



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

### Summary of Applicant's Oral Submissions at CAH1 & Appendices

**Deadline 4 - July 2023**

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# Summary of Applicant's Oral Submissions at CAH1

## 1.0 INTRODUCTION

- 1.1 This note summarises the oral submissions made by Mallard Pass Solar Farm Ltd (the “**Applicant**”) at Compulsory Acquisition Hearing 1 (“**CAH1**”) held on 14 July 2023 in relation to the Applicant’s application for development consent for the Mallard Pass Solar Farm Project (the “**Proposed Development**”).
- 1.2 Where the Examining Authority (the “**ExA**”) requested further information from the Applicant on specified matters, or the Applicant undertook to provide further information during the course of CAH1, that further information is either set out in this document or provided as part of the Applicant’s Deadline 4 submissions.
- 1.3 This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant’s submissions, or where the Applicant agreed with the submission(s) made and so made no further submissions (this is noted within the document where relevant).
- 1.4 The structure of this note follows the order of the items listed in the detailed agenda published by the ExA on 4 July 2023 (the “**Agenda**”). Numbered agenda items referred to are references to the numbered items in the Agenda. The Applicant’s substantive oral submissions commenced at Item 3 of the Agenda. Therefore, this note does not address Items 1 and 2 on the Agenda as these were procedural and administrative in nature.

## 2.0 WRITTEN SUMMARY OF THE APPLICANT'S ORAL SUBMISSIONS AT CAH1

Agenda Item	Applicant's Response
<b>SESSION 1:</b>	
<b>3. The Applicant's case for Compulsory Acquisition (CA) and Temporary Possession (TP)</b>	
<p>a) Whether the purpose for which CA powers are sought would comply with s122(2) of PA2008.</p>	<p><b>Mr Matt Fox, on behalf of the Applicant</b>, set out that the Applicant is satisfied that the powers of CA and temporary possession sought in the DCO are necessary, proportionate and justified as well as further satisfied they are in accordance with all relevant statutory and policy guidance. The Applicant is satisfied that the condition in section 122(2) of the PA 2008 is met. It considers that the land which is proposed to be subject to compulsory acquisition powers is either needed for the development, or is needed to facilitate the development, or is incidental to the development.</p> <p>Mr Fox explained that the Statement of Reasons at sections 3, 5, and 6 and the Schedule of Negotiations and Powers Sought [REP3-009] sets out types of powers the Applicant is seeking and the purposes for which CA and temporary possession powers are necessary in relation to each individual plot of the land, with reference to the purpose in which it is needed to the relevant numbered works (comprising the authorised development as set out in Schedule 1 to the DCO). This includes powers for the following:</p> <ul style="list-style-type: none"> <li>• Rights relating to works on the highway. Mr Fox explained that works on highway land in the highway boundary were shown as requiring powers to temporary possession, however some plots of land are either on or adjacent to the highway that are owned by third parties. For these plots, the Applicant requires powers to carry out the access works on that land and to maintain those access in the future.</li> <li>• Vegetation maintenance rights. These are for where verges and hedging are owned by a different landowner compared to the main land adjacent to them. The powers would be needed to ensure vegetation continues to fulfil the functions required in the Outline Landscape and Ecological Management Plan and the Environmental Statement.</li> <li>• Substation connection rights. The land immediately adjacent to substation where the Applicant requires substation connection rights to enable the work to be done to connect to the substation.</li> <li>• AIL rights. The Applicant needs at various junctions on the approaches to the Proposed Development to go onto land to take actions such as take down signs to enable HGV movements during construction but also during maintenance and decommissioning (thus needing the rights to be permanent rather than temporary).</li> <li>• Cabling rights. These are plots where the Applicant needs to undertake cabling under the land.</li> </ul> <p>These rights are defined fully in Schedule 9 to the draft DCO.</p>

Agenda Item	Applicant's Response
	<p>Mr Fox said it was possible to see from the Land Plans, Schedule 9 and the Schedule of Negotiations and Powers Sought, that for many plots more than one type of right is needed particularly where there is a cable crossing a road where access is needed to a hedge. These are consistent with the limits of deviation for the works shown on the Works Plans.</p>
<p>b) Whether all reasonable alternatives to CA and TP have been explored. (The ExA requires a strategic overview here and will explore site-specific matters under Agenda items 5 or 6 below).</p>	<p>Mr Fox, on behalf of the Applicant, explained out the Applicant had pursued reasonable alternatives and had reached the position where four out of the six main landowners had agreed to Heads of Terms and had signed options, one had agreed Heads of Terms and was moving toward options and the last was still in negotiations.</p> <p>Mr Fox went on to say that the Applicant has been in discussions with landowners for some time as part of the optioneering process. As explained in its submissions at ISH1 and in writing throughout the Examination, the Applicant has considered willing landowners as one of its key starting points as part of the wider process of consideration of alternatives set out in in the Site Selection Report, the Environmental Statement and from representations. It has been a comprehensive process.</p>
<p>c) Summary of reasons why the CA and TP rights to be acquired, are necessary and proportionate, including the Applicant's strategy and criteria for determining whether to seek powers for CA of land, CA of rights or TP of land.</p>	<p>Mr Fox explained that while there had been successful negotiations with most landowners, the Applicant was still seeking compulsory acquisition powers because what they have are options and there is still a possibility (although all parties hope this will not be the case) that compulsory acquisition may need to be exercised in the case where options cannot be exercised.</p> <p>Mr Fox said that the powers for the land shown on main site covers access tracks, mitigation requirements of scheme and green infrastructure and the Applicant considers they are necessary and proportionate. For all application land for the main works the Applicant had done what guidance has required and maximised the uses in the land without requiring additional land. In the case of verge maintenance plots to be able to maintain verges that do not belong the main landowner the Applicant is seeking rights and not permanent acquisition.</p>
<p>d) Having regard to section 122(3) of the PA 2008, whether there is a compelling case in the public interest for the land to be acquired compulsorily and that the public benefit would outweigh the private loss.</p>	<p>In relation to d) Mr Fox said that the compelling case for the Proposed Development is recognised in Government policy and in the need to deliver renewable energy. The Applicant had made a clear and compelling case in the Statement of Reasons which was compliant with the National Policy Statements and that large-scale solar projects were needed to meet the global climate crisis and that there was no more compelling case than to save the planet.</p>
<p>The ExA will seek views from IPs and APs present on the Applicant's case as presented.</p>	<p>The ExA asked a series of related questions about how when implementing project in four or five years' time, where the generating capacity / power rating of PV solar panels may have increased, various factors (such as the outcome of archaeological surveys) led to the need for fewer constraints on the detailed design, how can the Secretary of State be reassured that the land the Applicant is seeking to compulsorily acquire will be only the minimum required, what is the incentive for the Applicant to make the most efficient use of land and what if the Applicant did not need all the land or a field was not needed for development or landscaping?</p>

