



**Application by Mallard Pass Solar Farm Limited for
an Order Granting Development Consent
for the Mallard Pass Solar Project – project ref. EN010127**

Submission by Mallard Pass Action Group (MPAG) – unique ID ref. 20036230

**Deadline 5:
Response to ExA's Further Written Questions
(ExQ2)**

1. General and Cross-topic questions

Q1.0.1

Paragraph 3.10.56 of the draft National Policy Statement (NPS) EN-3 (March 2023) says that an upper time limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time periods of operation. Any Requirement within a DCO should only be imposed (amongst other things) where it is necessary to make the Proposed Development acceptable and is reasonable in all other respects.

If you consider that an operational time-period should be imposed within the DCO, please concisely set out details of why you consider it to be necessary and reasonable, including with reference to any relevant national or local planning policies.

To: Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group

A time limit is necessary to enable a more accurate environmental assessment to be made. The Applicant on the one hand assesses some of the elements as permanent and when it suits says they will be reversible. As it stands with a time unlimited application all aspects of the application should be deemed as permanent and that is not the case.

Having a fixed operational period provides a window for changing technology and government policy to be taken into account. For a technology that is relatively straightforward to construct and remove compared to a nuclear power station, 40 years is a long time for a solar plant. Solar is the least efficient of all renewable energy and over time it is likely other more reliable and efficient technologies will play a more significant role in the energy mix and utility scale solar will no longer be commercially viable. Why otherwise would the Applicant not set an operational time limit? Understanding the Applicant's proposed lease terms would give an indication of how long or short their commitment might be. Cleve Hill has a 40 year operational lifespan in their DCO, but the lease arrangement is 24 years initially with 16 years top-up if required.

For the purposes of decommissioning only, the Applicant has used 40 years as a baseline, however this does not tie them to a decommissioning date to ensure the land is restored to its former state. Added to this there is no defined period in the dDCO to complete the decommissioning activity once the councils have been notified.

The operational life of the development is key to assess the additional carbon emissions from replacement panels any time from 25 years onwards; and the loss of BMV land on future food security. The pace of climate change and its impacts is likely to necessitate further policy changes and will certainly affect the forecast baselines for soil health and ALC classifications, flood risk, biodiversity gains and associated green infrastructure management. The undefined period for the loss of landscape character and visual amenity also need to be fully assessed.

There is a huge assumption that after whatever period of time the development is operational for, that it will return to its former status quo, in this instance arable farming. The longer the time period of the development, the more generations that will pass by without farming, and the less likely it is there will be farmers to look after the land once it has been decommissioned.

Much of the discussion about the period of operation of the Proposed Development has revolved around the life of solar panels. At ISH1 the Applicant stated that given current limits in solar panel technology the design life is around 40 years, and that the industry is rapidly innovating. It is the view of MPAG that, after reviewing the literature, the current economic operating life span of solar panels is 25 to 30 years, 40 years is an assumption not a proven fact.

The following is a quote from the quality control section of the Canadian Solar web-site:

"Industry Leading Quality Control .Solar projects typically have a designed operating lifetime of 25 years. Canadian Solar's PV panels are manufactured with uncompromising quality control and adherence to strict international

standards and it is important to us that this commitment is maintained through to the end of life for our solar modules. A high-quality solar panel has a guaranteed lifespan of 25 to 30 years and experience in the field shows that up to 40 years is possible.”

It is clear from the above that the normal life span of Canadian Solar panels is 25-30 years with longer being a possibility, not a certainty. The same currently applies to other solar panel manufacturers. However as the dDCO allows for panels to be replaced (albeit in theory not on a wholesale basis), there could be a solar PV area operating for up to 50-60 years. Why would the Applicant replace a panel at 25-30 years, only to decommission the plant at 40 years after a further 10-15 years of operation?

SKDC's renewable Energy Appendix 3 states at para 3.12 *“This category of possible solar pv energy generation whilst contributing substantially to total solar power generation nationally is also the most sensitive category particularly in this District. It is because of its adverse impacts, particularly on agricultural land, that the Government's clear preference in the UK Solar PV Strategy is for future expansion of solar PV power to be on commercial and industrial roof-space. This Council shares this policy. Nevertheless large scale ground mounted proposals may be acceptable subject to testing against rigorous criteria.”* It is these **rigorous criteria** that cannot be tested properly when there is no clarity of the agreed operational life of the development.

Q1.0.2

Paragraph 3.10.58 of draft NPS EN-3 indicates that a time limited consent would not prevent the Applicant at a later date from seeking to extend the period of consent.

Please comment on this scenario, including whether or not it would be a preferable option in this instance given that it would i) allow the Applicant to consider at a later stage whether or not it wishes to seek such an extension and (ii) would allow for the matter to be considered in the light of the relevant planning policies and material considerations that would be applicable at that time

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group

A time limited consent plus a possible extension, would be more appropriate. It would give the government the opportunity to reassess the Need, the impacts of climate change, latest government policy and the possible extension of consent in the light of inevitable technological developments. Surely it is not possible to have the same set of outcomes for a **time unlimited** application as for a time **limited** application? Hence why MPAG would argue the application in its current format does not meet the exacting requirements of the planning process. However given where we are in the Examination any revision to the unlimited operational period would require some reassessment of the EIA topics and subsequent extension of the Examination.

Q1.0.4

The Applicant referred at ISH1 [REP4-022] to a time limit imposed in the recently consented Longfield DCO, this being due to the percentage of best and most versatile land included in the project.

Taking account of any general similarities between the two schemes in terms of there being large areas of Best and Most Versatile land being proposed to be used for the siting of solar panels, what justification is there in this case for the Proposed Development to proceed without an operational time limit when such a time limit was imposed within the Longfield DCO?

In the case of the Cleve Hill DCO, to what extent might the proportion of BMV land to be used for the entirety of the Proposed Development have been a significant factor in the absence of an operational time limit in that case?

To: The Applicant

During ISH1 the Applicant explained that there was a limit imposed on Longfield but that was due to the (high) percentage of best and most versatile land included in the project. No other reason was provided.

Given that, and given that the Proposed Development would have a higher percentage of BMV land than Longfield, the Proposed Development should also have a time limit imposed.

Q1.0.5

In the event that the Secretary of State was minded to impose a restriction in the dDCO on the operational time period of the Proposed Development, please state, along with relevant justification, what you consider a reasonable time period would be in this case?

To: The Applicant

EN-3 paragraph 3.10.56 states that an upper limit of 40 years is typical, however there are no currently constructed utility scale solar farms in the UK of this magnitude, and therefore there is no baseline from which to fully appreciate the impacts. Given the pace of technological change, the huge uncertainty with climate change, the upper end current lifespan of solar panels ie. 30 years, MPAG feel a more appropriate operational period would be 30 years. The operational life of the development should be the same as the operational life of the solar panels themselves negating the need for a wholesale replacement of panels and the consequent sequence of impacts that would occur. As much as a maximum operational period should be set, so should a minimum time period to ensure the negative impacts of a short life span are minimized; 25 years is suggested as a minimum. e.g. meeting 30 year commitments for BNG and maximizing payback on embodied carbon emissions. At the end of 30 years and the economic lifespan of the solar panels, the Applicant should be able to then reapply for an extension subject to the prevailing conditions at the time.

Q1.0.7

Paragraph 3.10.55 of the draft National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) requires that for underground cabling, applicants are expected to provide a method statement describing cable trench design, installation methodology, as well as details of the operation and maintenance regime. Whilst there are details of cabling within the Project Description [REP2-102], with illustrative sections provide in Figure 5.6 [APP-126] along with brief references in the Design Guidance [REP2-018], Project Parameters [AS-102] and oCEMP [REP4--007], no specific method statement has been provided as required by EN-3.

To: The Applicant

In addition to the cabling across the arable fields, the Applicant should also provide method statements on the railway culvert option, the A6121 option and the Pickworth Road cabling back to the substation. (The A6121 cabling option is still 'on the table' due to the recent arrangement of a public meeting on 'land powers being sought' being set up by the Applicant at Essendine village hall on 20th September.)

Q1.0.10

Mallard Pass Action Group (MPAG) has provided details at Deadline 4 [REP4-054] regarding security issues faced by solar farms along with implications for the type and form of fencing that might be required.

a) The Applicant and other parties are invited to provide comments on MPAG's submission, including any implications that arise for the Proposed Development.

Has any engagement and/or consultation been carried out for the Proposed Development with any relevant 'Designing Out Crime Officer' or similar post holder, with particular regard to proposed security matters, including the type of fencing proposed? Please provide details of this as applicable.

If no such engagement has been carried out to date, it is requested that such a response(s) is/are now sought and reported to the Examination, bearing in mind the concerns raised by MPAG.

Can the Applicant provide any further substantive evidence to support its position that the proposed fencing would be suitable for the Proposed Development in the light of relevant crime risks.

With particular regard to fencing, what reassurance can be provided that details to be submitted for approval under Requirement 8 of the draft DCO will accord with those provided in the illustrative material.

Are any enhancements required to the Design Guidance [REP2-018] in this respect? Please provide suggested drafting as applicable.

Does the Applicant have any comments to make on MPAG's submission on the potential need to assess the ecological effects of the Proposed Development with high security fencing without mammal passes?

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council.

The Applicant should confirm that any requirements for insurance cover, for any part of the development, have been discussed with prospective insurers and that those insurers are satisfied to give the appropriate level of cover given the security levels proposed. **This to include, but not limited to, the detailed specification of all fences. Clarity on this matter is required so that the worse case impacts can be assessed on landscape and visual terms, as well as any biodiversity impacts.**

Note a recent solar theft: The Energy Portal reported on 26th August "Police authorities are seeking witnesses and relevant information regarding the theft of solar panels worth approximately £10,500 from an energy farm located in the eastern part of the county. The incident occurred between 10pm on Monday, August 21, and 7.50am on Tuesday, August 22, when unidentified individuals gained access to Chelveston Renewable Energy Park. The offenders managed to enter the site by severing the gate from its hinges, then proceeded to drive across fields off the B645, causing damage to the fencing surrounding the park.

According to a police spokesperson, the culprits subsequently dismantled and stole 80 solar panels from the site, carefully removing them using a vehicle. The stolen panels have a substantial value, posing a significant financial loss to the energy farm.

