2-235, REP2-170, REP2-143, REP2-124</p>	<p>Security concerns due to links with China</p>	<p>There is concern that the scheme will be controlled by the Chinese Government which will give them financial control in the United Kingdom.</p> <p>Concern about much of the plant and supporting technology being supplied from China and what consideration has been given to ensure that this element of national infrastructure is not vulnerable to foreign cyber-attacks.</p>	<p>The Applicant is Mallard Pass Solar Farm limited a company incorporated in England and Wales. The majority shareholder in the Applicant is CS UK Holdings III Limited, also a company incorporated in England and Wales. CS UK Holdings III Limited (and indeed its parent company Canadian Solar Inc) has shareholders which are not incorporated in the UK, which is a very common occurrence in projects authorised through the development consent regime. Furthermore, Canadian Solar Inc is a Canadian company that is listed on the NASDAQ, with the vast majority of its investor base being in North America and Europe.</p> <p>Furthermore, whilst Canadian Solar Inc would refute the suggestions being made, and is not in any way owned by any Government, it is noted that the Government regulates electricity generation companies through the electricity generation licencing system and considers the security profile of companies pursuant to the provisions of the National Security and Investment Act 2021.</p> <p>These are not matters for the planning system.</p>

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REP2-090 REP2-193 REP2-158 REP2-137 REP2-182 REP2-182, REP2-189 REP2-198 REP2-230 REP2-180 REP2-225, REP2-189, REP2-127, REP2-190, REP2-192, REP2-235, REP2-154, REP2-157. REP2-126 REP2-193, REP2-188, REP2-176	Ability and accountability of Windel Energy Ltd and Canadian Solar	Concern about ability and accountability of Windel Energy Ltd and Canadian Solar Inc to deliver a project of this magnitude with limited proven experience as a joint company remains. There is nothing to substantiate your robust management of the entire CADMID cycle, just assumptions.	<p>Please refer to responses above.</p> <p>In addition, the Applicant notes that compliance with the proposed mitigation matters is secured through the DCO, breach of which is a criminal offence.</p> <p>Since 2010 Canadian Solar has developed, built and connected around 8.8 GWp of solar and battery projects in over 20 countries across the world. Canadian Solar is one of the most bankable companies in the solar and renewable energy industry, having been publicly listed on the NASDAQ since 2006.</p>
REP2-186, REP2-170, REP2-123, REP2-211, REP2-124	Corporate governance	Specific concerns about the financial stability and solvency of Windel Energy to deliver the project with reference to Companies House records of i) the managing director's current or previous directorships showing as insolvent or in debt and ii) Windel Energy's parent companies being insolvent (Enroly	<p>Windel Energy are a highly successful renewable project developer and continue to perform that role for this Project. Its role is clearly set out in the Funding Statement.</p> <p>As the Funding Statement, and the Applicant's response to FWQ 4.0.6 illustrate, the corporate bodies which underpin the Applicant will have sufficient funds to undertake the Proposed Scheme and</p>

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		Holdings Ltd) or holding £177 shareholder funds (Sandals Wealth Management).	that Canadian Solar Inc, which ultimately supports them, is a financially robust company.  Furthermore, article 44 of the draft DCO provides that the Applicant must provide a guarantee or alternative form of security to be approved by the Secretary of State, prior to the implementation of any of the land powers within the DCO.
REP2-234	Funding	The funding statement provided insufficient detail. The ExA should be asking for further and better information.  Canadian Solar are not providing any form of corporate guarantee to support the project entity. In the event of project failure and at the end of project life there will be no recourse to anything other than the assets of the project vehicle (which by definition will be defunct equipment).	Article 44 of the draft DCO provides that the Applicant must provide a guarantee or alternative form of security to be approved by the Secretary of State, prior to the implementation of any of the land powers within the DCO.
REP2-193	Financial stability of developers	A search on Companies House also raises a concern on the financial stability of both companies, are they shell companies and will we as tax payers pick up the 'bill' if either go under?	As the Funding Statement, and the Applicant's response to FWQ 4.0.6 illustrate, the corporate bodies which underpin the Applicant will have sufficient funds to undertake the Proposed Scheme and that Canadian Solar Inc, which ultimately supports them, is a financially robust company. This is a fully privately funded venture with no contribution from taxpayer monies.  The Applicant therefore considers that this statement is unfounded.  Furthermore, article 44 of the draft DCO provides that the Applicant must provide a guarantee or alternative form of security to be approved by the Secretary of State, prior to the implementation of any of the land powers within the DCO.
REP2-098	Compliance with trade association commitments	The Applicant is a member of the trade association Solar Energy UK, and the Proposed Development appears to be in conflict with all of Solar Energy UK's 11 Commitments on Solar Farms, especially:	1 - If the UK is going to deliver the amount of renewable energy needed to meet Net Zero, all available grid connections with capacity need to be maximised. The Applicant's response to the ExA's First Written Questions Q1.3.2 and Q1.3.3 [REP-037] explain the ability of substations in the East Midlands to

