



Submission by Mallard Pass Action Group (MPAG)

– unique ID ref. 20036230

Deadline 4:

ISH3 Development Consent Order

Written Summary of Oral case

MPAG representatives: Mrs Sue Holloway; Mrs Helen Woolley.

Schedule 2 Point 18: Decommissioning and Restoration

“Within 12 months (or such longer period of time that may be agreed with the relevant planning authority) of the date that the undertaker decides to decommission any part of the authorised development the undertaker must submit to the relevant planning authority for that part for approval, in consultation with the Environment Agency, a decommissioning environmental management plan for that part.”

MPAG are concerned this article only gives a time period upon which to announce the decommissioning, it gives no maximum time period upon which the development should actually have been decommissioned. The risk is the land may therefore not be returned back to its former use for an unlimited period of time. The longer the gap between notification of decommissioning and actual decommissioning, potentially the higher the risk that funding may not be available for the decommissioning to take place.

The applicant indicated during the hearing the wording could be strengthened.

Part 4 Supplemental Powers - Point 19: Authority to survey and investigate land

“19.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development or upon which entry is required in order to carry out monitoring or surveys for the purposes of the authorised development ...”

MPAG feel this could be a huge infringement of residents’ rights that the Applicant could go onto land potentially adjacent to the order limits without a resident having any recourse or other authority such as their local council to consult on such an action.

14 days notice is also too short, especially if any works requiring heavy equipment and use of vehicles on the land needed to take place.

How will it be established that any such action is reasonable? Can there be a clause that the relevant local council has to authorise the activity, rather than the Applicant as an acquiring authority just falling back on the powers of the Electricity Act in the event the residents does not agree to giving access?