This incident highlights the significance of implementing robust security measures in energy farms and the surveillance of remote sites to deter crime." Sources: Northamptonshire Police

This is small scale solar theft, but given the current fencing specification is the same as these small solar farms, the Applicant leaves themselves open to organised crime gangs attracted by the substantial value of materials, that in itself is a huge concern and source of anxiety for local residents in the adjacent villages. The Applicant, although acknowledging the use of CCTV, has not indicated how any incidents will be handled should the CCTV be triggered. Certainly there is not sufficient resource to expect the police to attend such incidents and in a timely way.

MPAG are still concerned that the worst case fencing scenario needs to be assessed in respect of the EIA so that if a circumstance arose post consent, that security fencing was not just accepted as a non-material change. The difference between deer fencing and security fencing designed to deter thieves from accessing the site within a 15-20 minute window is huge in visual, landscape and amenity terms.

Q1.0.11

With regard to decommissioning, the Applicant at ISH1 [REP4-022], explained that there could be confidence that the project would have value at the end of its operational life in terms of the recycling and/or repurposing of the assets. Notwithstanding this, there is no legally guaranteed mechanism within the drafting of Requirement 18 of the draft DCO [REP4-027] that the Proposed Development would be decommissioning at the end of its operational life.

In this context, what evidence can be provided to provide certainty that the value of the project at the end of its operational life would be such that decommissioning would be a viable proposition when considered against the likely overall costs of decommissioning?

To: The Applicant

MPAG does not share the Applicant's confidence.

It is likely that when, if ever, the project is decommissioned technology will have changed substantially, possibly out of all recognition.

The Proposed Development would have no value as a "going concern." Re-purposing of the out-dated assets would be uneconomic leaving recycling or scrapping as the only routes available to obtain some value. In this event it is highly unlikely that sufficient funds would be generated to cover the cost of decommissioning and therefore it is imperative some kind of guaranteed fund is set aside to cover the decommissioning costs. This is especially important if the application remains time unlimited, so that funds are secured early in the operation of the project to protect the decommissioning costs.

Q1.0.12

The implications of decisions made on other solar farm schemes, including the Nationally Significant Infrastructure Project at Longfield and the planning appeal for the Town and Country Planning Act scale development in Hambleton [REP-037] were discussed at the Issue Specific Hearings [REP4-022]. The Examining Authority notes the recent appeal decision issued on 21 July 2023 for a solar farm in South Derbyshire (appeal reference: APP/F1040/W/22/3313316) that was dismissed.

- b) Can the Applicant comment on whether they consider the appeal decision has any implications for the consideration of the Proposed Development?
- c) Do the local authorities and Mallard Pass Action Group have comments to make on the decision?
- d) Are there any other recent decisions that may be of particular relevance to the Proposed Development?

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

Lullington Solar Park: If this had been approved the Lullington Solar Park near Swadlincote, Derbyshire, would have been constructed on 70ha of land producing 50MWp = 1.4ha/MWp. That is 1ha/MWp lower than the Proposed Development and adds to the list of sites with far less land take.

This is the Ha/MWp for a number of sites:

MPSF 2.43
Longfield 1.22
Lullington 1.4
Little Crow 1.13 to 1.5
Cleve Hill 1.4
Sunnica 1.56
Cottam 1.67
Heckington 1.08

The Appeal Decision report stated para 8: *"The parties agreed that the Written Ministerial Statement (WPS) dated 25 March 2015 relating to the unjustified use of agricultural land remains extant. It states therein that any proposal for a solar farm involving the best and most versatile agricultural land (BMV) would require to be justified by the most compelling evidence".*

Para 9 goes on to say the WMS is reflected in the National Planning Policy Framework which suggests that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.

The Site Selection Assessment confirmed that there were no sites of suitable size for a 50MWp solar farm within a suitable distance from the grid connection point that lie wholly outside BMV land although on the grounds of costs and practical feasibility, no soil survey work was completed other than within the appeal site. The Inspector found this to be a significant omission. The Applicant has also omitted to carry out any soil survey work outside of the Order Limits of the Proposed Development and, based on the Lullington Appeal this is also a significant omission.

Para 16 of the report states *“It is clear that a robust assessment has not been made of the grading of agricultural land within the remainder of the study area, which from the data held by Natural England has significant areas of Grade 3 agricultural land”* and *“this to my mind adds to the criticism that the evidence has failed to demonstrate that there is no land available for this development within the study area of a lesser agricultural quality, contrary to national and local policy. It also does not stand up to scrutiny as the ‘compelling evidence’, which is sought in the WMS.”* The same can be said to be the case for the Proposed Development.

The Inspector goes on to say in para 20. *“In acknowledging the main issues for food security as identified by DEFRA are climate change and soil degradation, this only serves to emphasise the importance of maintaining higher quality agricultural land where this is found in food production.”* This is at variance to the position taken by the Applicant in that food production is not seen to be an issue in relation to this development.

Hambleton: In the case of Hambleton the inspector found that most of the land was not BMV and that the forty year life would mean that the agricultural land would not be lost. Of a total of 81ha only 10.85ha (13.6%) will be BMV land. The decision of the Inspector revolved largely around the lack of BMV land. At a capacity of 50MWh Hambleton will occupy 1.62ha/MWp, again much lower than that for the Proposed Development. The Hambleton development will be close to the A1M and not close to residential properties.

Longfield Solar Farm: Although this was approved there are some significant differences between it and the Proposed Development.

- Longfield will not encircle a village as would the Proposed Development around Essendine, along with very close proximity to at least another 7 villages.
- Longfield has a fully functional substation which allows for the incorporation of a BESS in the scheme, this is a major point of difference to the Proposed Development in terms of its effectiveness and contribution to the Grid.
- The Order Limit land take for Longfield is only 52% of that of the Proposed Development and its PV area is 65% of the size of the Proposed Development. The question has to be raised why the Proposed Development requires 145ha more land for solar panels than the Longfield development which has a higher output capacity of 371MWp.

SKDC recent refusals: Planning applications for two solar farms in Lincolnshire have recently been rejected due to the impact on loss of BMV land.

- Application S23/0511 at Washdyke Farm. Para 1 of the minutes of the Planning Committee state *“The application proposals would result in the loss of an area of approximately 14 hectares of BMV agricultural land (out of a total of 27 acres), and whilst this loss would be temporary and it would be plausible for the site to be in continued grazing use during the operational period, the application fails to provide sufficient justification for the loss of BMV throughout the lifetime of the development.”*
- Application S23/0689 near Gonerby Moor. The same reasons were given as above in respect of BMV citing being contrary to local policies RE1 (a) and SP1.

These 2 recent applications demonstrate SKDC’s commitment to protecting BMV land in the district.

Q1.0.14

[Appendix C of the Applicant's Oral Submissions at ISH1 & Appendices \[REP4-022\]](#) provides a summary of reasons why a Battery Energy Storage System (BESS) was not included in the project. In relation to an export

only BESS, it is stated that such a facility is not commercially viable. An export only BESS also has a much lower throughput than an import and export connected BESS (albeit this is likely to be more expensive and lead to delays).

Please provide figures and any further evidence to substantiate the conclusion that an export only BESS would not be commercially viable.

To: The Applicant

If it is not economically viable for the Proposed Development to have a BESS, the viability of the proposed project has to be questioned. In MPAG's opinion part of the Applicant's rationale for the level of overplanting of this development is to compensate for the lack of a BESS. The real cost though is the higher land take and loss of BMV land as a consequence. MPAG must be clear though that a BESS, irrespective of satisfying its 'Need' benefits, would be totally inappropriate in this area where there are so many small rural populations in close proximity.

Q1.1.1

At Deadline 4 the Applicant submitted the Climate Change Committee Progress Report to Parliament -28 June 2023 [REP4-23] and the Future Energy Scenarios Report - 10 July 2023 [REP4-024] as raised by them at Issue Specific Hearing 1 (ISH1). Table 1 of the former specifies that Solar PV is "significantly off track" in relation to progress. The latter also provides commentary in respect of the need for solar and considers the implications of a range of possible scenarios from "falling short" to "leading the way" in terms of the speed of decarbonisation and the level of societal change. For solar, on page 132, the leading the way scenario is described as the maximum solar generation scenario – "solar generation is co-located with flexible technologies at different connection voltages (i.e. with electrolysis or grid-scale battery storage for solar farms..." Grid capacity and connections are cited as factors that may limit potential.

Do the local authorities and Mallard Pass Action Group have any specific comments to make regarding the implications of these two reports for the consideration of the Proposed Development?

To: Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

The Future Energy Scenarios Report - 10 July 2023 page 132 supports the argument about the collocation and inclusion of BESS as being the "leading the way" scenario and the maximum solar generation scenario. Thus the report highlights the inclusion of a BESS within projects such as the Proposed Development as a means of "maximising solar generation." A BESS cannot be included in the Proposed Development for technical/economic reasons and also due to inappropriate unsafe siting close to rural populations.

The Applicant intends to attempt to overcome this failing by overplanting solar panels and, when addressing point 5(b) of the agenda "Consideration of proposed benefits of the Proposed Development" during ISH1, Mr Gillett for the Applicant stated that overplanting and BESS are not as related as they have been made out to be. However, in the Statement of Need para 11.5.1 the Applicant writes "*In the absence of electricity storage facilities, the Proposed Development's overplanting strategy (see Section 7.7) seeks to maximise use of the grid connection capacity through its operational life.*"

Mr Gillett for the Applicant (technical consultant), who wrote the Statement of Need, gave the example of a solar plant in the Bristol area commissioned in June which is overplanted and is not operating with storage as would be the case for the Proposed Development. However subsequent research by MPAG has revealed the project in question was granted planning permission for a BESS in the original application and one will be operational on that site from 2024. Therefore the point Mr Gillett is making is not backed up by the reality in this particular example. Indeed, Ian Harding, co-founder and director of Enso Energy (the developer of Larks Green - the solar farm in question), described as only having solar panels by Mr Gillett said "*completion of this project is a major milestone for renewable energy in the UK and provides further evidence that co-located solar and battery storage*

projects connecting directly to the transmission network will play an important role in the delivery of the UK's net zero plan."