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		<p>1. We will develop on non-agricultural land or land which is of lower agricultural quality where this is available.</p> <p>2. We will enhance the biodiversity and natural capital value of all solar sites, being sensitive and complementing nationally and locally protected landscapes and nature conservation areas.</p>	<p>accommodate new renewable energy capacity and also the reasons why the spare capacity at Ryhall should be utilised.</p> <p>The Applicant has described how it sought to reduce the loss of best and most versatile (BMV) land through the site selection process in response to the ExA's FWQ (Q1.3.6) [REP2-037].</p> <p>The Planning Statement Appendix 1 [APP-203], paragraphs 3.1.6-3.1.12, explains how BMV was taken into account in selecting the site. In particular, the initial site selection was informed by the 2017 Predictive ALC Maps published by Defra which show the Proposed Development as lying within an area with the lowest probability of BMV. In this context, much of the wider area around the site is shown as having moderate or high probability of land being BMV quality (see Figure 12.4 of the Chapter 12 of the ES, Land Use and Soils [APP-042].</p> <p>The Applicant used publicly available information on ALC to inform site selection before undertaking detailed survey work. When the survey work was then undertaken, the Applicant then considered ALC in the scheme design process, as described in the response to Q.1.3.6.</p> <p>2 - The Ecology and Biodiversity Chapter [APP-037] sets out the results of the biodiversity net gain assessment for the Proposed Development. This assessment has shown that the habitat creation and enhancement being proposed will provide a high net gain in biodiversity value for the area . This has been shown to be just over 72.19% for habitats and 40.83% for hedgerows with the use of the Biodiversity Metric 3.1, carried out on the basis of the Green Infrastructure Strategy Plans set out within the oLEMP. This constitutes a beneficial effect. The principles of the Green Infrastructure Strategy are the 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. The diagram on page 49 of the Design and Access Statement [REP2-018] illustrates</p>

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			conceptually the principles of the Green Infrastructure Strategy provide at Figure 6.11 [APP-173] and also with outline Landscape and Ecology Management Plan [APP-210].
<p>REP2-126  REP2-090  REP2-193  REP2-169  REP2-143</p>	<p>The consent is not time limit and has uncertainty around design and timescale.</p>	<p>There is no time limit on the planning consent for this development. There need to be clear timelines if the assumptions and promises in the application are to be feasible and accountable.</p> <p>The absence of a time limit requires the application to be considered permanent and none of such logic has been applied to the Application.</p> <p>The Applicant also has not justified deviation from the typical 40-year life span (as per Draft EN-3).</p> <p>Difficult to assess all impacts when the timeframe is unknown.</p>	<p>As set out in Chapter 5 of the ES [REP2-012] the operational life of the Proposed Development is not proposed to be specified in the DCO and the Applicant is not seeking a time limited consent. The EIA has been carried out on the basis that the Proposed Development is permanent, to ensure a worst-case assessment of likely significant effects. Notwithstanding this, it is considered that effects are reversible once decommissioning take place, pursuant to the mitigation measures secured through the draft DCO.</p> <p>The operational life of the Proposed Development has not been specified within the DCO Application. However, it is recognised that the electrical infrastructure will have an operational lifespan. As such, for the purposes of assessing decommissioning with the ES, it has been assumed that the Proposed Development has a 40-year operational life span to enable an assessment of decommissioning to be carried out. The operation assessment does not assume that the operational phase will be limited to 40 years as the solar infrastructure may continue to be operating successfully and safely beyond this period.</p> <p>The independent Environmental Statement review (Appendix D) that was undertaken by Barton Willmore (now Stantec) on behalf of Rutland County Council and South Kesteven District Council concludes that the ES:</p> <ul style="list-style-type: none"> <li>• is in compliance with the Infrastructure EIA Regulations' requirements;</li> <li>• is in compliance with the requirements of Advice Note 7;</li> <li>• comprehensively identifies and assesses the likely significant effects of the proposed development;</li> </ul>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			<ul style="list-style-type: none"> <li>• provides sufficient information to allow the Planning Inspector to make an informed decision on the Development Consent Order; and</li> <li>• 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.</li> </ul>
<p>REP2-193 REP2-169 REP2-143</p>		<p>The timescales are not truly fixed, there are many aspects of the project 'to be confirmed, developed' – much uncertainty</p>	<p>The Applicant is not seeking a time limited consent. The operational life of the Proposed Development has not been specified within the DCO. Therefore, the Environmental Statement as a worst case, assesses the permanent effects of the operational phase. Recognising that the electrical infrastructure associated with Solar Farms has an operational lifespan of typically 40 years, the ES also presents an assessment of the effects arising from a decommissioning phase, should the Applicant choose to decommission the Proposed Development. The decommissioning assessment is based on an assumption that decommissioning would take place after 40 years of operation, although it is noted that decommissioning could take place prior to or after this timeframe subject to how the technology is performing at that time.</p> <p>Through the provisions of the DCO, the LPAs will be able to approve the detail of mitigation measures, against the framework of the commitments that have been made in the outline plans submitted with the application.</p>
<p>REP2-235</p>	<p>DCO process</p>	<p>Concerns regarding feeling of futility in taking part in the NSIP/DCO process where local democracy</p>	<p>The process for preparing and submitting a Development Consent Order for a Nationally Significant Infrastructure Project is set out within the Planning Act 2008 and has community engagement at</p>



