

Date: 25 July 2023  
Our Ref: EN010127

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Mallard Pass Solar Farm Project  
The Planning Act 2008  
The Infrastructure Planning (Examination Procedure) Rule 2010

This letter introduces Mallard Pass Solar Farm Limited's ('the Applicant's') submissions for Deadline 4 of the Examination as requested within the 'Rule 8' letter dated 23 May 2023 [PD-007].

#### Documents submitted for Deadline 4

The Applicant submits the following new documents:

- Document 1.2.5 - Guide to the Application (Clean) [Revision 5];
- Document 8.1.3 - Statement of Commonality (Clean and Tracked) [Revision 3];
- Document 8.2.2 – Draft Statement of Common Ground with Environment Agency [Revision 2];
- Document 8.4.1 – Final Statement of Common Ground with Lincolnshire Wildlife Trust [Revision 1];
- Document 8.5.1 - Draft Statement of Common Ground with Historic England [Revision 1];
- Document 8.6.1 - Draft Statement of Common Ground with Natural England [Revision 1];
- Document 8.7.1 - Final Statement of Common Ground with Anglian Water [Revision 1];
- Document 8.8.1 - Draft Statement of Common Ground with Lincolnshire County Council [Revision 1];
- Document 8.9 - Draft Statement of Common Ground with South Kesteven District Council [Revision 0];



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- Document 8.10 - Draft Statement of Common Ground with Rutland County Council [Revision 0];
- Document 8.11 – Draft Statement of Common Ground with Mallard Pass Action Group [Revision 0]
- Document 9.30 - Summary of Applicant’s Oral Submissions at ISH1 and Appendices;
- Document 9.31 - Summary of Applicant’s Oral Submissions at ISH2 and Appendices;
- Document 9.32 - Summary of Applicant’s Oral Submissions at ISH3 and Appendices;
- Document 9.33 - Summary of Applicant’s Oral Submissions at CAH1 and Appendices;
- Document 9.34 - Applicants Response to Mallard Pass Action Group’s Deadline 3 Submissions. The Applicant considers that other Interested Party Deadline 3 Submissions were already covered by its Deadline 2 and 3 submissions or have been accounted for in its updated Draft ASI Itinerary;
- Document 9.35 and 9.36 – CCC 2023 Update Report and National Grid ESO Future Energy Scenarios July 2023. These documents are referred to in the Applicant’s Summary of Oral Submissions at ISH1 but are so large that they have been submitted separately; and
- Document 9.9.1 – Updated Accompanied Site Inspection Itinerary, further to the ExA’s recent Rule 16 notice.

### Updated Guide to Application

All new and revised documents are referenced in the enclosed updated Application Guide (Document 1.2.5 – Guide to the Application [Revision 5]). As requested by the Examining Authority at the latest Hearings, the structure of the Application Guide has been updated to incorporate a clearer approach to the updating of documents. Therefore, for clarity only a clean version has been submitted at this deadline.

### Statements of Common Ground

Following correspondence with the relevant statutory consultees, the Statements of Common Ground have been updated and the revised documents have been submitted at this deadline as per the request from the ExA at the latest hearings. A Statement of Common Ground with the Mallard Pass Action Group has also been submitted at the request of the ExA. The Statement of Commonality (Document 8.1.3) sets out more details on the position in respect of Statements of Common Ground.

### Summary of Applicant’s Oral Submissions Documents

Following the latest hearings (w/c 10<sup>th</sup> July 2023), the summary of oral submissions from ISH1, ISH2, ISH3 and CAH1 have been submitted at this deadline.



## Response to ExA Action Points from ISH1, ISH2, ISH3 and CAH1

Appendix 1 of this covering letter lists the ExA's action points from ISH1, ISH2, ISH3 and CAH1 and provides a reference to where the action point is dealt with in the Applicant's D4 submissions.

In general, responses to action points are addressed in the Summary of the Applicant's Oral Submissions referred to above or through amendments to the application documents.