Agenda Item	Applicant's Response
	<p>In response, <b>Mr Fox, on behalf of the Applicant</b>, said that efficiency of the panels is not the only constraint on the design of the scheme as there are still archaeological investigations and geo-technical surveys required by the CEMP and all of these factors (including the commercial imperative) together balance to design the scheme. In terms of compulsory acquisition, in the event of land or a field no longer being required this would become clear when submitting a detailed layout pursuant to requirement 6 as the approved plan would show no development in that field. In terms of compulsory acquisition there is already an in-built check into article 20 of the DCO because ultimately use of the compulsory powers and GVD would be not valid if the land is not required.</p> <p><b>Mr Gareth Phillips, on behalf of the Applicant</b>, also in response said that it would be a balance of all interests. When the detailed design stage is completed a layout of the scheme will be created across the least amount of land required, because there is no commercial benefit to spread it over a wide area where it can be condensed and make the most efficient use of land, taking into account items secured by requirement. Design is at the heart of what is the most efficient use of land for it and for the mitigation – and this will only be mitigation required that is necessary as part of the development and extra mitigation will not be done unless the local planning authority identifies the need for additional mitigation. Once the detailed design has been approved by the local planning authority, then there is a second stage of consenting in terms of land acquisition as it is not the case when a DCO is granted that a developer can seize the land. Mr Phillips described how the developer could use one of two ways to compulsorily acquire the land (GVD or notice to treat) with each process having notice provisions, providing the landowner the opportunity to contest the acquisition and if there is a dispute it can be decided at the Lands Tribunal like a court case to decide if it is an appropriate use of the land.</p> <p>In response to a further ExA query about the intention not to replace all panels during the operation of the development and whether putting a time limit in the DCO would be helpful from a compulsory acquisition perspective as it would keep rights acquired to a minimum of time, <b>Mr Fox</b> said that on the maintenance issue (which had been raised at an earlier hearing) the Applicant will make updates to the oOEMP to provide a mechanism by which the Applicant's maintenance requirements will be understood (<i>Post hearing note: see the Summary of the Applicant's Oral Submissions at ISH3</i>) and the dDCO would be amended to make this clear in the drafting that the panels cannot be replaced all at once, but this does not mean the panels cannot be replaced at all over the lifetime of the development. A time limit on the scheme would impose an artificial constraint on ensuring that renewable energy generated at Mallard Pass can be utilised for as long as possible.</p> <p><b>Mr Phillips</b> said the Secretary of State needs to be satisfied there is a need for the project but another question they need to ask if whether the compulsory acquisition powers are required for the project over its lifetime, whether there should be a limit on that and if there is not a case for imposing a lifetime for development, is there one from a compulsory acquisition perspective? He explained that the rights are going to be needed for construction and once the project is built the land required is taken, so there is no need for the powers after that as they would have served their purpose of securing the land which covers the lifetime point. After decommissioning, Mr Phillips explained that in the event of private agreements the land will revert to the landowner and it is returned to them. In other cases, then the long-established protocol of Crichel Down Rules would potentially be able to be used (noting that whilst such rules are mandatory for certain public bodies, other bodies can choose to utilise them) where if land has</p>

Agenda Item	Applicant's Response
	<p>been acquired for a specific purpose and that purpose no longer exists you are required to offer the land back to the original landowner – the process is the same for a DCO as it would be for compulsory acquisition via a Compulsory Purchase Order.</p> <p>In response to the ExA's comment that other DCOs (such as Longfield) have got time limits and compulsory acquisition powers (except Little Crow) so why should the project be different to these, <b>Mr Phillips</b> explained that Cleve Hill did not have a time limit on its consent and the requirement for its decommission would be dictated by whether the Environment Agency needed the land for managing coastal areas for flood defence, if these circumstances do not arise then Cleve Hill would carry on like any other DCO without a time limit; Little Crow has a time limit and Longfield has an operational period rather than a time limit to compulsory acquisition powers. (<i>Post Hearing note: See submissions on this in ISH1 and ISH2</i>).</p> <p>Mr <b>Richard Williams (Affected Person ("AP"))</b> noted that the megawatt per acre ratio for Longfield and Little Crow is 2.8 and 3.3 respectively, whereas the Applicant needs 6.2 acres per megawatt production. However, the Government guidance is 4 acres per megawatt production, which suggests that the Applicant needs too much land. The ExA also noted that draft EN3 sets out the typical area output and the Proposed Development is slightly above that in its land-take. Mr Fox stated that, in respect of the draft EN-3 point, the Applicant had answered this in responding to ExA FWQ 1.0.16 and that draft EN3 requires 2 to 4 acres per megawatt and it was Mr Fox's understanding that the Proposed Development is within those ratios. Mr Fox said he would have to come back to Mr Williams' point in writing.</p> <p>In response to <b>comments from the ExA</b> that justification for the amount of landscaping is required for the project as well (referring specifically to the skylark areas), <b>Mr Fox</b> said that it was important to note that for the skylark areas these are specific squares in arable land, shown as green on the plans and would continue as arable land (as is done by farmers across the area). The Applicant's green proposals are otherwise made up of landscaping mitigation around the edges of the scheme that break the scheme up to perform both landscape and ecological functions as explained in the DAS and the LVIA and Ecological chapters of the ES, with the OLEMP developed in response to this to achieve outcomes proposed in the ES and achieve Biodiversity Net Gain.</p> <p>In response to comments from <b>Mr Williams</b> that the area required for the scheme is so much greater relative to other schemes such as Longfield (for development and for mitigation) and that the Applicant is asking for too much land for mitigation relative to other schemes being consented, <b>Mr Phillips</b> said that this project was not so far out compared to other projects but not all projects are identical and have different constraints on them; not all panels are the same, some sites may need more investigations and all developers take a professional view on how they design their projects having regard to the constraints of their sites. He explained that at the point of detailed design is submitted to the local planning authority for approval the land required for the project crystallises. This may be less than currently suggested but, at this stage, it is recognised that there is a need for flexibility in the redline of the DCO because the lead-in period for detailed design and discharging requirements could be three years away. If at the point of detailed design, the land is not required then the rationale to use compulsory acquisition powers falls away.</p>



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	<p>In further response to <b>Mr Williams'</b> comments, <b>Mr Fox</b> also said it was important to consider the areas being discussed in terms of mitigation as the enhancement areas are all arable except the skylark areas and a large part of the Order limits is made up of this.</p> <p>In response to a comment from <b>Mrs Helen Woolley (AP)</b> that a number of residents' private property rights are being impacted by the proposals and this should be a consideration in the examination, Mr Phillips said all of the legal rights affected by and may be interfered with by the project are set out in the Book of Reference. In respect of private property rights, he asked if these could be defined and detailed in a written submission by Mrs Woolley. <i>Post Hearing note: The Applicant has been in touch with Mrs Woolley and this will be discussed further after Deadline 4.</i></p> <p><b>Post-hearing note:</b> In response to Mr Williams' and the ExA's comments a comparison of land-take per acre per MW required for both PV solar arrays and their respective mitigation and enhancement areas between Mallard Pass and other solar NSIPs (determined or currently with the Planning Inspectorate) is provided in Appendix A to this note.</p>
<b>4. Draft Development Consent Order provisions</b>	
<p>a) Applicant to set out briefly which articles engage compulsory and temporary possession powers.</p>	<p><b>Mr Fox, on behalf of the Applicant,</b> described the following articles as engaging compulsory acquisition and temporary possession powers:</p> <p>Article 20 - Powers of acquisition  Article 21 – Setting the time limit for use of compulsory acquisition powers to 5 years  Article 22 – Compulsory acquisition rights and refers to Schedule 9 of the DCO explaining which rights the Applicant is seeking to acquire.  Articles 23 and 26 – Cover the interaction with existing rights.  Article 24 – Covers the interaction with the existing legislative regime for compulsory purchase, rights and powers dealt with GVDs.  Article 25 – Provides for the power to only acquire subsoil only where this is sufficient for the purposes of implementing and operating the Proposed Development.  Article 27 – Modifies the Compulsory Purchase Act 1965 to work with the Order.  Article 28 – Relates to existing rights for streets.  Articles 29 and 30 – Relates to temporary possession for the construction and maintenance of the land).  Articles 31 to 33 – Covers the interaction with statutory undertakers.</p>
<p>b) Article 22 (Compulsory acquisition of rights).</p>	<p>In response to <b>an ExA query</b> asking for justification for the way the article is broadly drafted that it would relate to new rights over all of the Order limits and whether people are aware to be able to plan ahead, <b>Mr Fox</b> explained that the way the article is drafted is a question about how the DCO works, where the DCO allows the promoter to use temporary possession powers to undertake the construction of the Proposed Development. It is possible that the entirety of the construction area would not be needed for the operation of the Proposed Development and that a smaller area can be subject to compulsory acquisition or that the Proposed Development can operate with land rights only rather than owning the freehold of the relevant land. Therefore, the powers allow</p>