EN-3 paragraph 3.10.17 encourages the inclusion of co-located functions such as storage in maximising efficiency. "Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation, or storage) to maximise the efficiency of land use."

In the Statement of Need for the Proposed Development 11.5.1 the Applicant explains that storage will play an important role and that in the absence of storage will impact on the "overplanting strategy" of the Proposed Development. There is no evidence that MPAG can find which supports the use of overplanting as an acceptable alternative to a BESS due to its potential impact on land take, but equally a BESS located in close proximity to a number of rural populations would be totally inappropriate, deeming this application to be unsuitable.

Appendix 1 of this document gives more detail and support on the essential need for a BESS as part of any utility scale solar application.

Rooftop solar provides such a key opportunity to help meet the solar target, whether it be residential or commercial. CPRE state on their website: *"A major new CPRE report has found that over half the solar panels needed to hit national net zero targets could be fitted on rooftops and in car parks. The research, by the UCL Energy Institute, for CPRE, shows that decarbonising the national energy grid requires far less land than feared. Installing solar panels on existing buildings and car parks would enjoy near-universal public support and help minimise objections to large solar farms in the countryside, the research finds. It also reveals that the potential of brownfield sites to generate renewable energy is dramatically underused."*

The UK Warehouse Association (UKWA) also fully endorse rooftop solar. They state on their website: *"UK warehousing has the roof space for up to 15GW of new solar, which would double the UK's solar PV capacity. This could meet National Grid's minimum requirements for solar expansion by 2030 according to their 2022 future energy scenarios (FES), producing up to 13.8 TWh of electricity per year enabling the warehouse sector to become a net producer of green electricity."* Unfortunately as it stands there are too many barriers in the way which the government needs to address before it is too late and valuable productive agricultural land could be lost for up to 40 years and beyond in some cases.

Q1.1.2

The Applicant's Summary of Oral Submissions at Issue Specific Hearing 1 (ISH1) & Appendices [REP4-022] provides commentary on the projected output of the Proposed Development, including confirmation of the load factor (11.4%) which was informed by satellite data. Appendix B to this submission also highlights an updated estimate of the number of homes (approximately 85,000) that the Proposed Development could supply having regard to the effects of panel degradation over a 40-year period which results in an average annual generation of approximately 315,000MWh.

- e) The Applicant has clarified that a load factor of 11.4% is applied which is based on satellite data and which is higher than the national average. Can the relevant extract of this data be provided with appropriate signposting and an explanation of how it relates to the Order limits, including justification for why a higher load factor is applicable?
- f) Taking account of degradation, the average annual generation over a 40-year period is cited as approximately 315,000MWh. Please provide further clarification of how this can be achieved when the formula inputs the 350MWp installed capacity figure rather than 240MW as per the grid connection agreement?
- g) Do the calculations take account of the likely increase in demand for electricity for individual households over the 40-year period?

To: The Applicant

MPAG does not accept that the Applicant has justified the use of a Plant Load Factor of 11.4%, there seems to be too many inconsistencies in the documents.

- The Digest of UK Energy Statistics latest estimate for solar is 10.6% in 2022, it was 10% in 2021;
- Table 7.1 in the Statement of Need identifies a load factor of 11%, the Applicant also uses 11.4% for its calculations.
- In ISH1 the Applicant confirms Mr Gillet quoted an average load factor of 10.5% nationally, derived from the National Grid's operational data.

The Applicant further referred to figure 7.4 of the Statement of Need showing that solar radiation in Lincolnshire is higher than the national average and that this was the reason for using a figure higher than 10.5%. However, most of the solar farms currently in operation are located in the southern counties of England and it is those farms from which the "national" average Plant Load Factor of 10.5% is derived. Solar irradiance is higher in those counties than in Lincolnshire. On that basis, it would be expected that, if anything, the Plant Load Factor of the Proposed Development would be below the published "national" average of 10.5%.

Mr Gillett stated that the Applicant has used a localised estimate load factor of 11.4% derived from "multiple data resources including satellite data." No further details were given as to what data was used nor were any details given in Appendix B submitted with the Applicants summary of Oral Submissions at ISH1.

- A Plant Load Factor of 10.9% before allowing for panel degradation has been calculated from data given in the Longfield application.
- The developers of Little Crow Solar Park modeled the likely output of the plant using four simulations. (Pins Ref EN010101 Doc. Ref.9.36) These are detailed assessments working from first principles showing the method and data used. The plant load factors resulting from the simulations ranged from 10.08% to 10.79%, before allowing for panel degradation.

It is on the above basis that, without further information from the Applicant to prove otherwise, MPAG cannot accept a claimed Plant Load Factor of 11.4% for the Proposed Development.

Q1.1.3

Does the announcement made on 31 July 2023 by Government of its commitment to undertake future oil and gas licensing rounds have any implications in relation to the case for the need for Proposed Development?

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council.

On first look at this announcement the reaction is negative in the press. However the government is not announcing any changes to the ambitions for renewable energy generation or the mix as a result of this. They recognise that oil and gas is a reality for the next 10 years or so and are keen to power Britain from Britain, protect energy security from home by building our independence, reduce the carbon footprint by ¼ by moving from imported liquefied natural gas to domestic gas, and protect and create British jobs in the process. There is the opportunity to capitalise on the synergistic benefits of carbon capture usage and storage and hydrogen opportunities alongside these new gas and oil installations, building integrated offshore energy hubs that make best use of existing infrastructure and skills.

In the same way there could be some parallels with solar if only the government assessed the true carbon costs of sourcing millions of solar panels from China as opposed to from Europe/UK, invested in UK jobs and reduced our exposure to China who control the manufacture and supply of solar panels. The real focus and direction for solar though needs to be on residential and commercial rooftop solar, which doesn't have to undermine or result in the loss of valuable agricultural land. CPRE has launched a major roof top solar campaign this year with the full support of the UK Warehouse Association (UKWA), who is reaching out to the government to attract investment into this area, as well as makes necessary changes to planning rules and improve grid connectivity.

Q1.2.1

a) Having regard to the preference expressed in national policy to use poorer quality agricultural land except where this would be inconsistent with other sustainability considerations, should soil surveys have been undertaken outside of the proposed Order limits to inform the site selection process and boundary of the Order limits?

b) To what, if any, extent does the absence of this survey work reduce the weight that should be attributed to the consideration of alternative sites?

To: The Applicant, Natural England, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

It seems from the outset that the Applicant selected a large site area over 2000 acres in the hope that enough of it would be 3b and lower to satisfy their solar requirements. Outdated, imprecise and unreliable ALC grading information from Natural England may have provided the Applicant with their baseline. It was apparent after stage 1 auger sampling that 53% BMV was too high and unlikely to be acceptable to the Planning Inspectorate. The identification and use of more 3b land outside of the Order Limit would have enabled the Applicant to use less grade 2 or 3a land within the current Order limits. It might have allowed the Applicant to show a preference for lower quality land, a requirement given in paragraph 3.10.14 of EN-3.

The Applicant chose not to carry out the necessary survey work initially to explore that possibility and therefore cannot demonstrate that all necessary steps have been taken to “avoid the use of BMV agricultural land where possible.” The initial survey work was conducted at 25% of the recommended density as required by Natural England. Although the Applicant did a 2nd round of survey work to top up the auger sampling density, they only selected areas of the order limits where they hoped to reduce the ALC grade from 3a to 3b, not a very fair or representative approach to ALC grading of the solar area.

It is suggested that the Applicant did not carry out further survey outside the Order Limits in an effort to locate the PV area as close to the Ryhall substation as possible for reasons of cost. The absence of this survey work should reduce the weight attributed to the consideration of alternative sites, especially given the fact Stage 1 sampling did not meet Natural England’s requirements. Stage 2 auger sampling was a retrofit attempt to reduce the 53% BMV identified (albeit within the existing Order Limits). MPAG outlines in REP2-090 their concerns about the robustness of both auger sampling stages and inconsistencies in their final results.

Q1.2.3

Paragraph 3.10.14 of the draft National Policy Statement for Renewable Energy (EN-3) states the following; *“While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible).”*

The first sentence of this paragraph states that land type should not be a predominating factor in determining the suitability of the site location. Should this be interpreted as applying to the use of agricultural land, including land classified as Best and Most Versatile (BMV)? In other words, should the agricultural use (and extent of BMV land) be considered as a predominant factor in the site selection process or not?

To: The Applicant, Natural England, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

MPAG think use of agricultural land and extent of BMV should be considered as a predominant factor in site selection, and selection of agricultural land with high percentage of BMV should be considered as a predominant negative factor and judged to make the site unacceptable.

The first sentence encourages, but does not mandate, the use of brownfield, industrial, contaminated land. The second sentence states that, if agricultural land is shown to be necessary, poorer quality land should be preferred to higher quality land avoiding where possible the use of BMV land.

The Applicant claims that the use of agricultural land is necessary as it is the only type of land available within a reasonable distance of the substation. However, the Applicant has not shown any preference for lower quality land over BMV land, the Applicant has not explored the possibility of using lower quality land outside the Order Limits. Even part of the substation land is cited on BMV land in field 19 and that land will be a **permanent** acquisition.

Research quoted in the UK Food Security Report 2021 highlights the adverse impact of Climate Change on the amount of BMV land in the UK. The following statement lifted from the report sets the context for its use: *'The UKFSR is not a policy document. It aims to provide policymakers across the UK nations with the best possible information and analysis they need to maintain the UK's food security, in all its many aspects'*. It is suggested that this report is an important tool in providing information in determining the outcome of this application and in particular when considering the impact of the significant loss of BMV land should this scheme go ahead. It could be argued it flags the possibility of unintended consequences, particularly when set against the backdrop of the impacts of climate change, rising populations, and hostile nations.

In 2020 the government committed to protect 30% of the UK's land by 2030 to support biodiversity. This is also now a global target by virtue of the Leaders Pledge for Nature, launched at the United Nations General Assembly in 2020, and the *30by30* commitment to protect 30% of our land and seas for nature by 2030. Nature Positive 2030 has been produced by the Joint Nature Conservation Committee, Natural England, Natural Resources Wales, NatureScot and the Northern Ireland Environment Agency. Nature Positive 2030 was published in September 2021 to mark the first anniversary of the Leaders' Pledge for Nature. This target inevitably is and will be putting pressure on existing agricultural land highlighting why remaining land needs to be protected to maintain food production.