## Updated Application Documents Submitted

In addition to the documents requested by the Examining Authority to be submitted at Deadline 4, the following updated application documents are also being submitted to account for discussions at the Hearings and the action points arising and discussions with stakeholders:

- Document 3.1.4 - Draft Development Consent Order (Clean and Tracked) [Revision 4] and associated Schedule of Changes (Document 9.3.4) (which has been combined into an amalgamation of all Schedule of Changes submitted to date as requested by the ExA);
- Document 4.3.3 – Book of Reference (Clean and Tracked) [Revision 3] and associated Schedule of Changes (Document 9.6.1) [Revision 1];
- Document 4.4.3 – Schedule of Negotiations and Powers Sought (Clean and Tracked) [Revision 3];
- Document 7.12.3 - outline Soil Management Plan [Revision 3] (Clean and Tracked) – although not discussed at the Hearings, this is updated to ensure it is consistent with the Applicant's surface water drainage proposals;
- Document 7.6.4 outline Construction Environmental Management Plan [Revision 4] (Clean and Tracked)
- Document 7.7.2 – outline Operational Environmental Management Plan [Revision 2] (Clean and Tracked);
- Document 7.8.1 – outline Decommissioning Environmental Management Plan [Revision 1] (Clean and Tracked);
- Document 7.9.3 – outline Landscape and Ecology Management Plan [Revision 3] (Clean and Tracked);
- Document 7.11.3 – outline Construction Traffic Management Plan [Revision 3] (Clean and Tracked); and



- Document 9.12.1 – Planning Statement Appendix 3 [Revision 1] (Clean and Tracked)
  - submitted to correct typographical errors from the versions submitted at Deadline 2 [REP2-041].

If the ExA or the case team has any questions on any of the above, please do not hesitate to contact me.

Yours faithfully,



**Sarah Price**  
**Partner**  
**DWD**  
**For and on behalf of Mallard Pass Solar Farm**

 or 

**Incl. Appendix 1 – Signposting for Applicant’s Responses to Action Points from ISH1, ISH2, ISH3 and CAH3.**

Appendix 1 - Signposting for Applicant’s Responses to Action Points from ISH1, ISH2, ISH3 and CAH3



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Action Point	Action	Where addressed in D4 submission
<b>ISH 1</b>		
<b>1</b>	Provide comparison of the use of Best and Most Versatile (BMV) agricultural land for the Proposed Development in comparison with recently consented Longfield Solar Farm	<b>Covered in agenda item 3(b) of the Applicant's Summary of Oral Submissions at ISH1.</b>
<b>2</b>	Provide indicative layout for the primary construction compound (the proposed substation Action Point has been incorporated into Action No. 5 of ISH2)	<b>Appendix D to Applicant's Summary of Oral Submissions at ISH1</b>
<b>3</b>	Submit details (discussed at ISH1 & 2) regarding security fencing at an existing solar farm	<b>Not for Applicant.</b>
<b>4</b>	Provide comments on policy interpretation of access routes requirement as per paragraph 3.10.24 of the draft National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) (March 2023)	<b>Covered in agenda item 3(i) of the Applicant's Summary of Oral Submissions at ISH1.</b>
<b>5</b>	To consider an update to Requirement 3 regarding phasing and the outline Construction Environmental Management Plan (oCEMP) in relation to the role of community liaison on this issue.	<b>Changes have been made to the outline Construction Environmental Management Plan (oCEMP) in this regard to provide for community liaison of the construction programme. As discussed at the Hearing, paragraph 2 of Schedule 16 requires all Requirement discharges to show that they will not lead to effect materially new or materially different effects from the ES so no changes are required to Requirement 3.</b>
<b>6</b>	Clarification and update in relation to Requirement 18 – Decommissioning and restoration, regarding environmental effects	<b>The Applicant has updated the DCO Requirement 18 and the outline DEMP to provide further steps in respect of providing further certainty on decommissioning.</b>
<b>7</b>	To confirm if forthcoming evidence regarding renewable energy for emerging policy relates only to applications under the Town and Country Planning Act	<b>Not for Applicant.</b>