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	<p>the Applicant only to compulsorily acquire the land rights/land that it actually needs which is appropriate. This approach is precedented in general, using compulsory acquisition as a matter of last resort and giving the promoter the ability to acquire rights instead. Therefore, where affected parties are looking to plan ahead, with the expectation that their land is compulsorily acquired for the Proposed Development, they may be in a better position with a lesser impact once the Proposed Development has been constructed.</p> <p>In response to <b>the ExA's query</b> about whether the public consultation informed people in respect of compulsory acquisition powers sought, <b>Mr Fox</b> explained that no statutory consultation for any DCO ever includes a detailed explanation of the exact nature of the powers that will be sought for each plot of land. However, in the consultation people saw the redline of the scheme and we said that we can use any of the powers over any of that land in broad terms. This is a precedented approach to DCO consultations in general.</p>
c) Article 23 (Private rights).	<p>The <b>ExA</b> queried whether Article 23(2)(c) is required, having been deleted by the Secretary of State in the recently granted Longfield DCO, and whether there was a specific reason why the Proposed Development required it. In response, <b>Mr Fox</b> said at the point at which the promoter acquires a right this may not interfere with existing private right but maybe at some point in the future exercising that right may be inconsistent with other private rights, and the purpose of the article was to avoid uncertainty to enable work to go ahead in those circumstances. It also does not extinguish the existing rights.</p> <p><i><b>Post-hearing note:</b> The Applicant has deleted Article 23(2)(c) following further consideration in order to provide further clarity following the Secretary of State's comment on its inclusion in the draft Longfield Solar Farm Order and its deletion from the made Longfield Solar Farm Order 2023.</i></p>
d) Article 26 (Statutory authority to override easements etc).	<p>In response to the <b>ExA's query</b> about whether it is of universal precedent and the justification for this article, <b>Mr Fox</b> said that this is well-precedented in other DCOs and is needed because all projects need certainty that they can be implemented. The article enables the Applicant to carry out works without worrying about interfering with other people's rights and provides statutory authority to do this. <b>Mr Phillips, on behalf of the Applicant</b>, provided the practical example of an established long user where a prescriptive right to walk across a field has arisen because it has been used for 20 years but is not reflected in Land Registry and may not arise in due diligence search of the land. The article is a common tool to enable this right to be interfered with so as not to have a NSIP held up as a result of a right that was not obvious at an earlier stage in the process.</p> <p>In response to the <b>ExA's</b> comment about whether the person with these types of rights would be aware of this point, <b>Mr Fox</b> said that the power is to override and not to extinguish the right and referred the ExA to his previous answer about consultation in relation to Article 22.</p>
e) Articles 29/30 (Temporary use of land for constructing/maintaining the authorised development).	<p>The <b>ExA queried</b> the generality of the provision in Article 29(1)(a)(ii), which could apply to all of the Order land, and whether people potentially affected were aware of this power and it was not necessary for their land to be included in Schedule 11 and what the justification for using it was given it has been removed from some DCOs. <b>Mr Fox</b> said that he believed that the power was very well-precedented in a wide variety of DCOs. The power is proportionate because it enables the Applicant to construct the development pursuant to temporary use powers and then confine the extent of land subject to compulsory acquisition powers</p>

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	<p>to land which was required for the long term operation of the Proposed Development. If this article were removed the Applicant would have no choice but to use compulsory acquisition powers at the outset. Mr Fox also said the consultation would have provided a general sense that the Applicant would have at its disposal the full range of powers. <b>Mr Phillips</b> explained that the redline boundary identified the worst-case scenario for compulsory acquisition land, but temporary possession is a better scenario, and the Applicant has an obligation to use compulsory acquisition powers proportionately and this power enables this.</p> <p>In response to the <b>ExA's</b> query asking the Applicant to justify the 14-day notice period (particularly when a recent DCO included a 28-day period), <b>Mr Phillips</b> said that 14 days is a standard period given by the Government in other legislation (e.g., Housing and Planning Act 2016) which is being replicated in the DCO. He said he did not know why 28 days was given for Longfield and cautioned using Longfield as a precedent because the ExA normally warns applicants about relying too much on precedents and that each project has to be justified on its own case. <b>Mr Fox</b> said the 14-day period is in the model provisions in 2009 and in Boston Alternatives Energy Facility Order which the Secretary of State for the Department of Energy Security and Net Zero granted late last week.</p> <p>In response to <b>Mr John Hughes (AP)</b> query about whether the reason for the amount of compulsory acquisition land required is related to the proximity of the Proposed Development to Essendine (when considered against Longfield), Mr Fox said the compulsory acquisition requirements flow from the scheme location and design. Longfield would also have asked for compulsory acquisition powers to meet the needs for their scheme in terms of developing the solar farm and associated landscaping.</p> <p>In response to <b>Mrs Sue Holloway's, of Mallard Pass Action Group (MPAG)</b>, comment that she had greater concern about Article 30 because it is temporary use of land for the purposes of maintaining an unlimited duration of development and the uncertainty this creates. <b>Mr Fox</b> said that Article 30(11) is clear that the power only lasts for five years (save for landscaping) and the scope of this power is limited. <b>Mr Phillips</b> explained that while Article 29 relates to construction and there is a geographically wider potential to use this power, but the geographical scope of Article 30 is narrower as the detailed design is known and built and maintenance power will be used in and around the environs of the project as physically built rather than everywhere.</p> <p>In response to <b>Mrs Holloway's query</b> about what would happen if the cable route went through Essendine and maintenance was required after five years, <b>Mr Fox</b> said that this is why there are rights under Schedule 9 to have powers to do works under the streets to maintain them in the future. <b>Mr Phillips</b> said the position is no different to what already happens with utilities like gas, electricity, fibre optics that are already in the roads and the situation will be governed by the New Roads and Street Works Act 1991.</p> <p>In response to <b>Mrs Adele Stainsby's, of Essendine Village Hall</b>, comment about there being no confirmation about the cable route and the detrimental effect on villagers of not knowing if the cabling is passing through the village, Mr Fox said the Applicant had already set out in its responses to representations about consultation about the timeline when subsoil interests were identified and written to. From a land perspective, the people identified in the Book of Reference may hold a subsoil interest in the highway</p>

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	<p>and while the Applicant recognises people will want to know when and where the cabling is happening but otherwise it is a cable in the street and it is not going to have an impact on people's enjoyment of property.</p> <p>In response to <b>Mr Williams' and Mrs Woolley's queries</b> about whether the Order limits should be re-set (and reduced in size) after the detailed design is completed, <b>Mr Phillips</b> said the Order limits are set by the Secretary of State when the DCO is granted. He used the analogy of applying for planning permission to build a new kitchen; the planning permission is accompanied by a plan showing a redline within which to build the kitchen. When the kitchen is built the redline stays the same and the council does not shrink it to fit the kitchen as built. He said changing the Order limits would not make a difference because the project would be delivered within the Order limits in detailed design.</p> <p>In response to <b>Mr Williams' query</b> about whether a piece of land not required at detailed design stage could become required again by the Applicant at a later date (say at year 15) because it remains in the Order limits, <b>Mr Fox</b> said the answer was no because the powers of the DCO have a five-year time limit. <b>Mr Phillips</b> said that when setting out the compulsory acquisition powers in the DCO these are intentionally only sought as a backstop for unexpected issues that arise such as unknown land ownership arising or circumstances where the landowner sets an agreement aside due to bankruptcy, or a point has arisen on death or divorce, but while they look like draconian tools they are not always needed because in private agreements with landowners they have the ability to influence what land used and for what purposes.</p>
f) Any other matters relating to the articles	<p>In response to <b>Mrs Holloway's (MPAG)</b> query that, depending on the outcome of the cabling route and if it does not pass through Essendine, could provision be made that the remaining compulsory acquisition provisions not applicable do not stay in the DCO and the relevant interests are removed from the Book of Reference. <b>Mr Fox</b> said as discussed at an earlier hearing that the Applicant would like to be in a position before the end of the Examination to say which of its proposed options to cross the East Coast railway line it would likely select, and that drafting could then be added to the DCO which requires the Applicant will be able to only use one option and to notify the LPA when it has made this decision and not be able to use its powers for the other routes.</p> <p>However, Mr Fox said the Applicant was not in a position to offer this yet until Network Rail signs off the necessary engineering consents that all of the cables can go under the arch and that there would therefore be no need to use a combination of routes.</p> <p>He also noted that the Applicant will not be in a position during Examination where it can commit at this stage to only one option and updating the application documentation to only provide for that route. This is because even if engineering clearance is given by Network Rail and property agreements are signed, there is still the remote possibility that they could still be breached/terminated by Network Rail before they are able to be exercised, and the Applicant needs the ability to be able to react to that and still be able to build a cable route.</p>