3.0 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))

Q3.0.1

The latest version of the draft Development Consent Order (dDCO) submitted at Deadline 4 [REP4-026] amends Requirement 7 (2) (f) to commit to a minimum of 65% biodiversity net gain. This figure allows for a 10% contingency for allow for changes that may occur at the detailed design stage. No amendments are proposed to confirm which version of the biodiversity metric that should be applied. The reasons given for this by the Applicant are centred around the uncertainty over future iterations of the metric and potential implications that this may have in terms of compliance with the outline Landscape and Ecology Management Plan (oLEMP) [REP4-014], the DCO and potential materially new or different effects from those assessed in the Environmental Statement (ES) [REP4-041] that may arise. It is noted that Objective 1 of the oLEMP still refers to a minimum of 10% net gain.

- a) Would the local authorities seek to apply the latest available version of the metric at the time of approval in the absence of any clarity on the matter in the DCO?
- b) Do Natural England have any further comments to make on this matter given the recent publication of version 4.0 of the metric?
- c) Can the Applicant provide further clarification of the basis for the 10% contingency?
- d) Should Objective 1 of the oLEMP be updated to refer to 65% biodiversity net gain?

To: The Applicant, Natural England, Rutland County Council, South Kesteven District Council.

In the case of NPS and NPPF policy the Applicant chooses to defer to the latest draft policy. In that respect MPAG would expect the Applicant to adopt the same approach in respect of Biodiversity net gain metric 4.0. By doing so it would show a legal commitment from the Applicant to secure the habitats for over 30 years pursuant to the Environment Act which comes into force in November 2023. Has their unwillingness to automatically adopt BNG

4.0 got anything to do with their time unlimited application whereby there is a possibility they may want to cease operations before the 30 year time period has elapsed?

Despite whatever claims the Applicant makes, it must be taken into account that nearly all the grassland biodiversity net gain will be reversed at some point releasing a huge amount of carbon back into the atmosphere.

Q3.0.2

In relation to the reinstatement of grassland verges used for passing points during construction, Table 3-2 of the updated outline Construction Environmental Management Plan (oCEMP) [REP4-008] now includes measures to store seeds collected within the remaining areas of verges with efforts made to translocate any orchids found within the footprint of the passing points.

a) Should the oCEMP provide further details of how these commitments will be implemented?

b) Can the Applicant clarify if there is there a potential need for the passing points to be put back in place during the operational phase to facilitate major maintenance works? If so, what effects would this have on the reinstated verges and how would they be managed?

To: The Applicant, Natural England, Rutland County Council, South Kesteven District Council, Lincolnshire County Council, Mallard Pass Action Group.

a) Yes

b) Given the anticipated life of solar panels by the Applicant, it is inevitable that all of them would have to be replaced at some point in time, although this is contrary to the latest dDCO which only says they need to be maintained. This would be a major undertaking not dissimilar to many elements of the construction phase. The reason for MPAG recommending a specific operational lifespan is so that issues like this one can be assessed, properly planned and mitigated for.

If the passing places were re-instated and/or maintained through construction, operation and decommissioning it would completely change the rural nature of Uffington Lane. It would encourage further HGV traffic to use this cut through route between Essendine/Ryhall and Uffington. Equally unacceptable would be to have ongoing damage to these verges as a result of maintenance work within the Order Limits. This in itself highlights one of the many reasons why the location of this solar farm is inappropriate in this rural, tranquil location making it almost impossible to protect the SSSI.

Translocation of orchids has been carried out on many sites. However, this has to be done with care and attention by someone with the appropriate knowledge and monitored to ensure success. The oLEMP only indicates ecological monitoring will be done every 5 years.

Q3.0.3

The Applicant's Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) [REP4-041] provides a post-hearing note in response to a query raised by the Examining Authority (ExA) regarding possible effects on the Ryhall Pasture and Little Warren Verges SSSI and species rich grassland verges from Light Goods Vehicles (LGVs) and cars during construction. It acknowledges that whilst there are no restrictions proposed in relation to the routing of such vehicles, the Transport Assessment [APP-074] identified that the majority of staff that drive to the site will use alternative routes from the Strategic Road Network although it is acknowledged that there may be some trips from local staff. These are considered not to any have material impact.

However, it is noted that the outline Construction Traffic Management Plan (oCTMP) [REP4-016] acknowledges that assumptions regarding all staff and LGV trips will be reviewed within the CTMP once the origin of construction staff has been confirmed.

a) Is the carriageway width along the length of Holywell Road that passes through the Ryhall Pasture and Little Warren Verges SSSI sufficient to accommodate two passing LGVs?

b) Should the oCTMP and outline Construction Environmental Management Plan (oCEMP) make provision for possible introduction of measures to avoid harm to the Ryhall Pasture and Little Warren Verges SSSI once the origin of construction staff has been confirmed? If so, what measures should be earmarked for implementation should the need arise?

To: The Applicant, Rutland County Council, South Kesteven District Council, Lincolnshire County Council, Mallard Pass Action Group.

a) It is highly likely LGVs going to any of the 3 access points off the B1176 could come along Holywell Road if coming from the A1 direction. The carriageway is wider than Uffington Lane and 2 cars are passable in some places but not all. The road is regularly used by farm vehicles, and riders and cyclists. LGVs can be a lot wider than a typical car, and drivers unfamiliar with the local roads would be more likely to try and climb the verges. The verges in places are quite high so it is not possible to do that, therefore could be dangerous and also will damage the verges if they try and succeed.

The roads from the A1 through Stretton, Clipsham and Holywell and/or Castle Bytham and Holywell are certainly too narrow before reaching these SSSIs and any increase in traffic would not only raise traffic safety issues elsewhere but also cause inevitable damage to some of the verges. There are blind spots as you go through Little Warren and Castledike Wood (still within the SSSI area). Additionally the crossroads of the B1176 and Holywell Road is an accident blackspot and still part of the SSSI area. Only a few weeks before the site inspection there were 2 cars buried and written off in the hedge of field 4 right at the crossroads.

b) The objective should be to prevent any increase in traffic as a result of the construction in that area. As with Uffington Lane it seems that no measures could be put practicably in place that are enforceable, particularly for any vehicle smaller than an HGV. So in that respect it will not be possible to adequately protect these SSSIs along Holywell Road and is a further reason for the unsuitability of this development.

Q3.0.4

Paragraph 3.1.14 of the oLEMP [REP4-014] makes provision for the installation of 50 bird and 50 bat boxes across the Order limits. Rutland County Council has raised concerns that this number is insufficient given the size of the Proposed Development [REP2-044]. The Applicant's response at Deadline 3 states that boxes will need to be installed on mature trees due to their size and therefore provision is appropriate given the number of such trees within the Order limits [REP3-026].

a) Do Natural England, Lincolnshire County Council, South Kesteven District Council, Lincolnshire Wildlife Trust and the Mallard Pass Action Group consider the number of bird and bat boxes to be provided to be sufficient?

b) If deemed necessary, please comment on possible means to increase provision.

To: Lincolnshire Wildlife Trust, Natural England, Rutland County Council, South Kesteven District Council, Lincolnshire County Council, Mallard Pass Action Group.

One bird box and one bat box for around forty acres is a tiny amount and appears like a token gesture. At pre-application the woodlands were still part of the Order Limits, it is only since the application was submitted the woodlands have been removed.

If the only constraint is the availability of mature trees within the order limits, in the interests of protecting the species habitat every help and support should be given to landowners whose woodlands are now completely isolated by the rest of the Order Limits. Some form of agreement and maintenance regime should be required to ensure ongoing protection and development of these woodlands. The Applicant cannot expect a landowner to take any or limited interest in woodland parcels surrounded and inaccessible due to the solar.

It is not clear where these bat and bird boxes were planned to be installed given the limited number of trees within control of the Applicant. It is also not clear what the objective is – to attract new species (if so what and

why); to stop the loss of certain species because of changes to their habitat (if so which species). The Applicant could, with permission from the landowners, install these bird and bat boxes themselves in the mature woodland parcels which would allow for a significantly higher number to be installed. This would need some kind of monitoring to ensure they are being used.

The Applicant is also planting many trees, over the lifetime of the operation they could progressively install more boxes as the trees mature or alternatively not all boxes need to be on trees, some could be erected on posts. It begs the question as to why the woodlands were removed from the Order Limits, perhaps to lower the BNG baseline for trees, it certainly shows a lack of interest and responsibility in looking after the wider ecological environment. This also applies to the many hedgerows and some trees that will be removed during construction to make way for the solar farm.

Of note a recent study in the Journal of Applied Ecology highlights a significant decrease in bat activity across various solar farm sites. Co-author Professor Gareth Jones highlighted the significance of this novel research, indicating the lack of understanding regarding the impact of solar farms on wildlife, especially bats. Given the animal's ecological contributions in pest control, the potential consequences of reduced bat activity are concerning. Bat detectors placed within fields revealed lower activity levels of various bat species—common pipistrelle, noctule, myotis species, serotine, soprano pipistrelle, and long-eared species—at solar farm sites compared to control sites. The findings prompt a call for more comprehensive assessments and thoughtful mitigation strategies, ensuring that the benefits of renewable energy can be harnessed without jeopardizing the vital ecosystems that bats support.

Q3.0.5

Section 6.2 of the oLEMP [REP4-014] provides outline details for monitoring arrangements.

Does this provide sufficient detail at this stage to address the requirements of draft NPS EN-3 paragraph 3.10.121? If not, what detail should be added?

To: The Applicant, Lincolnshire Wildlife Trust, Natural England, Rutland County Council, South Kesteven District Council, Lincolnshire County Council, Mallard Pass Action Group.

Para 3.10.121 of EN-3 2023 guides that *“Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the site, including, if appropriate, any livestock grazing regime.”*

The oLEMP has 3 short paragraphs regarding the monitoring of the site during and post construction. Para 6.2.2 indicates that following completion of construction, monitoring of the LEMP(s) will be undertaken every 5 years by a suitably qualified ecologist and landscape architect and a written report produced and provided to the relevant local planning authority. MPAG questions whether this is sufficient given the importance of proactive management of the site in the early years after construction to ensure that all new planting gets off to a good start and that there is an independent report that ensures that the site is being managed effectively to ensure mitigation and enhancement objectives are met. We would propose an annual report should be completed for at least 5 years post construction.