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		counts for nothing and local councils are overloaded but impotent in their involvement.	<p>its heart, including a legal requirement to take account of responses to consultation.</p> <p>The Planning Inspectorate has also prepared a number of advice notes that provide Applicants with guidance on the preparation of applications. The Applicant has followed the procedural process and guidance.</p> <p>The Applicant also undertook a two stage consultation process to genuinely enable the local community to influence the scheme – both at an early non-statutory consultation in Autumn 2021 and then statutory consultation in May-August 2022.</p> <p>The Applicant has also engaged in discussions with the host authorities from an early stage, providing funding through a Planning Performance Agreement to assist in their ability to resource and engage with the process.</p>
REP2-098	Consenting Strategy	Repeated concerns raised in its Relevant Representation [RR-1076] that it does not believe the impacts of the Proposed Development can be considered “temporary”.	<p>The Applicant is not seeking a time limited consent. The operational life of the Proposed Development has not been specified within the DCO. Therefore, the Environmental Statement as a worst case, assesses the operational phase as operational; and all other assessments are set in this context.</p> <p>However, recognising that the electrical infrastructure associated with Solar Farms has an operational lifespan of typically 40 years (and the need for on-going negotiations with landowners), the ES also presents an assessment of the effects arising from a decommissioning phase, should the Applicant choose to decommission the Proposed Development. The decommissioning assessment is based on an assumption that decommissioning would take place after 40 years of operation, although it is noted that decommissioning could take place after this timeframe subject to how the technology is performing at that time.</p> <p>The Applicant considers that impacts are reversible pursuant to the mitigation measures set out in the ES once decommissioning occurs, but that even if in the unlikely event decommissioning were never to occur, the Proposed Development's impacts, with mitigation in place (or in the case of agricultural land, the small</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			proportion of BMV land affected within the regional resource), are far outweighed by the benefits of the Proposed Development.
REP2-068 REP2-066 REP2-145	Policy Compliance	Concern the scheme conflicts with planning policies of the host local authorities and the NPPF	<p>As a Nationally Significant Infrastructure Project, the application should be determined in accordance with the relevant National Policy Statements (EN1 and EN3). Although the NPPF and local policies can be important and relevant considerations, in the event of a conflict the NPS prevails.</p> <p>It should be noted that local policy and the NPPF were not designed to deal with impacts related to NSIPs, hence the requirement for NPSs, however the Applicant has demonstrated in the Planning Statement [APP-203] and Updated Policy Table [REP2-042] that it complies with the NPPF and local policy where relevant.</p>
REP2-098		<p>The Proposed Development conflicts with the National Planning Policy Framework (NPPF) in the following ways:</p> <p>It conflicts with the strengthened environmental objective requiring sustainable development to protect and enhance our natural, built and historic environment. This includes making effective use of land and improving biodiversity.</p> <p>The use of over 2,000 acres greenfield land for this “mega-scale” scale solar development conflicts with NPPF Chapter 11 (Para 119) as it does not make effective use of land. The land at Mallard Pass currently sustains a range of high yielding arable crops including wheat, barley, maize, rape seed, etc. Covering such valuable land in solar PV is not an effective use of the site, and particularly so when we know that other built surfaces are readily accessible and could be used.</p>	<p>The Applicant refers to its response above. The Planning Statement [APP-203] sets out in detail how the Application complies with NPS EN1 and EN3.</p> <p>As a potentially important and relevant consideration, Table 4 of Appendix 3 of the Planning Statement considers compliance with the policies in the NPPF. This table provides evidence that the Proposed Development accords with the policies in the NPPF, including in respect of impacts to BMV, and particularly noting that no significant impacts to heritage assets are identified in the ES, or to human health from noise.</p>

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		<p>NPPF Chapter 15, and specifically paragraphs 174-175 and 183, which cover 'Conserving and Enhancing the Natural Environment.' It is made clear that the economic and other benefits of best and most versatile (BMV) land must be taken into consideration and that such land should not be developed unless there are exceptional reasons. We do not consider there to be any exceptional reasons why Mallard Pass should be approved on BMV land. There are other sites that could be more suitable, but which have not been fully considered. We consider that the Mallard Pass site seems to have been driven by proximity to the Grid connection point, coupled with willing landowners, rather than properly accounting for the quality of the land and assessing the suitability of other sites. With advances in cable technology, proximity to the Grid should not be a determining factor in the site selection process, as there are many proposals where the energy generation is many kilometres away from the connection point (examples include Sunnica Energy Farm NSIP, which is approx. 11 km from the Grid connection, as well as the well-known Xlinks project which aims to connect renewable energy generated in Morocco to the UK).</p> <p>The significant scale and spread-out nature of the Mallard Pass development will cause harm to the context, setting and interinfluence of local heritage assets which makes the application contrary to NPPF Chapter 16 'Conserving and Enhancing the Historic Environment,' paragraphs 189, 194, 195, 199 and 200.</p> <p>It conflicts with the updated NPPF's emphasis on preserving tranquillity (Chapter 15, paragraph 185)</p>	

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		and the Government planning guidance regarding noise and existing areas of tranquillity.	
REP2-098		<p>Concern that the Proposed Development is not in compliance with broader Government policy whose aim is to protect valuable farmland.</p> <p>The Energy Security Strategy (7<sup>th</sup> April 2022) discussion of solar states that, "<i>We will continue supporting the effective use of land by encouraging large scale projects to locate on previously developed or lower value land.</i>" Mallard Pass is on highly productive farmland.</p> <p>In the Government Food Strategy issued on 13<sup>th</sup> June 2022 it states that "<i>It is possible to target land use change at the least productive land</i>" (para 1.2.2).</p> <p>The policy to protect valuable farmland can also be traced back to the NPPF of March 2012 (paragraph 112) in which it is stated that "<i>economic and other benefits of the best and most versatile agricultural land</i>" should be taken into account. It goes on to say that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality and in preference to that of higher quality.</p> <p>The Government also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper, The Natural Choice: securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).</p> <p>A further example is provided in the letter below written by Eddie Hughes MP, former Ministry of Housing, Communities and Local Government, who wrote a letter to Kemi Badenoch MP on 2nd June 2021 stating, "<i>There are strong protections in place within national planning policy which guards against</i></p>	<p>The Applicant has set out in its Site Selection Report [APP-203], Design and Access Statement [APP-204] its response to the ExA's FWQs on Alternatives and Land Use and Soils, the Policy Update Table [REP2-042] and the Planning Statement Addendum [REP2-040] that its approach to site selection and design development in relation to BMV land is policy compliant.</p>

