

Rutland County Council (RCC) attended the Issue Specific Hearings (ISH) held between 11 and 13 July 2023.

A summary of Rutland County Council's (RCC) oral representations are set out below:

Issue Specific Hearing 1 – Scope of the Proposed Development, Need, Site Selection and Alternatives.

- In response to the matter regarding the potential for future projects to be accommodated by the existing National Grid substation at the time of its construction, Nicholas Thrower on behalf of Rutland County Council confirmed that no projects were indicated as being served by the substation at the time of its construction beyond the provision of power to the East Coast Mainline.
- In respect of the matter of the proposed period of operation of the solar farm, Justin Johnson on behalf of Rutland County Council raised concerns about the potential to replace all of the solar panels on the site overtime in order to upgrade the site as technology improves. This would increase capacity or potentially allow for a reduction in the total number of panels required on site in order to achieve the output if the technology improves significantly.
- In response to the matter of proposed decommissioning, Justin Johnson on behalf of Rutland County Council raised concern over the potential for the value of the assets to be outweighed by the cost of decommissioning and that a bond should be considered in order to ensure that the costs of decommissioning are covered.

Relevant Planning Policy and Decisions

- Justin Johnson on behalf of Rutland County Council agreed that significant weight should be given to the draft national policy statements and the written ministerial statement of 2015 regarding solar energy.
- In respect of the emerging local policy and evidence the Planning Policy and Housing Manager at Rutland County Council has confirmed that the emerging policy is intended to apply to both TCPA and NSIP level projects.

Need

- RCC welcomed further discussions with the applicant on a potential benefits package. A separate more detailed response has been submitted on this point.

Issue Specific Hearing 2.

Landscape and Visual Effects

- Justin Johnson on behalf of Rutland County Council confirmed that the Stantec review relates to the methodology of the review of the Environmental Statement undertaken by the applicant. Rutland County Council's main concern is around the impact of the scheme on the countryside around Essendine and its wider impact. RCC made reference to the limitations of the Stantec review which are set out below:

“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.”*
- With regard to the Visual Receptor groups Justin Johnson confirmed on behalf of Rutland County Council that he did not recall specific consultation in respect of those groups, but did not disagree with the identification.
- In respect of the question regarding plant sizes and growth rates, Justin Johnson on behalf of Rutland County Council stated that it would be that precise details would be provided at a later stage but indicated that further information would be helpful at this stage.

Ecology and Biodiversity

- In response to the point regarding the specification of DEFRA Metric 3.1, Justin Johnson on behalf of Rutland County Council stated that the LPA's understanding is that the metric used should be the latest version and it would not be valid if that were not the case. It would be helpful for this to be specified in the dDCO.

Effect on BMV land

- In response to the point regarding Natural England's expressed preference for a time limited consent, Justin Johnson on behalf of Rutland County Council confirmed that RCC consider there should be certainty over the period of consent rather than for it to be left open-ended

Noise

- In response to the Examining Authority's question to RCC regarding construction noise, Justin Johnson on behalf of Rutland County Council indicated that this reference was to a general concern rather than specific locations.
- In response to the Examining Authority's question regarding low-level noise and hum/buzz from the development, Justin Johnson on behalf of Rutland County Council indicated that this concern was also in general rather than relating to specific locations but related in particular to noise emitted from the proposed substation.

Highways and Access

- In response to the comments regarding overlap of delivery times with school journeys, Julie Smith on behalf of Rutland County Council stated that RCC would welcome an offer to restrict travel through the village but considered that a restriction until 9am would be more prudent given school drop-off patterns than 8:40am.
- In response to the question of the Examining Authority with regard to potential for parking demand to exceed supply during construction, Julie Smith on behalf of Rutland County Council stated that this had been verbally indicated by the applicant's transport consultant as being 400 staff across the entire project not at any one time, but this statement is not reflected in the response to South Kesteven District Council's questions on the matter.

Archaeology

- In regard to the matter of archaeological investigation, Nicholas Thrower on behalf of Rutland County Council confirmed that the stance of Rutland County Council's Archaeological advisors accords with the comments of Jan Allen (acting on behalf of Lincolnshire County Council) at this time.

Socio-economic

- Julie Smith on behalf of Rutland County Council note that the Mallard Pass Action Group's point is correct, and the permissive paths could be withdrawn. Queried if this could be dealt with by the DCO.
- Julie Smith on behalf of Rutland County Council stated that like the Mallard Pass Action group, RCC considers the proposed permissive paths offer little benefit due to their relationship with the proposed solar panel locations.

In combination and cumulative effects

- Justin Johnson stated on behalf of Rutland County Council that the focus of assessment of effects is on the footpaths, but that other users of the network including drivers, cyclists and horse riders would also experience effects, and

there are not many places around Essendine where users wouldn't experience the panels due to the scale and nature of the project.

- Justin Johnson on behalf of Rutland County Council noted that whilst there are some enclosed footpaths in the area, the site visit would make it clear that significant enclosure would result where it is not currently the case, and Photomontage F demonstrates this point. Currently many of the footpaths in the area provide a view across a rolling landscape with a large sky component.
- Justin Johnson on behalf of Rutland County Council indicated that provided matters of footpath management and maintenance were clearly identified there wasn't a need for it to be located in a separate document.

Issue Specific Hearing 3

Article 43

- Justin Johnson on behalf of Rutland County Council queried if the matter of fees payable for discharge of requirements was to be addressed under discussion regarding schedule 16. It is the Council's opinion that the DCO must have some link to a fees schedule even if the fees are not in the DCO and set out in a separate document
- Justin Johnson on behalf of Rutland County Council noted that RCC wished to have an understanding of the situation following the issue specific hearing sessions before progressing further in respect of agreement with the applicant over the wording of requirements.

Requirement 3

- Justin Johnson on behalf of Rutland County Council noted that it would be useful for the Local Planning Authority to understand phasing proposals in order to provide more certainty to the community regarding what parts of development are expected to happen when. It was therefore suggested that a detailed phasing plan should be included as part of the submission.

Requirement 5

- Justin Johnson on behalf of Rutland County Council questioned how a number of details would fit within the amendment of approved details. In particular the discussion focussed on what would be considered as a non-material amendment and who would make that judgment and how this would be resolved if agreement could not be reached.

Requirement 9

- Justin Johnson on behalf of Rutland County Council noted that this was being reviewed and representations would be made at a later deadline.

Schedule 16

- Justin Johnson on behalf of Rutland County Council noted that RCC would welcome sight of the proposed fee structure as soon as possible.
- Justin Johnson on behalf of Rutland County Council queried if it would be possible for the DCO to reference a fee schedule
- Justin Johnson on behalf of Rutland County Council noted that the reference to deemed discharge of conditions only reverts to a deemed refusal where effects are materially different or new. Where that is not the case requirements are deemed to be discharged after the relevant period. Additional comments have been made in the formal written submissions.