<b>8</b>	To provide a response to the Examining Authority's First Written Questions, question number 1.3.9, in relation to the site selection process and the local policies that may be deemed important and relevant	<b>Although this action is not for the Applicant, the Applicant and the LPAs have agreed these policies in the SoCGs that have been submitted at this deadline.</b>
<b>9</b>	To submit Climate Change Committee progress report (28th June) and future energy scenarios report (10th July), with sign posting to relevant details	<b>Submitted as separate documents at this deadline (Document Reference EN010127/APP/9.35 and EN010127/APP/9.36 )</b>
<b>10</b>	Provide output calculations with an estimation of the number of homes that could be supplied by the Proposed Development	<b>Appendix B to Applicant's Summary of Oral Submissions at ISH1</b>
<b>11</b>	Confirmation of the area of land (Hectares) required for over-planting and the associated number of panels	<b>Discussed in agenda item 3(a) of the Applicant's Summary of Oral Submissions at ISH1.</b>
<b>ISH 2</b>		
<b>1</b>	Updated Statements of Common Ground (SoCG), including principal areas of disagreement	<b>SoCGs submitted at Deadline 4 set out clearly what is still under discussion or not agreed. The SoCGs with the LPAs have been updated to have clear sections on the DCO and Management Plans and have been updated at Deadline 4 to reflect the latest discussions.</b>
<b>2</b>	Update on progress of proposed Protective Provisions with Network Rail and matters relating to cable crossing options	<b>Protective Provisions have been agreed. Other updates – see AP5 of CAH1.</b>
<b>3</b>	SoCG with MPAG, including principal areas of disagreement	<b>SoCGs submitted at Deadline 4 has different format from other SoCGs which gives clear indication of what is or is not agreed.</b>
<b>4</b>	Provide a specific comment on additional viewpoints suggested by MPAG	<b>Appendix D to the Applicant's Summary of Oral Submissions at ISH1.</b>
<b>5</b>	Note dealing with matters relating to the proposed substation discussed at ISH2 (including wireline drawing(s), topography of substation site	<b>The Applicant has compiled a comprehensive overarching substation</b>



	including indicative cross-section, specific detail on how landscape and visual effects have been assessed, timing of photomontages)	<b>note covering all these issues at Appendix D to the Applicant's Summary of Oral Submissions at ISH1. The Applicant has also produced a similar note in respect of the assessment of solar stations and CCTV/fencing, which is Appendix D to the Applicant's Summary of Oral Submissions at ISH1.</b>
<b>6</b>	Review and provide any relevant comments on Design and Access Statement Design Guidance [REP2-108]	<b>Not for Applicant.</b>
<b>7</b>	Consideration of inclusion of specific percentage Biodiversity Net Gain (BNG) in dDCO Requirement 7	<b>This has been accounted for in the updates to Requirement 7 of the DCO, with further explanation in agenda item 5(a) of the Applicant's Summary of Oral Submissions at ISH2 .</b>
<b>8</b>	Review applicable BNG Metric	<b>This has been accounted for in the updates to Requirement 7 of the DCO to match the approach on Longfield.</b>
<b>9</b>	Response to potential effects on SSSI from vehicle movements travelling to and from the site	<b>Discussed in agenda item 5(c) of the Applicant's Summary of Oral Submissions at ISH2.</b>
<b>10</b>	Response to Mr Williams's comments on ecological mitigation	<b>Discussed in agenda item 5(c) of the Applicant's Summary of Oral Submissions at ISH2.</b>
<b>11</b>	Explanation and justification of viability of sheep farming during operation	<b>In response to MPAG's Deadline 3 submissions on this point.</b>
<b>12</b>	Response to MPAG comments on sheep farming within the Order Limits	<b>In response to MPAG's Deadline 3 submissions on this point.</b>
<b>13</b>	Applicant's response to Written Representation from Greatford Parish Council [REP2-061] relating to water run off rates from solar panels	<b>Discussed in agenda item 7 of the Applicant's</b>