Agenda Item	Applicant's Response
<b>5. Funding</b>	
a) Any updates to the Funding Statement.	<b>Mr Fox</b> , on behalf of the Applicant, said there have not been any updates to the Funding Statement [APP-022].
b) Whether adequate funding is likely to be available to enable the Compulsory Acquisition to proceed within the statutory period following (and in event of) the dDCO being made?	<p><b>Mr Fox</b>, on behalf of the Applicant, referred the ExA to the Funding Statement and to the Applicant's Response to ExA's FWQ 4.0.6 [REP2-037] saying the current cost estimate for the Proposed Development is approximately £245 million of which approximately £38 million is estimated to cover anticipated land costs – which would constitute a worst-case if all of the compulsory acquisition powers being applied had to be used. As four out of the six landowners have signed options, the Applicant is hopeful that this will not be the case.</p> <p>Mr Fox also explained how the Applicant's ultimate corporate parent is Canadian Solar Inc and its latest financial report submitted as Appendix K of REP2-237 demonstrates that Canadian Solar Inc has funding, and it has successfully financed £3 billion projects around the world.</p> <p>In response to the ExA's query about whether there were any requirements for funding from outside bodies, Mr Fox said no, the project would be funded by Canadian Solar.</p> <p>In response to a query from <b>Mr Richard Williams (who is an Affected Person ("AP"))</b> about whether the Applicant's information in REP2-237 reflected the current financial position of Canadian Solar since its recent flotation of part of its business in the Far East and to the ExA's question about whether the flotation would affect the Funding Statement, <b>Mr Gareth Phillips, on behalf of the Applicant</b>, said the Applicant's position is there is sufficient funding to construct the solar park. Mr Fox said the latest public financial reporting of Canadian Solar Inc is in REP2-237 and the Applicant would need to respond to the specific point in written submissions.</p> <p><i><b>Post-hearing note:</b> The Applicant has considered Mr Williams' point further. There is no need for the Funding Statement to be updated further as the information provided in that document is accurate. The Applicant's response to First Written Questions [REP2-037] included a financial report from Quarter 1 of 2023 and no updated report is available and so there is no ability to update this information. The flotation of parts of Canadian Solar's business does not directly affect the ability for Canadian Solar to fund the Proposed Development in any way as it relates to a different part of its business. Canadian Solar remain in the position to fund the Proposed Development.</i></p>
<b>6. Human Rights and Public Sector Equality Duty</b>	
a) What regard has been had to Articles 8 and 6 of the European Convention on	<b>Mr Fox, on behalf of the Applicant</b> , said its position is set out in section 8 of the Statement of Reasons [AS-009] and the approach that has been taken covers all three articles. The Applicant accepts that the Order, if made, may infringe upon human rights of persons who hold an interest in the land. However, it is possible to interfere with the human rights of persons affected if it can be justified and if there is compelling case in the public interest (such the need for the scheme to help the UK reach net zero by 2050).

Agenda Item	Applicant's Response
<p>Human Rights (ECHR) and Article 1 of the First Protocol?</p> <p>b) The degree of importance attributed to the existing uses of the land proposed to be acquired.</p> <p>c) The weighing of any potential infringement of ECHR rights against the potential public benefits if the dDCO is made.</p>	<p>The test of proportionality is satisfied if the Order strikes a fair balance between the public benefit and interference with the rights in question. Mr Fox noted that the Applicant has sought to negotiate with landowners at all times and had concluded options for four out of six of the main landowners. He also confirmed that no dwelling houses were affected by the Proposed Development and therefore no compulsory acquisition powers will be exercised over residential properties.</p> <p>Mr Fox referred to earlier discussion in the hearing about how the consultation showed people that the land might be subject to all of the powers sought in the DCO.</p> <p>In respect of b) Mr Fox said that the Applicant has sought, through the site selection process and consideration of alternatives, to proceed on the basis of working with willing landowners and in respect of farming uses, the soils will be able to be used when the development is decommissioned at the end of the land's use. Mr Fox said that all landowners have been willing, and Appendix 12.6 of the ES sets out interviews with farmers affected who have indicated that their farming business can carry on with the scheme in place and in one case the income from the solar farm will enable their farm to continue financially. In respect of powers relating to cabling outside of the main sites, Mr Fox said these were nearly all in the streets which is a well-precedented process.</p> <p>The Applicant has clearly thought about the use of powers in the context of the land sought, the planning case and the public interest of the scheme and that these outweigh the existing land uses in any event.</p>
<p>d) Implications arising from the Public Sector Equality Duty.</p>	<p>In respect of implications arising from the Public Sector Equality Duty, <b>Mr Fox</b> said that the Applicant was not a public body so not subject to a public duty. However, recognising the Secretary of State will be, he confirmed that there are not any aspects of the Proposed Development that will impact on any protected characteristics of anyone in the community.</p>
<p><b>Session 2</b></p>	
<p><b>7. Review of the Applicant's Schedule of Negotiations and Powers Sought and related matters [REP2-008]</b></p>	
<p>a) Whether the updated Book of Reference is accurate and complete?</p>	<p><b>Mr Fox, on behalf of the Applicant</b>, confirmed that the Book of Reference [REP3-007] was accurate and complete, containing updates to reflect items raised in representations received about the rights in verges in Essendine. Mr Fox said the Applicant would continue to discharge their duty to check the Land Registry to make sure the Book of Reference is kept up-to-date.</p> <p><b>Mr Richard Williams (AP)</b> said that the Book of Reference was inaccurate in respect of Williams' land but he would deal with this point directly with the Applicant outside of the hearing.</p> <p><i><b>Post-hearing note:</b> The Applicant has contacted Mr Williams to discuss his comments about the Book of Reference and updates have been made in the version submitted at Deadline 4.</i></p>
<p>b) The Applicant to summarise outstanding</p>	<p><b>Mr Fox explained to the ExA</b> that objections to the compulsory acquisition had been very limited to statutory undertakers, subsoil interests and Mr and Mrs Beamish.</p>

Agenda Item	Applicant's Response
<p>objections and progress with negotiations.</p>	<p>In respect of Mr and Mrs Beamish, the Applicant had changed the Land Plans so that they would be able to access the track to access the property and Mr Fox said he understood that they were content with that.</p> <p>In respect of the subsoil interests, Mr Fox has said that the Applicant has set out its position on this and would be happy for people to get in contact to talk about it but there will not be any payments made until after a decision has been made. Given the current situation about the cable route options, the Applicant would need to wait and see what position is reached with Network Rail and so is not proposing to make any payments now as it feels it is unnecessary at this point. People with a subsoil interest will need to show that they have that subsoil right – and given that the powers sought are to put cables in the street which they do not own, then any value for compensation associated with this is anticipated to be very limited.</p> <p>In respect of the main site landowners, four out of the six have completed options (and not submitted objections), one has completed Heads of Terms and is moving to options and the other one is Mr Williams.</p> <p>In respect of the local highway authority, Mr Fox said the Applicant had not received any objections from them. The Applicant's position is that the DCO gives powers for the Applicant to do what it needs to do to implement the Proposed Development. The Applicant needs the local highway authority to tell them if they require further controls above and beyond what is already set out in the DCO. The Applicant's position is that the controls already within the DCO are sufficient to protect the Highways Authority.</p> <p>In response to the <b>ExA's comment</b> that there should be engagement sought between the Applicant and the local highway authority to avoid issues arising late in the examination, <b>Mr Fox</b> said that the Applicant was looking to expand the local authorities' Statement of Common Ground with specific tables setting out the articles, requirements and management plans saying that unless otherwise noted these are agreed to try to draw out the local authorities' position.</p> <p>The ExA said that Mr Fox could provide an update about statutory undertakers during Item 10 of the Agenda.</p>
<p>c) The Applicant to update on cable crossing options of the East Coast Mainline Railway.</p>	<p><b>Mr Peter Roberts, on behalf of the Applicant</b>, provided an update to the ExA. He said there are three crossing options i) across the road bridge in Essendine, ii) under the railway through an existing arch and iii) horizontal directional drilling through a railway embankment. Network Rail ("<b>NR</b>") has given sales and technical clearance to route the cables through the arch and the Applicant has engineers engaging directly with NR's engineers to produce a Basic Asset Protection Agreement (BAPA) which they hoped would be finalised next week. Once the BAPA is signed there would be a period of 21 days to discuss the design which is currently a tray structure in one of the arches where the cables sit in the tray attached to the arch. Mr Roberts said there are three arches, a Cadent gas pipe runs through the middle one, so the Applicant and NR were looking at passing the cable through the northernmost arch of the three. He said NR's preferred option is not the road bridge, but to go through the arch.</p> <p>Mr Roberts said he had been engaged with NR's wayleaves and easements team and discussed at high-level a 3-year option for a 60-year licence which could be extendable. He had received and responded to NR's draft Heads of Terms for this with some minor amendments but assuming that these will be agreed very soon. He said he hoped to have a better idea fairly soon of whether</p>