We also note that there is no reference to deer management across the area in the management plan. This will be essential in the mitigation areas where deer will have unrestricted access across new planting areas created to provide mitigation. If saplings are grazed by deer, which is highly likely, the need to replace them should be identified far sooner than 5 years. Skylark plots should also be monitored on an annual basis. A farmer when doing this type of work would not leave 5 years between inspections.

Some level of detail needs to be provided in the oLEMP to clarify what will be monitored.

Q3.0.6

Concerns have been raised that the mitigation measures for Skylarks are insufficient [REP2-208]. Specifically, it is suggested that measures aimed at providing food for chicks during Spring and Summer and over Winter for adults should be taken forward.

Is additional mitigation required for Skylarks? If so, should it comprise of measures for providing food or other proposals?

To: The Applicant, Lincolnshire Wildlife Trust, Natural England, Rutland County Council, South Kesteven District Council, Lincolnshire County Council, Mallard Pass Action Group.

Our biodiversity expert concurs with REP2-207 Geoffrey Radley’s comments on skylarks. What they need is insect food for their chicks, the Applicant needs to be more explicit how that will be achieved. Unless there are ways in which the Applicant can increase that food source naturally, how would you know that supplement feeding would benefit the skylarks rather than any other species? What guidance is the Applicant deferring to not just to design the plot, but in the right place (not just an available place), and to guarantee the food source?

4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Q4.0.1

Appendix A of the Appellant’s Summary of Oral Submissions at CAH1 [REP4-042] provides a table detailing the land area to installed MW ratio of the Proposed Development in relation to other solar projects. This indicates that the ratio for the Proposed Development (2.9 acres/MW) is notably higher than the three previously consented schemes at Longfield (1.8 acres/MW), Little Crow (1.9 - 2.5 acres/MW) and Cleve Hill (1.23 acres/MW).

It is noted that the figure for the Proposed Development falls within the range suggested by paragraph 3.10.8 of draft NPS EN-3 and that not all projects are identical and have different constraints on them. However, bearing in mind the need to ensure that the land to be acquired is not more than is reasonably necessary for the purposes of the development, please explain in further detail the specific constraints and factors that have resulted in the area/MW ratio in this case being notably higher than those of the recently consented schemes.

To: The Applicant

The “land take” per MWp of the Proposed Development is greater than all of the other solar projects by a considerable amount. (The table is derived from Applicants Appendix A 9.33 Summary of Oral submissions at CAH1.)

Project	Order limit acres/MWp	Order limit Ha/MWp	Solar area acres/MWP	Solar area Ha/MWp
Mallard Pass	6.0	2.43	2.9	1.2
Longfield	3.0	1.22	1.8	0.74
Little Crow	3.7 - 2.78	1.5 - 1.13	1.9 - 2.5	0.77 - 1.02
Cleve Hill	3.46	1.40	1.23	0.50
Sunnica	3.9	1.56	2.44	0.99
Cottam	4.1	1.66	2.47	1.0
Heckington Fen	2.7	1.08	2.05	0.83
West Burton	2.7	1.1	2.71	1.1

The solar area of Proposed Development occupies 20% more land per MWp than Sunnica - the second highest.

The Order Limit for the proposed Development is 46% greater than that for Cottam - the second highest.

Only the Applicant can explain the reasons for the significant differences. MPAG hypothesis is that the topography of the site and consequent landscape and visual impact, residential impact from the presence of many nearby villages (quite a few conservation), requires a larger area for mitigation than that required in other projects questioning the appropriateness of the scheme.

Additional overplanting of panels, in an attempt to overcome the disadvantages of not having a BESS, is also suggested as being the reason for the larger PV area required in relation to other projects.

The NPS for Renewable Energy Infrastructure EN-3 March 2030 deals with overplanting with regard to panel degradation. Para 3.10.46 *“The direct current (DC) installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. Light induced degradation affects solar panels differently depending on the technology used to construct the panel and is one factor, along with price, that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by over-planting solar panel arrays. “* Cross reference 84 reads – *“In the case described in paragraph 3.10.46 solar generators may install but not initially use additional panels to act as a back- up for when panels degrade, thereby enabling the grid connection to be maximised across the lifetime of the site. For planning purposes, the proposed development will be assessed on the impacts of the over-planted site. “*

It is clear from the above that the Applicant can overplant panels for the purposes of ameliorating the effect of panel degradation but that those panels should be used for that purpose only and should not be used from day one. Given the Applicants response to MPAG Deadline 3 Submissions Q1.0.16 it appears that the Applicant has no intention of complying with EN-3 para 3.10.46, cross reference 84.

Q4.0.3

At CAH1 the Applicant provided an update on the cable crossing options of the East Coast Mainline Railway including the progress being made with Network Rail on the railway arch (Bridge 198) option. This was expanded upon in the Applicant’s post hearing summary [REP4-042].

- a) Both parties are requested to provide an update on the progress being made with the necessary cable crossing agreement(s) between the Applicant and Network Rail?
- b) Are there any outstanding issues or impediments regarding the proposed arch option (including in relation to the matters raised by Network Rail in its Written Representation [REP2-094] relating to the proximity of a high pressure gas main and the proposal to drill underneath the West Glen River)?
- c) For any issues/impediments raised, please describe what action/remedy is required and how it can be achieved.
- d) Notwithstanding the Applicant’s preferred railway arch option, are there any outstanding issues and impediments regarding the other two proposed railway crossing options? If so, please describe what action/remedy is required and how it can be achieved.
- e) Confirmation that the Protective Provisions within the draft DCO are agreed.
- f) Provide an agreed timetable for the progression of the necessary cable crossing agreement(s).
- g) If any matters remain outstanding, provide a Statement of Common Ground at Deadline 5.

To: The Applicant

It would appear that the A6121 cable routing is still on the table given the Applicant has set up a meeting with residents at Essendine village hall on 20th September. MPAG stressed, that after nearly 2 years of this application process for residents, it would be very disingenuous to call a meeting if this cable routing option was unlikely to happen as implied at CAH1. MPAG’s concern is that residents will only attend one meeting (the local one) missing the opportunity to listen/engage in CAH2 given they are only a few days apart.

Q4.0.4

The Applicant explained [REP4-042] that it is considering the options available to engage directly with the local community in Essendine regarding the implications of powers sought in relation to the cable route option along Bourne Road through Essendine.

Please provide an update on this.

To: The Applicant

The Applicant has been in discussion with MPAG about a proposed meeting on compulsory acquisition rights. MPAG gave full feedback both on the question of need as raised in Q4.0.3 and the format and approach to the meeting. Whilst the Applicant seems to have taken on board the feedback the execution of their comms does not fully reflect that, and that may impact the success and usefulness of this meeting. It should be noted that after nearly 2 years of consultation, application and examination residents are weary of all the communications, meetings and documents, so at this stage of the process it is even more important these kind of activities are executed as effectively as possible.

- The communication received initially on 26th August was an A5 double sided mailer sent via a mailing house, not a letter which feels bespoke in an envelope. Therefore it could easily be thrown in the bin before people realise it really is relevant to them.
- To attract attention any communication should headline the key elements – cable routing and compulsory acquisition rights. This is not mentioned until para 4 in small typeface. The headline of ‘land powers sought’ may be very familiar to the Applicant but is not to every day lay people.
- MPAG requested that the meeting be changed away from the style of the consultation meetings to a presentation format with Q&A, so that everybody received the same information and heard the same questions/answers. Instead the meeting is positioned as a workshop from 6-8pm and may give a misleading impression of the format of the meeting. The problem is that people will turn up between 6-8 rather than turn up at 6 when the presentation should start. See Appendix 2 for a copy of the mailer and poster. MPAG had requested to see the draft mailer to give our comments, but that offer was declined.

Q4.0.5

Following discussion at CAH1, the Applicant submitted a post hearing note [REP4-042] which explained the updates made to Table 3-4 of the Outline CEMP [REP-007] including in relation to matters concerning access to properties on Bourne Road in Essendine and access to the children’s play area. Updates have also been provided regarding community liaison.

Comments are invited on these updates to the Outline CEMP or any further matter regarding the proposed cable route option through Essendine further to the discussions at CAH1.

To: Affected persons in Essendine; Mallard Pass Action Group; Essendine Parish Council;
Essendine Village Hall

The Applicant has provided some clarity however it is still unclear the level of disruption and noise.

- Access is maintained at all times EXCEPT when trench works are underway. How long will it take?
- Is it essential both sides of the A6121 are subject to cable routing?
- The pavement by the village hall will need to be accessible at all times if the village hall play area is to remain open as it requires 2 entrances/exits open at all times.
- Community liaison should extend to local businesses and sufficient planning done with ‘hard to reach’ groups who may have special needs or access requirements.
- A method statement is required for any cabling along the A6121, including Pickworth Road and onto the A6121 towards Uffington Lane.

Q4.0.8

Mr Richard Williams made oral submissions at CAH1 and these were followed up with written submissions at Deadline 4 [REP4-066], including submissions regarding Plot 01-01.

- a) Please comment on these submissions including the representations on whether Plot 01-01 is required and the consideration of reasonable alternatives, including panel selection and the availability of land adjacent to the Order limits to the north of Carlby Road. Please also provide any update on the status of negotiations.
- b) Does Mr Williams have any further comments on these matters?

To: The Applicant, Mr Richard Williams

Suggestions of using any land adjacent to the Order limits, if presented, should be subject to the same environmental assessment as all the land within the Order Limits as outlined through the Environmental Statement.

5. Draft Development Consent Order (DCO)

Q5.0.1

Part 1, Article 2 (Interpretation)

“maintain”

The interpretation of “maintain” in the latest draft DCO [REP4-026] has been updated to include the words ‘*not improve, reconstruct or replace the whole of, Work No.1*’. The Applicant explained at ISH3 that it cannot replace the solar panels in their entirety all at once. Both this explanation and the use of the work ‘whole’ in the definition of “maintain” creates some ambiguity and does not rule out the possibility that all, or the large majority, of the panels may be replaced during the operation period of the Proposed Development.