		<b>Summary of Oral Submissions at ISH2.</b>
<b>14</b>	Environmental Health Officer to feedback on noise effects	<b>Not for Applicant.</b>
<b>15</b>	Review outline Construction Traffic Management Plan (oCTMP) regarding HGV movement times in relation to Great Casterton and construction parking	<b>Updated oCTMP reflects the commitments made at ISH2.</b>
<b>16</b>	Clarification on use of piles or concrete bases	<b>Discussed in agenda item 8(a) of the Applicant's Summary of Oral Submissions at ISH2.</b>
<b>17</b>	Alternative (without prejudice) Requirement drafting regarding archaeological trial trenching	<b>Covered in agenda item 11(a) of the Applicant's Summary of Oral Submissions at ISH2 as a post hearing note.</b>
<b>18</b>	Detailed position statements on matters concerning archaeological evaluation and mitigation (may be included within SoCG)	<b>Statement of Common Ground with LCC and in covered in agenda item 11(a) of the Applicant's Summary Oral Submissions at ISH2.</b>
<b>19</b>	Outline Written Scheme of Investigation to be provided (as soon as possible) for comment from Interested Parties	<b>At Deadline 5</b>
<b>20</b>	Consideration of further wording in Outline Landscape and Environmental Management Plan on Permissive Paths	<b>Added to oOEMP submitted at Deadline 4, rather than oLEMP.</b>
<b>21</b>	Details of predicted noise levels at points along Public Rights of Way (and Permissive Paths)	<b>Discussed in agenda item 8(b) of Applicant's Summary of Oral Submissions at ISH2 and in appended Permissive Path Noise Modelling Figure</b>
<b>22</b>	Further details of information/interpretation boards	<b>Wording added to oLEMP for this to be dealt with post consent.</b>
<b>23</b>	Further comments on the effect of proposed planting adjacent to PRoW	<b>Not for Applicant.</b>
<b>24</b>	Consider interrelationship between Outline Construction Environmental Management Plan & oCTMP regarding footpath management.	<b>Further drafting has been added to the oCEMP</b>





		<b>submitted at Deadline 4 to provide clarity on this.</b>
<b>25</b>	Examples of local health implications (noting GDPR requirements)	<b>Not for Applicant.</b>
<b>26</b>	Submit an updated list of locations for Accompanied Site Visit in liaison with MPAG and Local Authorities	<b>Submitted at Deadline 4 further to discussions with MPAG.</b>
<b>ISH 3</b>		
<b>1</b>	Update Schedule of Changes to dDCO to reflect the various iterations of amendments	<b>Schedule of Changes to the DCO submitted at this Deadline.</b>
<b>2</b>	Guide to the Application – updated to include revision number of any updated documents (as well as the Applicant’s reference) and reference to previously updated versions	<b>Guide to the Application submitted at this Deadline.</b>
<b>3</b>	To consider definition of maintain regarding the need to distinguish between PV panels and other works	<b>The definition of ‘Maintain’ in article 2 has been updated to refer specifically to Work No. 1.</b>
<b>4</b>	Update Outline Operational Environmental Management Plan regarding provision of maintenance schedule to local authorities.	<b>This is incorporated in the updated oOEMP submitted at Deadline 4.</b>
<b>5</b>	Update on negotiations with Internal Drainage Boards re. Article 6	<b>Further discussions are on-going with the IDB in respect of article 6 and the DCO as a whole.</b>
<b>6</b>	Note on Article 12 (Claimed public right of way) including comparison with Definitive Map Modification Order process including any consultation requirements	<b>Discussed in agenda item 4 of the Applicant’s Summary of Oral Submissions at ISH3.</b>
<b>7</b>	Update on whether Article 17 (Removal of human remains) is necessary	<b>Discussed in agenda item 4 of the Applicant’s Summary of Oral Submissions at ISH3.</b>
<b>8</b>	Update to Article 43 (Procedure in relation to certain approvals etc)	<b>This has been done in the updated DCO submitted at Deadline 4.</b>
<b>9</b>	Provide any further comment on Schedule 16 – Procedure for Discharge of Requirements	<b>Not for the Applicant, but further amends have been made to this Schedule at Deadline 4.</b>
<b>10</b>	Schedule 2: Requirement 3 - Confirm approach in relation to phasing and interpretation of ‘date of final commissioning’	<b>Discussed in agenda item 6 of the Applicant’s Summary of Oral Submissions at ISH3.</b>
<b>11</b>	Provide comments regarding need to share details of phasing	<b>Not for Applicant.</b>