Agenda Item	Applicant's Response
	<p>the design will satisfy NR's engineers and get clearance, but the prospects of a solution looked pretty good but alternative solutions needed to be available until the agreements are all put into place.</p> <p>In response to the <b>ExA's comment</b> about whether "fairly soon" could be better defined and whether it was possible for this matter to be sorted by the end of Examination, <b>Mr Roberts</b> said the BAPA should complete next week and an option agreement is dependant on negotiations with NR's solicitor so could talk one to two months but it was difficult to be precise as there was an issue as NR needs to draw down a solicitor from their panel still which may take time – however, he hoped that with agreed Heads of Terms this would be done. <b>Mr Fox</b> said there would still be options in the DCO by the end of the examination but in terms of sorting matters out and overcoming obstacles this should be likely to be done by mid-November.</p> <p>The <b>ExA informed the Applicant</b> that it would be writing to NR to ask them questions about this matter and how it is proceeding but asked that the Applicant and NR could agree a proposed timeline for when this matter would be settled.</p> <p><i><b>Post-hearing note:</b> Network Rail has granted sales and technical clearance and Heads of Terms have been exchanged and finalised. Network Rail confirmed on 17 July 2023 that they will be instructing solicitors to progress the Option Agreement on the basis of the exchanged Heads of Terms. The Applicant is seeking to agree a timetable with Network Rail for completion of the Agreement, but the Network Rail contact is on holiday until 31 July 2023. The Applicant is contacting a colleague to progress matters. The BAPA agreement has been signed by the Applicant and returned to Network Rail. The Protective Provisions have been agreed and the Framework Agreement is at an advanced stage.</i></p> <p>In response to the <b>ExA's query</b> about why all three options remain in the DCO if the third option is not taking place, <b>Mr Fox</b> said with the three options (road bridge in Essendine, through the arch and the HDD option) the point is to obtain sufficient assurance from NR that the arch option would be signed off then drafting would be added to the DCO which meant that the Applicant could not exercise its powers of compulsory acquisition through Essendine as well as through the arch. Mr Fox said that the protective provisions will protect NR from compulsory acquisition powers in any event and that it was important to emphasise that even if agreement with NR is not reached, optionality is important to be able to build the scheme.</p> <p>In response to the <b>ExA's query</b> about the powers sought in relation to the cables and implications for land, <b>Mr Fox</b> referred the ExA to previous comments made at the Open Floor Hearing where he had explained that the Land Plans were based on the Land Registry information and these did not align with the Ordnance Survey mapping. He said it is not the case that the plots go into people's gardens, the plots described in the Book of Reference and the note on the Land Plans is clear that this is the case. Mr Fox said the powers were for rights to install cable and maintain it in the future in the highway and highway verge. After the cable is installed then the highway will be able to be used as highway and the verge as a verge.</p> <p>In response to <b>Mr Trevor Burfield, of Essendine Parish Council (AP)</b>, query <b>Mr Fox</b> confirmed that the bridge with the arch that the Applicant was looking to pass cabling through is Bridge 198.</p>



Agenda Item	Applicant's Response
	<p>In response to <b>Mr Burfield's</b> comment that people were very confused by the Land Plans and request that the Applicant writes to all private individuals affected by the confusion to make the point that the cabling is only planned to go in the highway and verge, <b>Mr Fox</b> said that there was a clear message to that effect on the Applicant's project website so it was not necessary to write to individuals.</p> <p>In response to <b>Mrs Holloway's (MPAG)</b> comment in respect of cabling asking about what alternatives were considered instead of Pickworth Road and whether a cross-country route across the Order limits could be considered, the <b>ExA recommended</b> that Mrs Holloway put the details of that route into writing for D4 submission and <b>Mr Fox</b> said the Applicant would respond in writing.</p> <p>In response to <b>Mrs Stainsby's, of Essendine Village Hall (AP)</b>, comment that Pickworth Road is used by traffic management to re-route traffic when accidents on the A6121 and a combination of cabling works and an accident could lead to major traffic problems, <b>Mr Fox</b> said the local planning authority needs to sign off a traffic management plan before the Applicant would be able to undertake street works and so the local authority would sign off on the traffic impacts and traffic management arising from those works.</p> <p><i><b>Post-hearing note:</b> The Applicant (at Appendix B of this note) has provided indicative drawings illustrating how the cables could be routed through the northern arch of Bridge 198.</i></p>
<p><b>8. Site-specific representations from persons who may be affected by the compulsory acquisition provisions in the draft Development Consent Order (Affected Persons)</b></p>	
<p>a) Submissions from Affected Persons who have notified a wish to make oral representations at this CAH1 and any section 102 or Category 3 persons wishing to make oral representations.</p> <p>b) The ExA will invite the Applicant to respond to each representation individually under this agenda item.</p>	<p>In response to <b>Mrs Helen Woolley's</b> site-specific representation asking for clarity on the situation with temporary possession plot and is it required for construction or for the life of the scheme, <b>Mr Fox, on behalf of the Applicant</b>, said there had been email correspondence between Mrs Woolley and the Applicant and he could confirm that the temporary possession plot is for temporary possession only (used to carry out works to improve access) and the powers will only be available for the same time limit as everything else in the Order.</p> <p>In response to <b>Mrs Woolley's</b> site-specific representation about receiving assurance that her ability to access to exit and enter her property will not be compromised as a result of the construction works and the ExA's comment that it would be useful to understand how this would work and for how long, <b>Mr Fox, on behalf of the Applicant</b>, said that he would take the point away and respond separately to provide clarity on this. He said that the DCO was clear that pedestrian access had to be maintained but he appreciated that this was different to vehicular access. Mr Fox said in response to the ExA's point that as the construction contractor had not been appointed yet, the furthest the Applicant would be able to go would be to make a specific commitment in the Outline CEMP for vehicular access to be maintained throughout the work.</p> <p>In response to <b>Mrs Woolley's</b> other points about the clarifications in respect of plots in the Land Plans and the Book of Reference, <b>Mr Fox</b> said that these were best dealt with offline.</p>