- a) For clarity and the avoidance of doubt, the Applicant is asked to confirm whether it intends there to be flexibility within the draft DCO for (i) all the panels to be replaced during the operation period – albeit such works would not be all carried out at the same time, and (ii) for a significant proportion of the panels to be replaced during the operation period (beyond those requiring replacement on an isolated basis due to breakage etc)?
- b) From the available evidence, what percentage of panels on existing solar farms are replaced for maintenance during their operation (on an annual basis and overall across their operational period to date)?
- c) Noting Article 5 (Power to maintain authorised development), does the Applicant consider that the large-scale replacement of panels (for example 25%, 50%, 75% or 90% of solar panels within the Order Limits) would be likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement?
- d) If there is no intention for the largescale replacement of panels to take place during operation, what, if any, issues might an operational time period restriction have for the Proposed Development in this case?
- e) Notwithstanding the above questions, has the redrafting of “maintain” and the removal of any mention of the “authorised development” within it led to the possibility that the interpretation of the entirety of the definition could now be considered to relate only to Work No.1 and not to any other parts of the Proposed Development?

To: The Applicant

With a panel life of 25 to 30 years, and with the Proposed Development being time unlimited, all of the panels will require replacement during the life of the Proposed Development were it to be decommissioned at around 40 years. However with no time limit it is difficult to assess the degree of replacement and maintenance. As most would reach the end of their economic life at around the same time, therefore most of the panels would be replaced in just a few operational periods, likely to be close together. Inverters and transformers may need to be replaced considerably earlier than the solar panels. It is also possible some elements of the infrastructure may have to change to accommodate more up-to-date panels which may be different dimensions.

None of the above can really be classed as ‘maintenance’, it would effectively be a re-purposing of the Proposed Development, albeit in operational stages fairly close together.

The Applicant could avoid the requirement for obtaining approval for this by replacing, say, 99% of the panels unless the drafting of the DCO is clear on this point. In the view of MPAG approval for replacement should have

be sought if more than 5% of the solar panels require replacement in any one year and the Application should be assessed on that basis.

Q5.0.6

Article 22 (Compulsory acquisition of rights)

a) In terms of statutory consultation on the proposed powers, please provide specific reference to where the consultation materials have made affected persons aware that any of the powers over any of their land may be used, including the acquisition of rights or the imposition of restrictive covenants?

b) Explain how the drafting of Article 22 (1) accords with paragraph 24 and 'Good practice point' 9 of the Planning Inspectorate's Advice Note Fifteen (Drafting Development Consent Orders) with regard to the proposed imposition of restrictive covenants, including the need to provide justification which is specific to each of the areas of land over which the power is being sought, to include a clear indication of the sorts of restrictions which would be imposed and to avoid broadly drafted DCO provisions.

c) What would the implications be for the carrying out of the Proposed Development should Article 22 be revised to relate only to the acquisition of such new rights and the imposition of restrictive covenants as set out in Schedule 9 of the draft DCO?

To: The Applicant

MPAG kept a close eye all through the pre-application stage at any consultation materials distributed widely or specifically to individual residents. I don't believe there was any correspondence during stage 2 consultation that used the words 'compulsory acquisition of rights' which instantly would have raised a red flag to residents. Much of the correspondence focused on the statutory consultation period and events, any references to CA was in a language most residents would be totally unfamiliar with (including ourselves). e.g. 'an interest in land'. If Ardent Management had some query about land ownership/land registry issues they sent out ambiguous letters with plans asking for more information but not explaining why. See H Woolley's REP4-067 (last para), this is less likely to have related to A6121 APs but is a reflection of the confused and unclear communications throughout the process.

Tracking back through the Schedule of Negotiations and Consultation Report MPAG found Section 42 letters issued on 3 different dates, namely 23rd May, 17th June and 13th September. The first 2 letters are identical, the letter on 13th September '22 had to be changed as it was issued after Stage 2 consultation ended on 4th August (effectively consulting about a consultation retrospectively) This letter was sent to 6 properties, 8 names and did make reference to cabling but still no mention of compulsory acquisition rights. See MPAG's Written Representation REP2-090 para 9.39 – 9.50 for a summary of the correspondence. See **Appendix 2** for copies of the correspondence by way of an example.

After the application had been submitted to PINs a letter with a version of Land Plans attached was sent out to Affected Persons. Again this was wholly confusing for residents, the information was unclear especially as the maps had no plot numbers, and residents could not understand the relevance of the letters. The Applicant may be able to provide clarity on any other correspondence mentioning 'compulsory acquisition' sent to residents which MPAG may have missed. MPAG held 2 meetings in the village hall and the overriding feedback from residents was many had not received anything and those that did either didn't realise it related to them and/or if it did what it all meant.

Q5.1.1

Work No.4 in Schedule 1 of the dDCO [REP4-027] refers to 'works to lay electrical cables including electrical cables connecting Work No.1 to Work No.2. This includes the cables that would need to cross the East Coast Main Line. Details of the options are set out in paragraph 5.7.7 of the Project Description with the locations shown in Figure 5.8 of the ES [APP-128] (although confusingly the crossing options in paragraph 5.7.7 of the Project Description have different numbering to those set out in Figure 5.8 of the ES).

- a) It is noted that the Applicant is going to consider further dDCO drafting in respect of the implementation of only the chosen option (please provide this by Deadline 5). Notwithstanding this, should the wording of Work No.4 be expanded to include particular reference to the relevant railway cable crossing options given that the only other details are indicative, along with the need for specificity for the proposed crossing location(s)?
- b) Is further drafting necessary (potentially in Schedule 2 - Requirements) to ensure that (i) the crossing through the existing railway archway is considered as the preferred option and (ii) that the final choice of the railway cable crossing is to be approved by the relevant local planning authority, with the details submitted for approval to include clear justification for the chosen option in the event that the railway archway is not the Applicant's final choice?

To: the Applicant, Rutland County Council, Mallard Pass Action Group

- a) Yes
- b) The Applicant has had more than ample time since the inception of this project to determine the cable routing, a vital activity in the critical path to implementation of the project. The DCO is the document that ensures the right controls and conditions are put in place and any compulsory acquisition issues should rightly be dealt with by the DCO and not have to be the responsibility of the Rutland County Council 'after the fact'. Therefore MPAG do not agree there should be flexibility for the Applicant to 'leave the door open' in the DCO and resolve the issue after development consent has been granted. This would leave a large group of Essendine residents with this issue hanging over them and their properties. There should still be sufficient time left in the Examination to secure the agreement with Network Rail. MPAG are hopeful that the ExA's latest round of questions (q4.03) will uncover the full status of the cabling options from Network Rail.

7. Land Use and Soils

Q7.0.2

Chapter 12 of the Environmental Statement (Land Use and Soils) [APP-044] deems the effects on farm businesses to be "slight" i.e. non-significant during the operational phase.

Please provide further justification for this conclusion in the context of the draft Development Consent Order that does not impose a time limit on the operational phase and therefore may be considered permanent.

To: The Applicant

Given the amount of arable land that would be removed from production on the farms concerned and given its permanent removal, it is difficult to accept that the impact on the agricultural businesses would be "slight." There is the wider supply chain of different types of business to consider that will be affected. There is also the uncertainty, especially the longer the operational lifespan of the development, whether the land would be able to return to farming. 1,2 or 3 of generations of family farming could be bypassed making it unlikely multi-generational farming would ever be re-instated.

Q7.0.4

Appendix 3 of the Planning Statement [REP4-021] explains that the Applicant has sought to remove Grade 2 agricultural land from the areas proposed for PV arrays where this was in single fields. With regards to Grade 3a land, it is stated that "PV arrays and other infrastructure have been removed from agricultural fields where this also aligns with other environmental or sustainability objectives or mitigation measures identified in the Environmental Statement (ES)." The setting of settlements and heritage assets and flood risk are referenced as examples of such issues. It is also noted from the Summary of Applicant's Oral Submissions at ISH1 [REP4-022] that in their view "To remove areas of grade 3a and / or grade 2 from the Order limits above and beyond those which have already been undertaken, would result in the need for a much wider distribution area for the Proposed Development."

- a) Please confirm if there are any fields within the Order limits that consist entirely of a combination of grade 2 and 3a agricultural land? Whilst acknowledging the Applicant's previous response outlined above, please provide reasons why the use of any specific areas of such land is necessary and justified.

- b) Identify which specific areas of grade 3a land were removed as outlined above.
- c) Provide reasons clarifying why the inclusion of specific fields or areas within the Order limits that consist entirely of grade 3a agricultural land is necessary and justified.

To: The Applicant

Can the Applicant provide their ALC maps with field parcel numbers overlaid so it is easier to identify them.

Q7.0.5

Should food security be deemed “important and relevant” to the consideration of the Proposed Development? Please provide reasoning, including reference to any relevant policy or relevant planning decisions.

To: The Applicant, Natural England, Rutland County Council, Lincolnshire County Council, South Kesteven District Council, Mallard Pass Action Group

MPAG is of the view that food security should be deemed “important and relevant” to the consideration of the Proposed Development. A number of planning documents which have been referenced by all parties during this consultation provide clear guidance that BMV should be avoided for solar and other developments.

The Policy Landscape

The key policy documents which should be taken into account when considering change of land use for the purpose of energy generation from ground mounted solar are:

- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3). The draft National Policy Statement for Renewable Energy Infrastructure (EN-3) guides that Ground Mounted Solar PV projects, over 50kWp, should utilise previously developed land, brownfield land, contaminated land, industrial land or agricultural land preferably of classification 3b, 4, and 5.
- **NPPF Para 174** (July 2021 revision). Conserving and enhancing the natural environment

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- **The House of Lords Inquiry on Land Use** in England also raised a concern regarding the development of solar farms on BMV which is also relevant. The key paragraph is para 132.

NPPF Para 132. “Although there are provisions within the NPPF to dissuade the development of solar farms on Best and Most Versatile land, from the evidence received we are concerned that too many exceptions are being made. We believe that a consistent policy toward encouraging the installation of solar panels on industrial, commercial and domestic buildings is needed and would negate the need for large-scale ground mounted solar farms. Alongside that, we would like to see stricter regulations put in place to prevent the development of solar farms on BMV land. We also believe onshore wind turbines still have a crucial role to play in achieving national energy self-sufficiency”.