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		<p><i>inappropriately sited solar farms...expects local authorities...to take account of the benefits of the best and most versatile farmland, to enhance the biodiversity and recognise the character and beauty of the countryside....Where a proposal involves Greenfield land, local councils are expected to consider whether the proposed use of any agricultural land has been shown to be necessary. Where high-quality agricultural land is involved, this would need to be justified by the most compelling evidence. We have been clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities, and that the views of local communities should be listened to....Where relevant planning considerations are raised by local residents these must be taken into account by the local council."</i></p> <p>It is clear that Government policy continues to strive to protect valuable farming land. The Mallard Pass development should therefore be rejected.</p>	
<p>REP2-100, - 101</p> <p>REP2-168, - 169</p>	<p>Glint and glare</p>	<p>A concern from the glint and glare impacts on horse riders</p>	<p>Glint and Glare is not expected to an issue for horse riders, which is supported by the statement set out in the British Horse Society guidance titled Solar Farms near routes used by Equestrians which states that "<i>They are designed to absorb rather than reflect light for efficiency (reflected light is wasted energy) and although the amount of reflection varies with the component materials and the angle, the incidence of glare or dazzle is usually significantly less than from glass and will not be uniform throughout a period of sunlight, assuming that the panel is static. Any reflection is unlikely to be a direct problem to horses, riders or carriage-drivers because of the angles and distances involved. The panels will also not reflect heat, because this too would be wasted energy.</i>"</p>
<p>REP2-228</p>		<p>Concerns of glint issues from solar panels due to proximity to Rutland water, risks to drivers and birds.</p>	<p>A Glint and Glare study [APP-104] has been undertaken and concludes that no significant impacts upon surrounding aviation</p>

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REP2-182 REP2-211 REP2-126		The site is near Rutland Water, home to many rare bird species. Evidence shows that birds mistake solar panels for water, resulting in major disruption to their habitats.	<p>activity, road users, or railway operations and infrastructure are predicted for either fixed or tracker panel layouts. Significant impacts upon one dwelling are predicted for both fixed and tracker panel layouts following expert assessment of the glare scenario. Mitigation in the form of screening has been recommended and is incorporated into the Green Infrastructure Strategy [APP-173].</p> <p>Chapter 7: Ecology and Biodiversity of the Environmental Statement [APP-037] has assessed the potential impact on Designated Sites including Rutland Water and the impacts on birds that have been recorded within the Order Limits and concluded that no likely significant effects would arise.</p>
REP2-107 REP2-209		Concern that there is a greater risk of epileptic fits caused by glint and glare.	<p>The Applicant is not aware of any link between solar panels and epilepsy or seizures.</p> <p>A Glint and Glare Assessment is provided at Appendix 15.3 of the ES [APP-104], which assesses the likely impacts of the development upon receptors. The modelling has shown that solar reflections are geometrically possible towards 113 of the 179 assessed dwelling receptors. Solar reflections towards most of these dwellings are predicted to be significantly obstructed by existing and proposed screening, or they do not occur for a duration that could be considered significant.</p> <p>Additional mitigation has been implemented for one dwelling due to significant effects being predicted, regardless of the panel mounting system (fixed or tracker). An area of new and improved hedgerow is proposed to be planted to the east of the dwelling which will provide filtering and screening of the Solar PV Site.</p> <p>In terms of impacts on road traffic, the assessment concludes that screening in the form of existing vegetation and proposed screening is predicted to significantly obstruct all views of the reflecting panels from road traffic and as such no significant effects are likely.</p>
REP2-182 REP2-205 REP2-117	Battery Storage	Concern that while battery storage is not currently being proposed, there will be opportunities arising in the future for the provision of battery storage onto	The DCO does not include powers to install batteries. If, at a future date, batteries were to be considered, this would require a separate planning application / consent. Concerns about the

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<p>REP2-181</p> <p>REP2-217</p> <p>REP2-156</p> <p>REP2-157 REP2-211</p> <p>REP2-054</p> <p>REP2-161</p>		<p>the Site. Particularly concerned about the safety of the battery storage units if they were introduced.</p>	<p>safety of batteries would be considered and addressed within any future planning application.</p>
<p>REP2-226</p> <p>REP2-149</p> <p>REP2-117</p> <p>REP2-190</p>		<p>Think it is self evident that batteries will have to be installed at a later stage will cause their local community.</p> <p>The project is not viable without the Battery storage facilities and is concerned that a subsequent application including BESS will follow.</p> <p>If Mallard Pass uses lithium-ion batteries, having spoken to an eminent fire prevention specialist, if there were to be a battery fire there, the exclusion zone would be upwards of 12 kilometres</p>	<p>The DCO does not include powers to install batteries. If, at a future date, batteries were to be considered, this would require a separate planning application / consent. Concerns about the safety of batteries would be considered and addressed within any future planning application.</p> <p>An extension of the Ryhall substation would be needed to accommodate an import connection and enable electricity storage to be developed alongside the solar. This means that, without significant extension works at Ryhall substation (which would likely jeopardise the Proposed Development's grid connection date), only a one-way connection can be accommodated. The proposed approach is consistent with meeting the urgent need for low-carbon electricity generation capacity. Delivering a project which maximises the decarbonisation benefit of National Grid's connection offer for 240MW(AC) to be effective in 2028 is therefore for the one-way connection of a generator to export onto the National Electricity Transmission System. While electricity storage could be developed "behind the meter" solely to store electricity generated by the solar farm and to export it to the grid at other times, the Applicant does not consider there to be</p>

