

Application by Mallard Pass Solar Farm Ltd for an Order Granting Development Consent for the proposed Mallard Pass Solar Farm

Agenda for Issue Specific Hearing 3 (ISH3): Draft Development Consent Order (dDCO)

Hearing	Date and Time	Location
Issue Specific Hearing 3 Draft Development Consent Order (dDCO)	Thursday 13 July 2023 (afternoon) Hearing Starts: 2.00pm Registration and seating available at venue from 1.30pm and virtual Registration Process from 1.30pm	KingsGate Conference Centre 2 Staplee Way, Parnwell, Peterborough PE1 4YT and By virtual means using Microsoft Teams

Attendees

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties:

- Applicant
- Lincolnshire County Council
- Rutland County Council
- South Kesteven District Council
- Mallard Pass Action Group

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the Hearing.

The latest updated version of the dDCO, along with a Schedule of Changes, was submitted by the Applicant at Deadline 3.

If you have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 555 or MallardPassSolar@planninginspectorate.gov.uk.

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the Issue Specific Hearing

3. Applicant's introduction to the dDCO

- a) General overview of the dDCO
- b) Summary of recent amendments made to the dDCO
- c) Summary of engagement on dDCO with relevant parties including Statements of Common Ground

4. Articles

- a) The ExA will ask questions and seek comments on the proposed Articles including the following (noting that it is the intention that the Articles under Part 5 (Powers of Acquisition) will be considered at the Compulsary Acquisition Hearing on 14 July 2023):

Article 2	<i>Interpretation</i> Including 'authorised development' and 'maintain'
Article 5	<i>Power to maintain authorised development</i>
Article 6	<i>Application and modification of statutory provisions</i>
Article 9	<i>Power to alter layout, etc. of streets</i>
Article 11	<i>Temporary stopping up of and permitting vehicular use on public rights of way</i>
Article 12	<i>Claimed public right of way</i>
Article 13	<i>Access to works</i>
Article 15	<i>Traffic regulation measures</i>
Article 17	<i>Removal of human remains</i>
Article 18	<i>Protective work to buildings</i>
Article 19	<i>Authority to survey and investigate land</i>
Article 44	<i>Procedure in relation to certain approvals etc</i>

- b) Comments from Interested Parties on any other proposed Article within the draft DCO

5. Schedule 1 - Authorised Development

- a) Applicant to clarify the changes made to Schedule 1 of dDCO at Deadline 2
- b) Comments from any Interested Party on Schedule 1

6. Schedule 2 – Requirements

- a) Update from the Applicant on progress being made on agreement of the draft Requirements with relevant Interested Parties
- b) The ExA will ask questions and seek any comments on the following proposed Requirements:

R3	Phasing of the authorised development etc
R4	Requirement for written approval
R6	Detailed design approval
R7	Landscape and ecology management plan
R9	Surface and foul water drainage
R10	Archaeology
R16	Operational noise
R17	Skills, supply chain and employment
R18	Decommissioning and restoration

- c) Comments from Interested Parties on any other Requirement within the draft DCO
- d) Comments from Interested Parties on the need for any further Requirement(s)

7. Schedule 3 - Legislation to be Disapplied

- a) To include Applicant’s further explanation for disapplication of listed legislation

8. Schedule 4 – Streets Subject to Street Works

- a) To Include updates made at Deadline 3

9. Schedule 14 - Arbitration Rules

- a) Any comments sought from Interested Parties

10. Schedule 15 – Protective Provisions

- a) Applicant to provide update on negotiation of Protective Provisions
- b) Comments from any relevant Undertaker

11. Schedule 16 – Procedure for Discharge of Requirements

- a) Updates to Schedule 16 made at Deadline 3
- b) Comments on procedure set out in Schedule 16 from Interested Parties

12. Action points arising

13. Closing

Purpose of ISH3

The main purpose of this Hearing is to undertake an examination of the dDCO Articles and Schedules following the responses received to the ExA's First Written Questions on matters related to the dDCO, Written Representations received at Deadline 2 and responses to these Written Representations received at Deadline 3.

Discussions at the Hearing will be held without prejudice to the ExA's final recommendation about whether or not the dDCO should be made.

This Hearing will not examine the detailed content of the provisions relating to the Compulsory Acquisition of land or rights or Temporary Possession of land. A separate Compulsory Acquisition Hearing is being held on Friday 14 July 2023.

The agenda provided above is indicative and may be subject to change on the day. Documents within the Examination Library should be taken as read and need not be repeated in oral submissions, although signposting to key documents and representations may assist.

Attendance

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **2.00pm** those

attending virtually should join promptly at **1.30pm** to ensure that all virtual attendees can complete the Registration Process in good time.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.