Agenda Item	Applicant's Response
	<p><b>Post-hearing note:</b> In response to Mrs Woolley's comments about clarifications to the Land Plans and the Book of Reference, the Applicant is engaging with Mrs Woolley and will provide a further update to the ExA in due course.</p> <p><b>Post-hearing note:</b> In response to Mrs Woolley's query about access, the Applicant can confirm that the access to Mrs Woolley's properties will be maintained throughout the construction phase.</p> <p>In response to <b>Mr Richard Williams'</b> site-specific representation about the Applicant's Funding Statement, whether there is a public interest and compelling case for the scheme, whether the Williams' land is required to deliver it and whether alternatives had been considered, <b>Mr Fox</b>, on behalf of the Applicant, said that the Applicant had already responded to the point about the public interest and compelling case for the Proposed Development at previous hearings. The Applicant had already agreed to respond in writing to Mr Williams' point about the Funding Statement. He said that they had been in negotiations with the Williams family for some time and they own a large area where the Applicant wants to put panels for the Proposed Development.</p> <p>In response to <b>Mr Andrew Beamish's</b> site-specific representation on behalf of himself and Events and Tents and Mallard Point Vineyard, raising concerns about access to the property, <b>Mr Fox</b>, on behalf of the Applicant, said that the issue of access in relation to this property had been raised at the Open Floor Hearing and in response, the Applicant had changed the Land Plans and had updated the Outline CEMP at Table 3.10 with the commitment in respect of cabling works along the access tracks to engage with Mr Beamish about access arrangements during the works. <b>Mr Fox</b> also confirmed that the bridge being referred to in the matters in relation to Network Rail does not relate to a bridge on Mr Beamish (or his related companies') land.</p> <p><b>The ExA advised Mr Beamish</b> to look at the Outline CEMP and if there are any further points required to be added to protect his interest, he should contact the Applicant about it.</p> <p><b>Post-hearing note:</b> The Applicant has emailed Mr Beamish to discuss his comments about access and is currently waiting to receive a response.</p> <p>In response to <b>Mr Trevor Burfield's of Essendine Parish Council</b> site-specific representations about removing the cable route from the middle of the A6121, <b>Mr Fox</b>, on behalf of the Applicant, said that at this point the constraints that might exist within the road are not known, so flexibility is needed to ensure cabling can be delivered to avoid obstructions.</p> <p>In relation to <b>Mr Burfield's comment</b> that the Applicant should provide commitments that they have free and unfettered access to their properties at all time should the cabling works be required in Essendine and should have provided accurate decent maps to show the property affected by compulsory acquisition powers, <b>Mr Fox</b> noted the Applicant cannot do the street works and traffic management without the approval of the local planning authority which is secured in the DCO so access more generally will be managed as part of that process. He said that there is a clear message on the front page of the Mallard Pass Solar Farm FAQ page on the website that the Applicant is not acquiring people's properties and the Land Plans are tied to Land Registry and not Ordnance Survey maps.</p>

Agenda Item	Applicant's Response
	<p><b>Post-hearing note:</b> After further consideration the Applicant is considering the options available to engage directly with the local community to convey the message that people's properties in Essendine are not going to be subject to compulsory acquisition. The Applicant shall submit a further update to the ExA on this point in due course.</p> <p>In response to <b>Mr Burfield's query</b> about what the Applicant will do to ensure that the village play area's two gated accesses are maintained during cable works and the <b>ExA's queries</b> about what the likely impacts of the cable works on the play area would be and details of timescales etc, <b>Mr Fox</b> said he was not entirely clear where the second access to the play area is and would appreciate a conversation with Mr Burfield about this, but the Applicant would take the point away and provide a submission for Deadline 4.</p> <p>In response to <b>Mrs Holloway's comments on behalf of Affected Persons</b> about traffic management and health and safety of people trying to cross the road during the cable works and whether the powers for the cable works could be restricted to one side of the road only, <b>Mr Fox</b> said that the traffic management measures will be approved by the local planning authority as a requirement to be satisfied before the start of the works which is the same as cabling work that is done throughout the country. He said it was not possible to reduce the scope of the works proposed for the road because the Applicant did not know what was under the pavement and it would be foolish to limit the powers to one side of the road in case there is an obstruction on any one side of the road.</p> <p>In response to <b>Mrs Holloway's comments</b> about changes to people classified as Category 3 persons, <b>Mr Fox</b> said there were changes made as a result of tweaks to the redline boundary and the works in the redline boundary, and who is a Category 3 person is tightly defined in section 10 of the Compulsory Acquisition Act 1965 and Part 1 of the Land Compensation Act 1973, with the judgment as to who is a Category 3 person being made by the Applicant.</p> <p>In response to the <b>ExA's query</b> about whether the cable works in Essendine is likely to lead to people's vehicular access for driveways being temporarily obstructed, <b>Mr Fox</b> said practically this may happen for a short period of time but the details of exactly what would be happening in the highway or verge is something the local authority would be aware of when approving the Construction Traffic Management Plan that will require the Applicant to put the appropriate measures in place.</p> <p><b>Post-hearing note:</b> In response to the comments at the Hearing, the Applicant has submitted an updated oCEMP which at Table 3-4 provides that access to private residential properties will be maintained at all times during street works, except when trenches are being constructed or reinstated directly in front of a property during cable works in the street. The updated oCEMP also provides a commitment that the access to the children's play area will be maintained at all times if the option to route cables through Essendine is selected. The Applicant anticipates that with three construction teams working concurrently, the installation of the cables through Essendine (if that option is selected) could take approximately five to six weeks.</p>

Agenda Item	Applicant's Response
	<p>In response to the <b>ExA's comment</b> that it would be useful for local residents to be able to have a say in and be consulted about the details of the traffic management and whether there was scope for a community liaison requirement / group to work with the community to ensure they are consulted, <b>Mr Fox</b> said there is already a provision in the Outline CEMP for provision for a community liaison officer so the Applicant would have no issue with looking at the wording but this needed to be in the context that cabling works happened in streets all of the time, and he would take this point away.</p> <p><b>Post-hearing note:</b> <i>The Applicant has submitted an updated oCEMP which requires the Applicant via a community liaison officer to inform the residents of Essendine if the option is selected to construct the cable route through the village and to provide information on the sequencing of this work through Essendine and engage with residents about access arrangements. The Applicant is also committed to setting up a Community Liaison Group to ensure that the community can be engaged with on issues related to the Proposed Development. The Applicant is engaging with Mallard Pass Action Group to understand the best way to deliver this commitment and will update the oCEMP in due course following those discussions.</i></p> <p>In response to <b>Mrs Stainsby's</b> site-specific representation about traffic issues relating to cable works in the village, <b>Mr Fox</b> said that he had addressed this point earlier in hearing.</p> <p>In response to the <b>ExA's suggestion</b> for the Site Inspection for a pole the height of a solar panel to be provided so that the ExA can gauge the height of the panels in context, <b>Mr Fox</b> said this may be difficult, but the Applicant would consider it.</p> <p><b>Post-hearing note:</b> <i>Further to the discussion at the Hearings, the Applicant can confirm that it is in the process of considering how and if visual aids would be able to provided to assist ASI attendees in understanding the Proposed Development during the ASI.</i></p> <p>In response to the <b>ExA's comment</b> about the necessity to consider the different railway crossings and all reasonable alternatives have been explored, <b>Mr Phillips, on behalf of the Applicant</b>, said both options are in the application and the alternatives in ES effects and compulsory acquisition are set out in the application as submitted. The negotiations with NR aim to secure the NR option and all we can do is put the effort into negotiations and get there with NR.</p>
<b>9. Site-specific matters for the Applicant</b>	
<p>The ExA will ask questions of the Applicant and seek updates about negotiations and matters arising from written and oral submissions, unless they have been raised by APs and heard under Agenda item 8, or objections have been withdrawn.</p>	<p>The ExA had no further questions to ask for this item.</p>

Agenda Item	Applicant's Response
<b>10. Statutory Undertakers</b>	
<p>a) The Applicant to set out the current position in relation to negotiations with Statutory Undertakers, including whether Protective Provisions have been agreed.</p>	<p>In respect of the position reached with the Environment Agency ("EA"), <b>Mr Fox, on behalf of the Applicant</b>, said the Applicant had received an email from the EA's lawyer today to say that all of the EA's concerns could be resolved through Protective Provisions. The Protective Provisions are currently with the EA's lawyer, they are standard Protective Provisions with the additional wording in to reflect the water-related concerns, everyone is of the opinion that there are no major obstacles and so he liked to think matters could be resolved by D5. This position was confirmed by <b>Annette Hewitson, of the Environment Agency</b>.</p> <p><i>Post-hearing note: The PPs are understood to now be agreed, save for wording awaited from the EA with regard to the Gwash Gwen pipeline, which will protect its property interests.</i></p> <p>In relation to NR negotiations and in response to <b>Mr Carl's comment</b> that there is a potential fourth railway crossing over a railway bridge, <b>Mr Roberts, on behalf of the Applicant</b>, said that he was not sure which bridge Mr Carl was referring to but as a general principle, NR want to maintain the integrity of and have the ability to upgrade their railway lines so they do not like anything like cabling to go over the top of or under their railways. Mr Roberts told the ExA that they were asking for compulsory acquisition powers over NR land but they were trying to reach agreement with NR so there would be no need to use those powers.</p> <p><i>Post-hearing note: The PPs with Network Rail are now agreed.</i></p> <p>In respect of all other statutory undertakers, <b>Mr Fox</b> said that in respect of controls and compulsory acquisition powers protective provisions had been agreed.</p>
<p>b) The Applicant to summarise on whether the relevant tests for the exercise of powers pursuant to s127 and s138 PA2008 would be met in the event that agreement is not reached with all Statutory Undertakers.</p>	<p><b>Mr Fox, on behalf of the Applicant</b>, said it was the Applicant's position that not reaching agreements with statutory undertakers is a very remote possibility but the relevant tests under sections 127 and 138 would be met. In the case of the EA the Applicant would not consider it a detriment to their undertaking because they can still access the boreholes in and around the Proposed Development. In the case of NR although their written representation claims it would be a detriment to pass under their railway it would be the Applicant's position that as it is passing under the railway it would not affect the operation of it (noting in any event that Protective Provisions are now agreed with Network Rail which ensures no serious detriment can be caused).</p>
<p>c) Submissions from Statutory Undertakers</p>	<p>There were no submissions from Statutory Undertakers.</p>
<b>11. Any other relevant matters</b>	
	<p>There were no other relevant matters raised.</p>
<b>12. Action points arising</b>	
	<p>See the Applicant's Deadline 4 Cover Letter.</p>