- **Levelling-up Bill**. At the report stage of the Levelling-up Bill, which is returning to the House of Commons, Ministers have agreed to ‘beef up’ the NPPF with stronger protection for agricultural land in the planning system. This intent is further confirmed in a letter from Felicity Buchan MP, Minister for Housing & Homelessness, to Greg Smith MP. She refers to valuable agricultural land stating the department will “be making it harder for developers to build on it and ensuring the importance of food security is recognised.”

In addition there are 2 useful observations in the following two documents:

- **Energy Security Strategy (07/04/22)** *“We will continue supporting the effective use of land by encouraging large scale projects to locate on previously developed or lower value land”;*
- **Food Strategy Report (13/06/22)** (para 1.2.2) *“it is possible to target land use change at the least productive land.”*

Overall the relevant Policy documents and other documents from the both the Houses of Commons and Lords are providing guidance and comment that would steer away from large scale ground mounted solar on productive arable land.

- Agricultural land is a major asset of the nation and a finite resource. The report prepared by the House of Lords Land Use Committee, (**Making the Most out of England’s Land, Dec 2022**) clearly identifies the many competing demands for Land Use and recognises that our landscape is changing with land required for:

Food production
 Nature & biodiversity restoration
 Carbon sequestration
 Building & infrastructure development

In addition to land for energy, access and well-being taking on greater priority.

It is crucial that the decision made for this application is done having taken full account of the short and long term implications on food production and food security and in particular the impact on BMV land. It is also suggested that whilst each scheme is to be judged on its merits, given the numbers of applications being bought forward in Lincolnshire and other counties which provide substantial food stuffs to feed the nation, the cumulative impact of these schemes must surely be considered as part of the evaluation process.

Research quoted in the **UK Food Security Report 2021 (UKFSR)** highlights the adverse impact of Climate Change on amount of BMV land in the UK. This is an important document for policymakers as outlined in our response to Q1.2.3. *“It aims to provide policymakers across the UK nations with the best possible information and analysis they need to maintain the UK’s food security, in all its many aspects.”* It is suggested that this report is an important tool in providing information which could be considered relevant in considering the impact of the significant loss of BMV land, should this scheme go ahead. This important report is not referenced by the Applicant and so it has to be assumed has not been considered.

Q7.0.6

The Applicant has submitted revised versions of the oSMP at Deadlines 3 and 4 [REP3-018 & REP4-017]. They include various additional references to take account of comments made by Natural England and other Interested Parties. The Deadline 3 (and subsequent version) of the outline Operational Environmental Management Plan (oOEMP) [REP3-012] also incorporated a requirement for the detailed OEMP to include the measures set out in the oSMP for managing soils during the operational phase.

Please specify if you have any outstanding concerns with these documents or any others in relation to soil management, including the extent to which soil quality and compaction matters are adequately addressed and whether sufficient mitigation is identified in the event that establishment of a grass sward is not appropriate or is unsuccessful. If deemed necessary, please identify recommended amendments.

To: Natural England, Rutland County Council, Lincolnshire County Council, South Kesteven District Council, Mallard Pass Action Group

Section 2.2.1 of the oOEMP states that during the operational phase operations including removal, reconstruction, refurbishment or replacements of broken or faulty equipment will be undertaken. There is no mention of this being subject to the prevailing soil conditions. Undertaking this type of operation will require the use of machinery that will damage soil structure if the conditions are not suitable. These operations should not be undertaken in the winter, or when soil conditions are too wet and soil damage will be caused. Table 3-8 of oOEMP suggest that trafficking will not be undertaken in the operational phase from

December to early April, this differs from previous statements on trafficking which prohibited trafficking from November to April. In most years these clay based soils will be damaged by trafficking in the winter (December) as they will typically be too wet. Rather than defining in advance which months of the year are suitable for soils to be trafficked, with more irregular weather patterns there should be a baseline for soil wetness and infiltration which determines whether or not it is suitable to make any repairs or replacements.

Table 3-7 in the oOEMP acknowledges the concentration of runoff from the drip lines under the PV arrays and plans to mitigate this with the seeding of a suitable grass / flower mix. Section 4.2.8 of the oLEMP suggest that the Applicant will sow Emorsgate Basic General Purpose Meadow Mixture (EM1) at 4m/m² **after** construction. Having consulted the Emorsgate Seeds website as to establishment and first year management (see below in italics) it is difficult to conceive as to how a slow growing seed mix can be adequately established **after** construction, and given the slow growing nature of this mix how it will adequately perform the functions required of it during the first year.

“Sowing

Seed is best sown in the autumn or spring but can be sown at other times of the year if there is sufficient warmth and moisture. The seed must be surface sown and can be applied by machine or broadcast by hand. To get an even distribution and avoid running out divide the seed into two or more parts and sow in overlapping sections. Do not incorporate or cover the seed but firm in with a roll, or by treading, to give good soil/seed contact.

First Year Management

Most of the sown meadow species are perennial and are slow to establish. Soon after sowing there will be a flush of annual weeds, arising from the soil seed bank. These weeds can look unsightly, but they will offer shelter to the sown seedlings, are great for bugs, and they will die before the year is out. So resist cutting the annual weeds until mid to late summer, especially if the mixture contains Yellow Rattle, or has been sown with a nurse of cornfield annuals. Then cut, remove and compost. Early August is a good time. This will reveal the young meadow, which can then be kept short by grazing or mowing through to the end of March of the following year. Dig out any residual perennial weeds such as docks.

Management Once Established

In the second and subsequent years EM1 sowings can be managed in a number of ways which, in association with soil fertility, will determine the character of the grassland. The best results are usually obtained by traditional meadow management based around a main summer hay cut in combination with autumn and possibly spring mowing or grazing.

Meadow grassland is not cut or grazed from spring through to late July/August to give the sown species an opportunity to flower.

After flowering in July or August take a ‘hay cut’: cut back with a scythe, petrol strimmer or tractor mower to c 50mm. Leave the ‘hay’ to dry and shed seed for 1-7 days then remove from site. Mow or graze the re-growth through to late autumn/winter to c 50mm and again in spring if needed.”

We also note that Emorsgate advise that meadow grassland is not cut or grazed from spring to late July / August, how will this fit with the proposed grazing regime?

Table 3-8 seeks to control sheep numbers in liaison with farmers to ensure land is not damaged by excessive sheep numbers. The Applicant has suggested at 4.2.30 of the oLEMP that they will graze the site with 0.5 livestock units per hectare (equivalent to 12.5 medium weight ewes per hectare). There seems to be a conflict of management between the advice given by Emorsgate for their EM1 seed mixture, the need to graze sheep, and the function of the sward in enhancing soil water infiltration to prevent runoff. Establishing the sward after construction will compromise the long term viability of the sward as it will be very difficult to manage as advised once the arrays are built, this will leave potentially compacted/damaged soil bare for a long period of

time which in turn will increase the risk of water runoff, loss of top soil, siltation and flooding. It is clear that if this scheme is granted a DCO then a condition must be that grassland is established 12 to 24 months ahead of any construction activities commencing so as to protect these valuable soils, and the local (downstream hydrological) environment.

As above we are concerned that construction may commence if the Applicant deem it necessary before establishment of a suitably resilient grass sward. This could potentially lead to problems with soil degradation, compaction, increased runoff etc. Please can the Applicant explain why establishing a sward will be **“inappropriate in some situations”**, what are these situations, and how/why would the Applicant consider it appropriate to commence construction on bare ground in the event of an establishment failure? We would recommend establishing a sward well in advance of any construction commencing, and given the proposed construction start date of 2028 cannot see why a suitably resilient sward cannot be established prior to this date.

Q7.0.9

In response to queries raised by the Mallard Pass Action Group at Deadline 3 as well as by the ExA during Issue Specific Hearing 2 regarding the economic and operational feasibility of sheep farming, the Applicant provided responses at Deadline 4 which appears to focus primarily on operational matters [REP4-025].

To: The Applicant, Rutland County Council, Lincolnshire County Council, South Kesteven District Council, Mallard Pass Action Group

- a) Can the Mallard Pass Action Group confirm if this response addresses any of their concerns?
- b) Can the Applicant provide any further information specifically in relation to the economic viability of a sheep farming operation envisaged?

a) MPAG acknowledges that Sheep Farming is possible under solar panels – that was never in question. As an Action Group we are wishing to understand whether the sheep grazing is intended as a commercial flock, whatever management system is chosen or if it's to manage the area under the panels using sheep to manage grass growth rather than mowers. Either is legitimate but it is still not clear which is proposed and whether the real practical issues of managing sheep across such a large area are properly considered.

It is important to know which scenario is most likely to happen so that:

- 1) the details of the management regime can be assessed properly to ensure the soil quality is maintained, biodiversity net gain is protected and compaction does not occur.
- 2) if the probability of this approach is quite low across the 420Ha solar area, then it cannot be claimed that the area will continue to remain in agricultural use.

Ultimately MPAG do not think it is practical, economically viable or even realistic for commercial sheep farming to take place across such a large site. There is no evidence for large scale solar at this level to prove or disprove the theory.

Q7.0.11

It is noted that the Applicant has offered to explore the Mallard Pass Action Group's suggestion of applying metrics for soil water content to more closely control soil management and that this could be deployed in the SMP if appropriate [REP3-031].

Can the Applicant outline how and when this will be explored?

To: The Applicant

We welcome the commitment to explore the use of remote soil moisture monitoring to ensure soils are not trafficked when too wet. We would suggest that monitoring is undertaken at a number of locations across each soil series present within the order limits, and that appropriate moisture limits for trafficking are set by an expert in soil mechanics prior to construction commencing.

8. Landscape and Visual

Q8.0.1

In respect of landscape and visual effects, Paragraph 5.10.35 of draft NPS EN-1 states that the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.

In terms of effects during operation, given that there is no enforceable time limit for the operation period of the Proposed Development, for the avoidance of doubt, should the Secretary of State consider, as a worst-case scenario, the landscape and visual effects as being permanent?