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			<p>sufficient benefit associated with that type of operation alone to warrant the installation of energy storage facilities at this location.?</p> <p>Please see the Applicant's response to FWQ 1.2.4 in relation to the viability of the Proposed Development without battery storage – in summary, the Proposed Development still leads to a substantial benefit without storage.</p>
REP2-056	Mitigation maintenance	<p>If the Planning Inspectorate are mindful to approve this application, funding for the project should be set aside for the maintenance, replenishment and upkeep of all mitigation strips in the whole of the application proposal. If the mitigation planting is not maintained it will not only have little beneficial impact but will add to the unsightliness of the landscape. We would like to see an independently run scheme for this so there is responsibility and therefore we will have a body to report any noncompliance to.</p>	<p>The OLEMP sets out the maintenance and management mechanisms for the landscape and ecological mitigation requirements for the Proposed Development; against which the detailed LEMPs will be developed. Compliance with these measures is secured through the DCO, breach of which is a criminal offence.</p>
REP2-223	Comment on evidence in the NTS	<p>I was directed to the Mallard solar farm non-technical survey application (doc ref EN10127/APP/6.4) and question the legitimacy of its claims. My concern is this document is optimistic at best, cynically misleading at worst and blatantly disregards the true impact on land, wildlife and the local communities. The document lacked any academic, or scientific evidence backing its claims which casts into doubt the integrity of the company that has presented it.</p>	<p>The Non-Technical Summary provides an overview, in non-technical language, of the main findings of the Environmental Statement. The NTS does not, and is not intended to, convey all of the information relating to the Proposed Development and its potential effects on the environment. Chapters 1 – 17 of the Environmental Statement include information of the baseline studies and academic references that have been used to support the assessments.</p> <p>The independent Environmental Statement review (Appendix D) that was undertaken by Barton Willmore (now Stantec) on behalf of Rutland County Council and South Kesteven District Council concludes that the ES:</p> <ul style="list-style-type: none"> <li>• is in compliance with the Infrastructure Planning EIA Regulations' requirements;</li> <li>• is in compliance with the requirements of Advice Note 7;</li> </ul>



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			<ul style="list-style-type: none"> <li>comprehensively identifies and assesses the likely significant effects of the proposed development;</li> <li>provides sufficient information to allow the Planning Inspector to make an informed decision on the Development Consent Order; and</li> <li>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.</li> </ul>
REP2-195 REP2-196	Change interventions	The indeterminate nature of these during the project lifetime is of great concern as it leaves the developer with a carte blanche for works interfering with the local community.	As set out in Chapter 2 of the ES [APP-032] the Environmental Statement has been based upon the assumption that there will be a need to repair or replace components of the Proposed Development that fail or break. It is anticipated that maintenance and servicing would include the inspection, removal, reconstruction, refurbishment or replacement of faulty or broken equipment, and adjusting and altering the components of the Proposed Development. The measures to control the operational activities are set out within the outline Operational Environmental Management Plan (oOEMP).
REP2-117 REP2-156	Risk of Fire	Concern of solar fires which initiate at the inverters. No mitigation has been provided to avoid future fires.	The outline Operational Environmental Management Plan [APP-032] includes measures relating to the potential impact of major accidents as a result of the Proposed Development. The oOEMP commits to the production of an appropriate risk assessment to minimise the risk of major accidents during operation. An Emergency Response Plan will also be in place setting out procedures on how to respond to an emergency. These measures will be able to be considered by the LPAs in approving the detailed OEMPs.
REP2-117 REP2-232	Security	Concerns of security issues as operators will not be onsite at all times. Concern of this being an issue to the local community.  How will the site be policed and secured?	The operational and maintenance activities will be undertaken in accordance with the Outline Operational Environmental Management Plan (oOEMP) [APP-208]. The oOEMP includes measures that control security.

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			<p>These measures will be able to be considered by the LPAs in approving the detailed OEMPs</p>
REP2-163	Hazardous materials	<p>Solar panels contain toxic materials that can leach out as they break down and create a new environmental hazard.</p>	<p>At Table 3-7, the Outline Operational Environmental Management Plan (oOEMP) [APP-208] requires that regular inspections and maintenance of all equipment will be undertaken in order to identify any leaks or damage early. Any panels which require maintenance or replacement will be removed before there is any potential leakage of chemicals from the sealed units. Any leaks will be dealt with in a way that is compliant with the prevailing environmental legislation.</p> <p>At Table 3-12, the Outline Decommissioning Environmental Management Plan (oDEMP) [APP-209] sets out how hazardous waste will be appropriately handled and processed by licensed waste carriers in accordance with the relevant Pollution Prevention Guidelines (or any relevant successive guidance in place).</p>
REP2-167	Dangerous	<p>Mallard Pass as it is inherently dangerous and cannot be used for any other purpose than that for which it is intended.</p>	<p>The Proposed Development will be secured by security fencing to prevent trespassing within the Solar PV Site where electrical equipment is contained. The consideration of access has been a key Design Principle as detailed within the Design and Access Statement (DAS) [REP2-018] which has driven the spatial design response as illustrated in the Green Infrastructure (GI) Strategy Plan [APP-173].</p> <p>All proposed permissive paths would have an offset of at least 15m from them to the boundary fencing of the Proposed Development as set out in Design Guidance V5.3 and 50m offset for solar stations and storage containers under Design Guidance PE4.2 thin the DAS [REP2-018].</p> <p>The proposed permissive paths are not intended to be alternatives to additional routes but seek to augment them creating continuous off-road routes connecting to the wider network as shown on the Existing PRoW and Permissive Path Plans (Appendix B of the Applicant's Responses to ExA's First Written Questions [REP2-038]).</p>

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REP2-068	Public support	Concern that the scheme will cause a division in public opinion over solar at a time when support is needed	<p>The BEIS Public Attitudes Tracker: Energy Infrastructure and Energy Sources, Autumn 2022, survey of UK residents found that 88% of people in Autumn supported renewable energy as a general concept. In Autumn 2022, level of support for different types of renewable energy developments varied by type of renewable energy. At least eight in ten were supportive of solar energy (89%, up from 87% in Spring 2022), wave and tidal energy (84%, no change), off-shore wind (85%, up from 83%), and on-shore wind (79%, no change). Support for biomass was slightly lower (72%, unchanged) although people were more likely to give a neutral opinion on this compared with other technologies (17% said they neither supported nor opposed this technology). Between Spring 2022 and Autumn 2022 the level of strong support increased for solar energy (59%, up from 53% in Spring 2022), wave and tidal energy (53%, up from 49%), off-shore wind (52%, up from 47%) and on-shore wind (41%, up from 37%). Opposition remained very low across all renewable energy technologies (between 1% and 6% in Autumn 2022).</p> <p>Further analysis within this report identifies that 54% would be very happy or fairly happy with a solar farm being developed close to them. Of the remainder, 27% 'wouldn't mind either way' and 12% answered 'not applicable' either because they didn't know enough about solar farms or don't think it would be possible in their local area. Only 7% of those surveyed said that they would either be 'very unhappy' or 'fairly unhappy' if a solar farm was developed near them.</p> <p>In that context, the Applicant considers that the Proposed Development will not impact upon general support for solar.</p>
REP2-209 REP2-123 REP2-211	Local opposition	1,042 consultation responses from a small rural community highlight the level of opposition. There are also over 2,400 signatures for a Parliamentary Petition against the development so far.	<p>The Applicant acknowledges that a project such as the Proposed Development will be emotive.</p> <p>However, the Applicant does note that posted information publicising the Stage Two Statutory consultation to 13,328 properties and local businesses within the Core Consultation</p>