# Appendices

**Appendix A Comparison of Land-take required for PV Solar Arrays and their respective Mitigation and Enhancement Areas between Mallard Pass and other large-scale solar projects**

Project	Installed Solar DC Capacity (MW)	Order Limits (ha)	Works Number 1 <sup>1</sup> Area (Ha)	Land area to Installed MW Ratio Ha / MW Acres / MW	Mitigation and Enhancement Areas (Ha)
Mallard Pass	350	852	420	1.2 Ha / 1 MW 2.9 acres / 1MW	<b>395ha</b>
Longfield	371	453	275	0.74 Ha / 1MW 1.8 acres /1MW	Habitat Management Areas: a minimum of 55.8ha. In addition Work area no.6 which totals 370.09ha includes among other components, ' <i>landscaping and biodiversity mitigation and enhancement measures including planting</i> ', however the percentage for landscape is not specified.
Little Crow	150 - 200	225	153.4	0.77 – 1.02 Ha/ 1 MW 1.90 – 2.5 acres / 1 MW	59.826 Ha ecological corridor
Cleve Hill	350	491.2	176.3	0.50 Ha / 1MW 1.23 acres / 1MW	50.1 ha of functional habitat management land
Sunnica	627	981	621	0.99 Ha / 1 MW 2.44 acres / 1 MW	
Cottam	871 <sup>2</sup>	1451.23	879.39	1.0 Ha / 1 MW 2.47 acres / 1 MW	Works No 10 – 80.93 ha
Heckington Fen	500	542	417.07	0.83 Ha / 1 MW 2.05 acres / 1 MW	Work No 9A – 16.5ha (Biodiversity Net Gain Areas)

<sup>1</sup> Being the area of the solar generating station for each project. The other projects also had battery development taking up agricultural land that would add to these figures, but have not been included to provide a 'clean' like for like comparison.

<sup>2</sup> The installed DC MWp has been based upon 1,320,624 PV Modules, as referenced within the Cottam Climate Change chapter (paragraph 7.8.15) and an assumption of a 660w panel to enable a comparison with Mallard Pass.



<b>Project</b>	<b>Installed Solar DC Capacity (MW)</b>	<b>Order Limits (ha)</b>	<b>Works Number 1<sup>1</sup> Area (Ha)</b>	<b>Land area to Installed MW Ratio Ha / MW Acres / MW</b>	<b>Mitigation and Enhancement Areas (Ha)</b>
West Burton	661 <sup>3</sup>	886.4	733.99	1.1 ha / 1 MW 2.71 acres / 1 MW	Works No. 9 – 98.81 ha

To put the land area to installed MW capacity ratio into context the draft NPS EN-3 provides a guide for the size of solar farms. At paragraph 2.47.2 it states that *“Along with associated infrastructure, generally a solar farm requires between 2 to 4 acres for each MW of output.”* The Mallard Pass land area to installed MW capacity ratio lies in the middle of this range.

The table above presents a simple comparison of the installed DC capacity and land required for PV Arrays. The calculations do not take account of or provide commentary on the spatial requirements for different PV Table configurations or technologies such as Single Axis Trackers vs Fixed South Facing.

The information presented within the tables has been compiled using information that has been submitted to the Planning Inspectorate in support of the respective NSIP Applications.

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<sup>3</sup> The installed DC MWp has been based upon 1,001,808 PV Modules, as referenced within the West Burton Climate Change chapter (paragraph 7.8.16) and an assumption of a 660w panel to enable a comparison with Mallard Pass.

## Mallard Pass Solar Farm

9.33 Summary of Applicant's Oral Submissions at CAH1 & Appendices – Appendices A - B

### **Appendix B East Coast Mainline Cable Crossing**

## Deadline 4 Submission, 25<sup>th</sup> July 2023

### East Coast Mainline Cable Crossing

1.1.1. The Applicant has prepared three drawings which illustrate the proposed engineering arrangement to route the 33kV cables through the existing brick arches located between Field 20 and 27 [APP-112]. The location of the arches is indicated by 'Location 2' on Figure 5.8: Cable Crossing Options of the East Coast Mainline Railway [APP-128].

1.1.2. The following drawings are appended to this note:

- 1) West Elevation (11193-MAL-GA-001);
- 2) Railway Crossing (11193-MAL-GA-005); and
- 3) ISO Railway Crossing (11193-MAL-GA-006);

1.1.3. The purpose of these drawings is to provide clarity on the proposals that are currently being discussed with Network Rail. A brief summary of each drawing is provided below:

- West Elevation (11193-MAL-GA-001)

This drawing illustrates the west elevation of the existing arches (Bridge 198). It is proposed to use the northern arch, as a Cadent gas pipe runs through the central arch, as indicated on the drawing. Two cable trays (stacked on top of each other to form a cable tray ladder) will be required to carry 5 cables and a communications cable through the arch. The number of cables is consistent with those shown in Figure 5.6: Illustrative Cable Trench Section [APP-126].

- Railway Crossing (11193-MAL-GA-005)

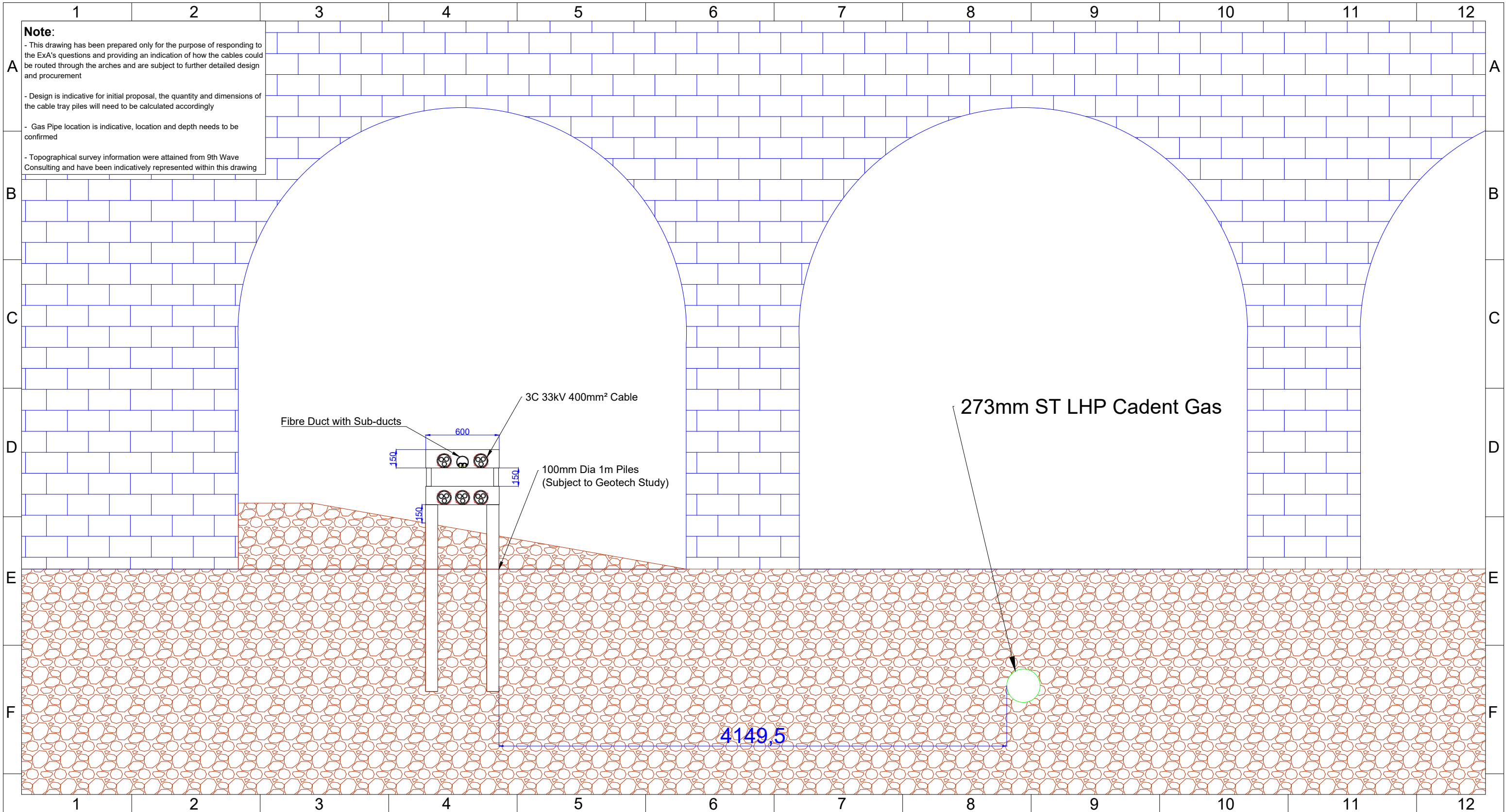
This drawing illustrates the Top View, Front View [West elevation] and Side View in two-dimensional form. These have all been drawn to the same scale for the purposes of the drawing, however for greater clarity