<b>12</b>	Update Requirement 7 regarding minimum BNG and use of BNG metric	<b>This has been done in the updated DCO submitted at Deadline 4.</b>
<b>13</b>	To provide comments on Requirement 9 (Surface and foul water drainage)	<b>Not for Applicant.</b>
<b>14</b>	Update Requirement 18 regarding notice period for decommissioning	<b>Updated for Deadline 4 alongside amendments to</b>
<b>15</b>	Check if proposed Requirements adequately cover need to complete highway works and proposed vehicular accesses prior to construction/operation	<b>Updates have been made to the oCEMP to this effect.</b>
<b>16</b>	Further details (where available) of relevant matters covered by the legislation to be disapplied in Schedule 3 (not including railway related legislation)	<b>Discussed in agenda item 7 of the Applicant's Summary of Oral Submissions at ISH3.</b>
<b>17</b>	Updates to Protective Provisions with Network Rail and Environment Agency	<b>Set out in the Statement of Commonality – agreed with Network Rail, Environment Agency agreed save for proposed wording awaited for one issue.</b>
<b>18</b>	Proposed fee arrangements for discharge of requirements by Local Authorities for comment	<b>The Applicant has put forward a proposal to the LPAs for their consideration shortly before Deadline 4.</b>
<b>19</b>	Justification of request for ten week period for Requirement discharge (including the applicable Requirements)	<b>It is noted that this item is not for the Applicant, but as explained in the Schedule of Changes the Applicant has updated Schedule 16 to provide for the most intensive requirements to have a ten week discharge period.</b>
<b>CAH1</b>		
<b>1</b>	Comparison of proposed land requirement (PV array and mitigation areas) with other solar Nationally Significant Infrastructure Projects (in context of paragraph 3.10.8 of draft EN3)	<b>Appendix A of the Applicant's Summary of Oral Submissions at CAH1.</b>
<b>2</b>	Justification for inclusion of Article 23(2)(c) in dDCO (taking account the Secretary of State's removal of a similar provision from the Longfield DCO)	<b>Removed from the DCO submitted at Deadline 4.</b>
<b>3</b>	Clarification following Mr Williams comments on the Funding Statement	<b>Discussed in agenda item 5(b) of the Applicant's</b>



		<b>Summary of Oral Submissions at CAH1</b>
<b>4</b>	Book of Reference to be updated as necessary (including Mr Williams land)	<b>Contact has been made with Mr Williams and updates have been made to the Book of Reference.</b>  <b>Discussions with Mrs Woolley on the same issue will take place after Deadline 4.</b>
<b>5</b>	Provide timeline with Network Rail on progress of outstanding matters, including Protective Provisions	<b>Discussed in agenda item 7(c) of the Applicant's Summary of Oral Submissions at CAH1</b>
<b>6</b>	Provide further details/plans of preferred railway cable crossing option	<b>Appendix B to the Applicant's Summary of Oral Submissions at CAH1</b>
<b>7</b>	Provide clarification of whether access to Mrs Woolley's property will be impeded	<b>As discussed in agenda item 8(a) of the Applicant's Summary of Oral Submissions at CAH1, no impediment to Mrs Woolley's property is expected, and further protections have been built into the oCEMP.</b>
<b>8</b>	Update oCEMP to address matters in relation to access to properties and land (including Essendine play area)	<b>The oCEMP has been updated at Deadline 4 in this regard.</b>
<b>9</b>	Provide further detail of community liaison proposals	<b>The Applicant has provided further information on community liaison in the oCEMP submitted at Deadline 4 but also intends to go further than this through providing for the instigation of a Community Liaison Group. This has not yet been included as the Applicant wishes to discuss how this may best be developed with MPAG and the LPAs first – the Applicant hopes to add content on this at Deadline 5.</b>



<b>10</b>	Clarification of how proposed cable works in Essendine would affect access to Essendine play area	<b>The oCEMP has been updated at Deadline 4 in this regard - access to the play area would be maintained throughout.</b>
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