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			<p>Zone. In the consultation responses from the community, 26% of respondents were either strongly supportive or supportive of the Proposed Development.</p> <p>49% of respondents agreed or partly agreed that the Applicant presented the right approach to mitigating visual and residential amenity impacts. 45% of respondents agreed or partly agreed that the Applicant presented the right approach to providing recreational opportunities. 49% of respondents agreed or partly agreed that the Applicant presented the right approach to providing ecological connectivity, enhancement and mitigation. As such, the picture is more nuanced than is perhaps being suggested.</p>
REP2-170	Disturbance to military sites	Concern about possible disturbances to military sites and communication with military defence aircraft due to Lincolnshire and surrounding counties being of major importance to UK and world defences.	<p>The Ministry of Defence were consulted during Stage 1 and Stage 2 of the application. MOD Safeguarding - RAF Wittering responded at Stage 1 on the 05 January 2022, indicating that they receive the correspondence that the Applicant sends to the Ministry of Defence. The Ministry of Defence was also provided the Section 56 Notice via post and via email on 05 January 2023, to which no response was received. The modelling undertaken as part of the Glint and Glare Study, Appendix 15.3 [APP-104], showed that no solar reflections were geometrically possible towards the ATC Tower and the 2-mile approach paths towards RAF Wittering. Details of the assessment and conclusions are contained within Section 3, Figure 4, Section 7, and Section 10, of this report.</p> <p>As no impacts were predicted, no further consultation with the Ministry Of Defence / RAF Wittering has been undertaken.</p>
REP2-193	Mitigation and Maintenance of the Mitigation	The applicant indicates [the adverse effects] will be mitigated, but the robustness of these mitigations is not evident, thus confidence in risk management minimal.	The independent Environmental Statement review (Appendix D) that was undertaken by Barton Willmore (now Stantec) on behalf of Rutland County Council and South Kesteven District Council concludes that the ES:

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			<ul style="list-style-type: none"> <li>• Is in compliance with the Infrastructure EIA Planning Regulations' requirements;</li> <li>• Is in compliance with the requirements of Advice Note 7;</li> <li>• Comprehensively identifies and assesses the likely significant effects of the proposed development;</li> <li>• Provides sufficient information to allow the Planning Inspector to make an informed decision on the Development Consent Order; and</li> <li>• 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.</li> </ul> <p>The independent review highlights that <i>“sufficient details of the proposed mitigation measures and mechanisms to deliver monitoring are provided...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.”</i></p> <p>The Requirements set out within the DCO [REP2-006] ensure that the mitigation measures will be secured and delivered. The management plans that are secured by these requirements include monitoring measures to ensure that the mitigation measures are performing as anticipated in order to mitigate the effects identified within the Environmental Statement.</p>
REP2-161		Concern that the mitigation schemes, including planting, will not be maintained adequately. Who will the residents defer to when areas are not maintained properly? There will be no one to address this. RCC and SKDC have no resources to monitor and it will soon become an unkept mess and	<p>The outline Landscape and Ecological Management Plan (oLEMP) [REP2-022] submitted at Deadline 2 clarifies at para 2.1.2 that maintenance will be undertaken for the duration of the operation of the Proposed Development.</p> <p>Appendix 1 of the oLEMP summarises the maintenance requirements that are required every year and every 5 years for the duration of the Proposed Development operation, with further</p>

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		likely never mitigate the panels. How can locals trust that these mitigation strips will be effective?	<p>details to be set out in the detailed LEMPs, the preparation of which are secured by a DCO Requirement.</p> <p>Paragraph 6.2.2 of the oLEMP states that monitoring of the LEMP(s) will be undertaken every 5 years following completion of construction with a report of that monitoring to be submitted to the LPAs. This has been expanded in the oLEMP at paragraph 6.2.3 submitted at Deadline 2 to set out that replacement planting for planting that has failed to establish will form part of the remedial actions that will be taken during that 5 year period. This would allow for fixes to take place if growth rates are not being met.</p>
REP2-161	Impact on existing infrastructure	Concerns about impact on utilities, specifically a 2-mile-long private water pipe, which is situated between 2 proposed compounds.	<p>Environmental Statement Chapter 15: Other Environmental Topics has assessed potential effects on existing utilities.</p> <p>No adverse effects are likely as the risk of damage to utilities during construction would be minimised through the detailed design which would avoid where practicable utilities and infrastructure via micro siting of elements of the Proposed Development. The approach can be outlined as follows:</p> <ul style="list-style-type: none"> <li>a. locating the Proposed Development outside of utilities' protected zones (areas within which there is potential for construction works to impact utilities) where practicable;</li> <li>b. the use of ground penetrating radar before excavation to identify any unknown utilities; and</li> <li>c. consultation and agreement of construction/ demobilisation methods prior to works commencing.</li> </ul> <p>These measures are secured by the oCEMP which would inform the preparation of a CEMP which would include further details on avoiding the risk of damage to utilities.</p> <p>The Applicant is consulting with the Statutory Undertakers to agree protective provisions and statements of common ground with utility providers to ensure the protection of their assets within the Order Limits; and has been able to agree Protective Provisions with Anglian Water.</p>
REP2-064	Economic benefits of Solar	What are solar's economic benefits over food production and ecological biodiversity maintenance,	The proposals set out in the Green Infrastructure Strategy Plan [APP-173] are designed to deliver a net gain in biodiversity, complement existing on and off site habitats while non precluding

