

Application by Mallard Pass Solar Farm Limited for an Order Granting Development Consent for the Mallard Pass Solar Project

The Examining Authority's written questions and requests for information (ExQ2)

Issued on 15 August 2023

Please find below answers to the Examining Authority's written questions from the Environment Agency (EA)

Ref No.	Question	EA response
Habitats Regulations Assessment		
Q3.1.3	<p>At Issue Specific Hearing 2 the Applicant was asked whether there was scope to update the sHRA in response to Natural England's suggestion that further rationale was required for the in-combination assessment. The Applicant stated that it deemed this to be unnecessary and disproportionate and that it had not yet heard back from Natural England on this position [REP4-041]. The latest draft Statement of Common Ground between the Applicant and Natural England suggests that the matter is still under discussion [REP4-039]. The Applicant has not provided a list of the plans and projects which are considered within the in-combination assessment undertaken.</p> <p>a) Can Natural England confirm their current position on this issue? b) Can Natural England, the Environment Agency and local authorities please comment</p>	<p>The Environment Agency is not aware of any plans or projects that should be included in the sHRA; we defer to Natural England for advice on this.</p>

Ref No.	Question	EA response
	on which other plans or projects should be included within the sHRA?	
Schedule 15 – Protective Provisions		
Q5.4.2	Further to the EA’s D4 submission [REP4-052] please provide an update on the negotiations with the Applicant regarding the relevant Protective Provisions. If agreement has yet to be reached, please set out the reasons for this including the relevant provisions(s) of Part 5 of the Protective Provisions and any preferred drafting proposed by the EA.	The Protective Provisions relating to flood risk activities and to the Gwash-Glen water transfer pipeline have been agreed, subject to the plan referenced within the Protective Provisions for the pipeline being confirmed following a site visit planned for 8 September 2023.
Transportation and Traffic		
Q11.0.5	<p>Chapter 15 of the ES (Other Environmental Topics) [APP4-045] considers the possible effects and implications of the three Upper Tier Control of Major Accident Hazard (COMAH) sites located within Essendine Industrial Estate.</p> <p>a) How will access (including for the emergency services) be maintained to the industrial estate during works in the event that cabling is routed along Bourne Road?</p> <p>b) Do Rutland County Council and the Environment Agency have any comments to make on this issue?</p>	In the event that cabling is routed along Bourne Road and access for the emergency services is compromised, alternative access arrangements to the industrial estate must be found. One such access route could be via Station Road.
Water Environment		

Ref No.	Question	EA response
Q12.0.01	Has the sequential test for flood risk been adequately applied as part of the site selection process as per paragraphs 5.7.9 and 5.7.13 of Overarching National Policy Statement (NPS) for Energy (EN-1) and corresponding policy set out in the revised draft NPS EN-1?	<p>The site is largely in Flood Zone 1 but with approximately 10% of its area in Flood Zones 2 or 3, adjacent to the West Glen River.</p> <p>The sequential test for flood risk is considered in Chapter 4 of the Flood Risk Assessment EN010127-000158-Appendix 11.5 Flood Risk Assessment.pdf (planninginspectorate.gov.uk) and Chapter 4 of the Environmental Statement ES ES Chapter 4 Alternatives and Design (planninginspectorate.gov.uk), with the conclusion that there are not reasonably available alternative sites fully in Flood Zone 1 in the vicinity. Both documents make it clear that the area of search (although not precisely defined) has been based on the availability of significant capacity at the National Grid Ryhall Substation. Planning practice guidance (PPG) Paragraph 027 (Flood risk and coastal change section) states that 'For nationally or regionally important infrastructure the area of search to which the sequential test could be applied will be wider than the local planning authority boundary.' PPG is clear that it is not within the Environment Agency's remit to determine what the area of search should be.</p> <p>NPS EN-1 and draft NPS EN-1 also require that 'a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk'. The Environment Agency is satisfied that this approach has been applied correctly: the substation is within Flood Zone 1, while the PV Arrays, ancillary infrastructure and the compound are located</p>

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		outside of the 1 in 100-year (+20 %) event extent, (within Flood Zone 1 and minor areas of Flood Zone 2).