regarding the dimensions shown on the Front View [West Elevation], the West Elevation (11193-MAL-GA-001) drawing should be referred to as this illustrates the same information at a larger scale.

- ISO Railway Crossing (11193-MAL-GA-006)

This drawing provides a three-dimensional view of the proposed arrangement of how the cables transition from a Cable Trench into the Cable Tray Ladder that will carry the cables through the arch.

1.1.4. The Summary of Applicant's Oral Submission at CAH1 provides information on the latest position regarding negotiations with Network Rail.



				 <b>Utiligence</b> INFRASTRUCTURE & POWER SOLUTIONS		PROJECT		FOR ILLUSTRATIVE PURPOSES ONLY					
								Mallard Pass		TITLE			
						CLIENT		NATIONAL RAILWAY CROSSING - West Elevation					
						CONTRACT No.		SCALE		DRAWING No.		REVISION	
C AMENDMENTS FROM FEEDBACK B AMENDMENTS FROM FEEDBACK A FIRST ISSUE				SA 24/07/23 KS SA 20/07/23 BC BC 19/07/23 RW		DRAWN BY SA		DATE DRAWN 24/07/2023		CHECKED BY KS		11193 1:30	11193-MAL-GA- 001 C
REV	DETAILS			DRAWN	DATE	CHKD							

8 7 6 5 4 3 2 1

F  
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5x 400mm<sup>2</sup> 33kV Three core cables

Railway Arches

Fibre Duct with Sub-ducts

2x 300mm ID cable Ducts

273mm ST LHP Gas Pipe

**TOP VIEW**

**NOTE:**

- This drawing has been prepared only for the purpose of responding to the ExA's questions and providing an indication of how the cables could be routed through the arches and are subject to further detailed design and procurement
- Design is indicative for initial proposal, the quantity and dimensions of the cable tray piles will need to be calculated by a civil engineer
- Gas Pipe location is indicative, location and depth needs to be confirmed
- Topographical survey information were attained from 9th Wave Consulting and have been indicatively represented within this drawing

600mm x 150mm Laddered Cable Tray

600.00

Ground Level

953

273mm ST LHP Gas Pipe

5x 400mm<sup>2</sup> 33kV Three core cables

4286

**FRONT VIEW  
[West Elevation]**

600mm x 150mm Laddered Cable Tray

Indicative Piles

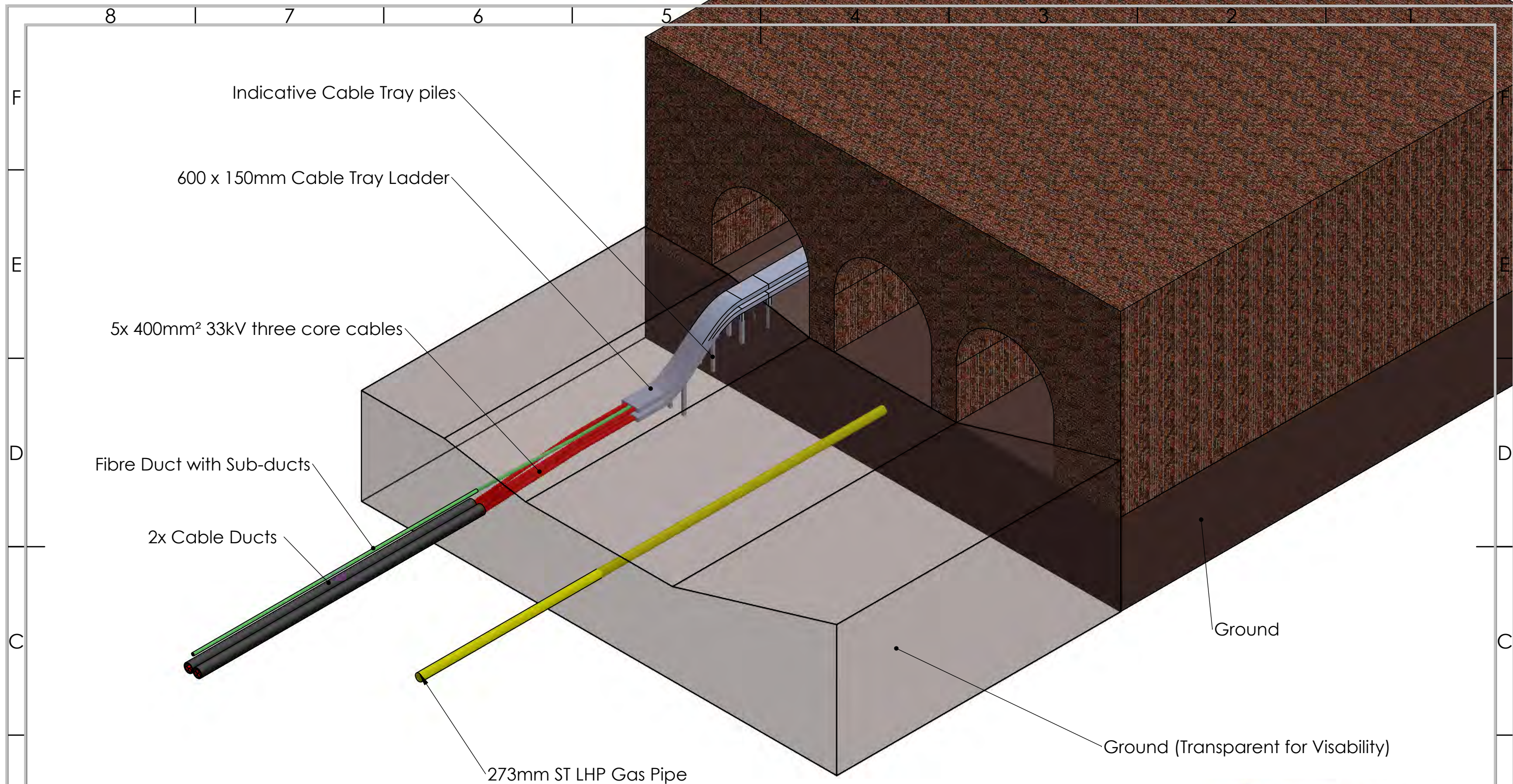
273mm ST LHP Gas Pipe

**SIDE VIEW**



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SCALE:1:500	SHEET 1 OF 1	31





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