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		particularly when brownfield sites or acres of massive warehousing are available?	the return of the land potentially to agriculturally productive land in future. ES Chapter 7: Ecology and Biodiversity [APP-037] and the BNG Metric [APP-064] demonstrates that the Proposed Development will deliver a net gain for biodiversity. As such it will improve biodiversity rather than maintaining the poor status quo. As set out elsewhere in this document, the Proposed Development meets a significant urgent need to decarbonise the UK economy, has no effect to food security and is a requirement alongside (rather than instead of) rooftop and brownfield sites.
REP2-066	Local communities	Damage to local communities	<p>The scope of the Environmental Statement was agreed with the Planning Inspectorate its Scoping Opinion [APP-050] and it presents the assessment of effects of the Proposed Development on receptors including local communities. The ES also identifies suitable mitigation to avoid and reduce the effects identified which are secured through the management plans which are secured through the Requirements of the DCO. No significant health-related impacts are identified as a result of the Proposed Development.</p> <p>The management plans include monitoring requirements to ensure that the mitigation measures that have been identified are effective during the construction, operation and decommissioning phases.</p>
REP02-045, REP2-050, REP2-052	ExA Q1 Q1.1.5 – Cumulative Development Long list and Short list is up to date.	<p>RCC is aware that a number of the other projects listed have progressed from the pre-application stage to Examination (sites 55, 57, 58 and 59). Five further projects have also been announced or registered with the Planning Inspectorate and the documentation considering cumulative impact should be updated to reflect this:</p> <p>Beacon Fen Energy Park          Temple Oaks Renewable Energy Park          Tillbridge Solar Park</p>	<p>The cumulative development search was finalised in November 2022, prior to the submission of the DCO. Appendix I of this response sets out the cumulative assessment of other NSIP scale projects that are currently being promoted across Lincolnshire with regard to BMV area. This has considered the following additional NSIP Solar Projects:</p> <ul style="list-style-type: none"> <li>• Little Crow</li> <li>• Tillbridge</li> <li>• Gate Burton (development 57)</li> <li>• West Burton (development 58)</li> </ul>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>Fosse Green Energy Springwell Solar Farm</p> <p>The documentation and any assessments considering cumulative impacts arising from these proposals should therefore be updated to take these into account too.</p>	<ul style="list-style-type: none"> <li>• Cottam (development 59)</li> <li>• Springwell</li> <li>• Beacon Fen</li> <li>• Heckington Fen (development 55)</li> <li>• Temple Oaks</li> </ul> <p>We will discuss with the LPAs to understand the extent of any additional projects to added to the list that may be required to this list since that time. Subject to receiving the relevant information by Deadline 4, the Applicant will update the documentation considering cumulative impacts and submit this information at Deadline 5. See also the response to FWQ 1.1.5.</p>
REP2-090	Community benefit	<p>There are simply no benefits for the local community.</p> <p>All the energy generated goes direct into the National Grid which could go anywhere in the country.</p> <p>There are no lower tariffs for the local communities, so only the developers and middle men will benefit financially.</p> <p>There is no offer of any Community Benefit Fund to compensate for the negative impacts this project will have on the local community.</p>	<p>The Applicant estimates that an average of 150 FTE gross temporary jobs will be created over the 24-month construction period, with 50% estimated to be sourced from the local area. It is estimated that 74.5 additional direct and indirect jobs would be supported through the construction phase. The Applicant has also submitted an outline Employment Skills and Supply Chain Plan [APP-211] which will be developed post-consent to seek to capture as many benefits for the local study area as possible.</p> <p>The Applicant has carried out a planning policy assessment as part of the DCO Application, which can be found in Table 8 and 9 – Rutland County Council Local Planning Policy - Table of Compliance, Appendix 3, within the Planning Statement [APP-203]. The Applicant considers that there are no measures that would require developer contributions and will discuss this further with the Council as part of the Statement of Common Ground discussions.</p>
REP2-090	Glint and glare – proposed use of vegetation	<p>The independent Landscape and Visual Review (full report) commissioned by MPAG states very clearly in paragraphs 5.1.30 to 5.1.33 that experts do not recommend relying on either existing or proposed vegetation to screen views in the long term since</p>	<p>Soft landscaping is the most common form of mitigation to eliminate glint and glare effects towards ground-based receptors. Existing and proposed vegetation has provided appropriate mitigation for most of the 1,000+ solar projects Pager Power has supported.</p>



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		<p>there is no guarantee it will remain or where newly planting is planned will establish at all.</p> <p>Logically this reasoning is equally relevant to Glint and Glare where existing and new planting is being relied on entirely to protect residents and road users from Glint and Glare.</p> <p>The Applicant's Glint &amp; Glare Study (set out in Appendix 15.3 of the ES [APP-104]) assumes the same level of vegetation cover all year – this is most definitely not the case during autumn and winter months... In those autumn and winter months the sun is a lot lower in the sky causing more glare.</p>	<p>The outline Landscape and Ecological Management Plan (oLEMP) [REP2-022] submitted at Deadline 2 clarifies at paragraph 2.1.2 that maintenance will be undertaken for the duration of the operation of the Proposed Development. Appendix 1 of the oLEMP summarises the maintenance requirements that are required every year and every 5 years for the duration of the Proposed Development's operation, with further details to be set out in the detailed LEMPs, the preparation of which are secured by a DCO Requirement.</p> <p>Paragraph 6.2.2 of the oLEMP states that monitoring of the LEMP(s) will be undertaken every 5 years following completion of construction with a report of that monitoring to be submitted to the LPAs. This has been expanded in the oLEMP at paragraph 6.2.3 submitted at Deadline 2 to set out that replacement planting for planting that has failed to establish will form part of the remedial actions that will be taken during that 5-year period. This would allow for fixes to take place if growth rates are not being met.</p> <p>The oLEMP also sets out that existing vegetation will be enhanced and retained, and new planting will be provided to obstruct views. In a lot of cases, existing vegetation can mitigate glint and glare effects even when the vegetation is not in leaf –. This is further ensured by the proposed enhancement of existing vegetation. As for the new planting, the oLEMP states in some cases that evergreen species will be included to provide screening all year round.</p> <p>Finally, solar reflections do not typically occur more during the winter months. It is typically the opposite for fixed panels and glint and glare effects therefore materialise more when the vegetation is in leaf – this is evidenced in Appendix H of the Glint and Glare Assessment.</p>

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REP2-090	Glint and glare – impacts on PRow users	<p>There are a number of PRowS including bridleways across the site, some which will be surrounded by solar panels either side. The [Applicant's Glint and Glare] report is remiss in not considering the impact of Glint and Glare on users of PRowS i.e. walkers, horse riders and cyclists.</p> <p>There is also the combined effect to consider of glint &amp; glare, noise and visual impact of the panels, electrical infrastructure and fencing. For a horse, particularly when surrounded, that could prove too frightening; putting both the rider and horse in danger of an accident should it shy or bolt.</p> <p>Whilst a walker does not face the same challenges as a horse rider, the combined effects as stated above do not make for a pleasant experience for the user; in stark contrast to the existing position.</p>	<p>The Applicant has reviewed and incorporated the measures set out within the 'Advice on Solar Farms' guidance document that has been published by The British Horse Society. The existing bridleways and permissive paths (which horse riders will be able to use) will be within a corridor 30m, as per Design Guidance (V5.3) set out within the Design and Access Statement [REP2-018]. This far exceeds the 'preferable 5m' stated in the BHS guidance. The Applicant has specified open mesh fencing as recommended. The guidance also says that large development are opportunities for increasing access which the Applicant has delivered through the inclusion of 8.1km of permissive paths, whilst the guidance recognises that 'even very short links can have important effects by enabling greater or safer use of existing routes in an area'.</p> <p>With respect to glint and glare specifically, in the Applicant's experience, significant impacts from solar developments to pedestrians/observers along PRowS are not possible. The reasoning is due to the sensitivity of the receptors (in terms of amenity and safety) being concluded to be of low significance because:</p> <ul style="list-style-type: none"> <li>• Effects would typically coincide with direct sunlight. The Sun is a far more significant source of light; The reflection intensity is similar for solar panels and still water (and significantly less than reflections from glass and steel) which is frequently a feature of the outdoor environment surrounding public rights of way. Therefore, the reflections are likely to be comparable to those from common outdoor sources experienced by receptors whilst navigating the natural and built environment on a regular basis;</li> <li>• The typical density of pedestrians on a PRow is low in a rural environment (such as the location of the Proposed Development);</li> </ul>

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			<ul style="list-style-type: none"> <li>• Any resultant effect is much less serious and has far lesser consequences than, for example, solar reflections experienced towards a road network whereby the resultant impacts of a solar reflection can be much more serious to safety;</li> <li>• Glint and glare effects towards receptors on a PRoW are transient, and time and location sensitive whereby a pedestrian could move beyond the solar reflection zone with ease with little impact upon safety or amenity;</li> <li>• There is no safety hazard associated with reflections towards an observer on a footpath.</li> </ul> <p>In relation to the impact of glint and glare upon horses, solar reflections are significantly less intense than sunlight, which a horse will also be experiencing at the time of the reflection. Solar reflections are also comparable to those from common outdoor sources such as water bodies which a horse will experience along bridleways.</p>
REP2-090	Glint and glare – impacts on residential properties	<p>The Applicant's Glint and Glare report takes no account of the time in the early years of the scheme after commissioning when much vegetation will be newly planted and unlikely to give the mitigation from Glint &amp; Glare required.</p> <p>An assumption has also been made that living accommodation is on the ground floor and dismissing impacts on upper floors as not relevant. This does not recognise the flexible way in which people use their homes (i.e. for working from home).</p>	<p>The Glint and Glare Study (ES Appendix 15.3 [APP – 104]) identifies dwelling 166 as the only receptor in which significant short-term impacts from glint and glare are predicted, following a review of existing screening and assessment of the glare scenario. Mitigation measures for this dwelling in the form of woodland planting are set out in the Outline Landscape and Ecology Management Plan [REP2-022].</p> <p>Use of a living space will vary from dwelling to dwelling; however, the main living space is most commonly on the ground floor. The assumption that the main living space is on the ground floor is just one of the factors when determining the impact upon a residential dwelling.</p>

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REP2-090	Decommissioning	Is it sufficient and realistic to have a baseline assumption for decommissioning of 40 years, given that the Proposed Development could end after 25 years or continue beyond 40 years.	<p>Although the Applicant is not proposing a time-limited consent, for the reasons explained in paragraphs 5.3.27 to 5.3.33 of the Planning Statement [APP-203], solar is an inherently temporary use of the land and will at some point be decommissioned. The reasonable worst case has been assumed to be 40 years. However, a precautionary approach has been taken in the assessment. For example, the areas affected by tracks and solar station areas are capable of being restored to comparable agricultural use and quality at decommissioning but these areas have been included as potentially lost to agricultural use, ES paragraph 12.4.16 to 18 [APP-114].</p> <p>The Applicant does not consider that there would be changes to the future baseline in either scenario posited such that the decommissioning assessment would change, noting that all LVIA and ecological mitigation is assumed to be fully established by Year 15 at the latest.</p>