To: The Applicant

MPAG has consistently maintained that the Proposed Development has to be considered as permanent. This will mean all of the adverse impacts will be permanent, including but not limited to landscape and visual. For example, the loss of arable land would also be permanent.

Q8.0.5

Paragraph 5.10.36 of the draft NPS EN-1 states that the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation.

a) Notwithstanding the other matters as summarised on pages 68 and 69 of Appendix 3 – Policy accordance tables of the Planning Statement [APP4-020], the Design Parameters [REP2-106] and Design Guidance [REP2-018] are obviously key documents in determining the final appearance of the Proposed Development. Please explain in further detail how these have been drafted in order to seek to ensure that harm to the landscape would be minimised.

b) Are the Councils and MPAG satisfied that the Design Guidance as suitably drafted to minimise harm to the landscape?

To: The Applicant (a), Lincolnshire County Council (b), Rutland County Council (b), South Kesteven District Council (b), Mallard Pass Action Group (MPAG) (b)

a) Paragraph 5.10.36 of the draft NPS EN-1 is specifically referring to effects on landscape character, not on views, or 'appearance'. Clarification of this question would be helpful, as it appears to conflate 'landscape' and 'views'. GLVIA3 explains (see for example paras. 2.18 – 2.22) that 'landscape' must be dealt with '*as a resource in its own right*', and effects upon it assessed separately from effects on views and visual amenity. That is because change will almost always affect the character of the landscape in some way, for better or worse, even if there is nowhere from which anyone can see (or experience) the change.

If people are likely to see and / or experience changes in the landscape resulting from development, then an assessment of effects on visual (and other) amenity should be carried out separately (albeit the assessment relies heavily on the findings of the landscape studies).

Unfortunately as GLVIA3 para 2.22 points out, "*The distinction between these two aspects [landscape and visual effects] is very important but often misunderstood, even by professionals*". The Applicant's LVIA demonstrates this lack of understanding, as explained in MPAG's Written Representation Appendix 1 of the Landscape and Visual Review (REP2-075) by Carly Tinkler CMLI - see for example para 5.1.45 – 52.

Furthermore, Ms Tinkler has advised MPAG that in a consultation response to PINS, she drew attention to the error appearing in the March 2023 draft of EN-3 para 3.10.22, which states: ‘Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands’. Clearly, given that judgments about effects on character do not factor in visibility, it is not possible to mitigate adverse effects on character by screening views. In fact, it is not possible to avoid adverse effects on character at all where they result from, for example, the replacement of a green field with built form. However, as stated in GLVIA paras 4.25 and 4.26, it is possible to reduce levels of adverse effects on character through mitigation in the form of ‘careful planning, siting and design’.

Broadly speaking, through mitigation, it is much easier to reduce levels of adverse effects on appearance than effects on character. This can be through measures which result in the development being either camouflaged or exceptionally well visually-integrated, and / or through full or partial screening. However, GLVIA para. 4.26 explains that whilst *“sympathetic treatment of external areas can, in some circumstances, help the [visual] integration of a new development into the surrounding landscape... measures that are simply added on to a scheme as ‘cosmetic’ landscape works, such as screen planting designed to reduce the negative effects of an otherwise fixed scheme design, are the least desirable.”*

Furthermore, GLVIA3 para 4.29 notes that *“Mitigation measures can sometimes themselves have adverse effects on landscape or on visual amenity”* as is the case here. For example, as set out in MPAG’s Landscape and Visual Review, the proposed planting may screen views of the development from certain viewpoints; as such, the LVIA therefore assumed that levels of visual effects would be reduced accordingly. **However, the LVIA failed to acknowledge that this would in fact result in the total loss of an existing open rural view, and – based on the LVIA’s criteria – this would actually result in high levels of adverse visual effects.**

It must be noted that the Applicant has already directed landowners to **not** cut their hedgerows back. Since spring/summer of this year the residents are already experiencing some loss of their rural view and the landscape. This is not a one-off coincidence and has been done across the site for the very purpose of trying to set a different baseline for the level of screening already in place. MPAG ask that the ExA bears this in mind as it has clearly affected the perceived baseline for the landscape and visual assessment during the recent site inspection. There are also temporary measures put in place to achieve the same objective by the Applicant e.g the sunflower planting just 10m deep along the back wall of Manor Farm Lane.

Also of relevance Ms Tinkler pointed out a further error in the March 2023 draft of EN-1 para. 5.10.5, which states: *“Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character **impacts** arising from mitigation”*. Ms Tinkler explained that landscape (and / or visual) mitigation measures cannot be double-counted as landscape (and / or visual) enhancements / scheme benefits (see GLVIA3 para. 3.39). They may, however, be counted as benefits in relation to other topics, such as ecology. (Note: the terms ‘impact’ and ‘effect’ aren’t interchangeable: the ‘impact’ is the car crash; the ‘effects’ are what happens as a result of the impact, which depend on a whole range of factors. Effects would be the correct term in this context’).

b) MPAG are not satisfied that the Design Guidance is suitably drafted to minimise harm to the landscape, since, as set out above, **it is not possible to avoid, or reduce levels of, adverse effects on character where they result from the replacement of a green field with built form.**

GLVIA3 para. 5.37 explains that landscape effects assessments should consider:

- i) *“the degree to which the proposal fits with existing character”*. MPAG’s opinion, and that of their professional advisors, is that it does not, especially because within the contextual landscapes, there is no existing reference to the type or scale of development proposed; and
- ii) *“the contribution to the landscape that the development may make in its own right, usually by virtue of good design, even if it is in contrast to existing character”*. MPAG’s opinion is that no amount of good design can reduce the landscape effect arising from the change from rural farmland to intensive and extensive industrialization.

Indeed, the Applicant's LVIA concluded that **the proposed development would give rise to significant adverse effects on the landscape character of the site, and on the landscapes within 500m of the main site boundary**. The parties simply disagree about levels of adverse landscape effects *beyond* 500m from the site boundary. The LVIA concludes that *at* 500m from the site boundary, levels of effects on character would reduce from Major to Slight. Ms Tinkler's assessment concluded that *from* the 500m point, levels of effects on landscape character would decrease gradually with distance, ie from Major, to Major - Moderate, to Moderate, to Slight, to Minimal / No Change.

10. Socio-economic Effects

Q10.0.3

In response to a question raised by the Examining Authority at Issue Specific Hearing 2, Appendix C of the Applicant's summary of oral submissions [REP4-041] provides updated noise modelling to illustrate predicted noise levels during the operational phase identifying the proposed permissive paths as well as Public Rights of Way (PRoW). It is stated that *"In some instances, short portions of some PRoWs or permissive paths are located in closer proximity to potential inverter locations (Solar Stations) or the Onsite Substation. However, even in these instances, predicted worst-case noise levels will not exceed 50 dB LAeq, which is below the 55 dB threshold of significance derived (on a precautionary basis) in Appendix 10.2 [APP-078] of the ES"*.

a) Can the Applicant confirm if there is any scope to reduce noise effects on PRoW and the permissive paths at the detailed design stage or by revising the 50m offset of solar stations from PRoW as set in the Design and Access Statement [REP2-018]?

B0 Do the local authorities or Mallard Pass Action Group have any comments on the new information provided in Appendix C?

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

There are 4 illustrative layouts for the inverter and transformer stations (APP-008/009/010/011). They are different and could change again as the Applicant has not finalised the specifications of either the solar arrays or the inverter and transformer options. Therefore how can one noise prediction model be assured to cover worst case scenario?

Equally whilst MPAG has no technical knowledge of noise modeling, the illustration does not seem to take account of any prevailing wind otherwise the distribution of the noise bands would not be equally distributed. The Applicant has not defined its interpretation of "short portions" of PRoW. The 50DdB level while not high in the normal course, has to be seen in the context of what would otherwise be a quiet, countryside environment. Perhaps the Applicant could overlay the permissive paths onto a noise model map to make it a bit easier to assess. On the face of it, it would seem there has been no attempt to consider the noise implications on PRoWs studying the illustrative layouts, the priority for the Applicant has been to minimise cost and simplify construction as far as possible. Otherwise the layouts would show inverter and transformer stations in different locations further away from PRoWs e.g BRaW/1/1.

What is also being missed is the cumulative impact of the varying issues on high sensitivity residential receptors. Those living close to the site will be living with adverse visual impacts, glint and glare risks, noise both during construction, operation and de-commissioning and in some case CA. The black dots on the map in Appendix C show just how many sensitive receptors there are. It is the cumulative impact of all these issues that will impact mental health and well-being, and this is not being adequately addressed or taken seriously by The Applicant. There is, in effect 'no escape' if you appear as a dot on the map in Appendix C!

Q10.0.6

Appendix B to the Applicant's summary of oral submission at Issue Specific Hearing 2 [REP4-041] provides a copy of the British Horse Society's advice note for solar farm near routes used by equestrians. This includes

guidance to avoid the creation of narrow corridors with fencing. A minimum width of 4m is specified (preferably 5m) irrespective of the width of the right of the way with vegetation cut through the full width. The Applicant states that the Proposed development far exceeds this guidance with an offset of 15m set in the Design and Access Statement [REP2-018]. Fencing type and the provision of permissive paths are also considered to align with the guidance by the Applicant [REP3-022].

Can the local authorities and Mallard Pass Action Group please comment on the extent to which they consider that the guidance has been adhered to?

To: Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

It would appear that the guidance has been adhered to. BHS does however make some fairly broad assumptions both about panel infrastructure specifications and their characteristics e.g. "Small developments may track the sun to optimise solar gain but this is not cost-effective in large commercial developments so, in England or Wales, panels will normally be fixed facing south and tilted at approximately 45 degrees." and "the panels do not make any noise or **movement**..." BHS's typical experience to date will have been based on small scale utility solar giving an example of a 40 acre site.

BHS do helpfully state "*Closures without alternative routes should be avoided and, if necessary, construction traffic managed to reduce the length of closures, rather than an automatic blanket closure throughout the period of construction.*" The Applicant has given no indication whatsoever of the length of closures particularly where construction access tracks cut across the PRoW. Aside from the closures this forces horse riders on to the road which will be subject to all that issues that come with the construction of a major development.

They also state "*When responding to a planning application for a solar farm, always consider the cable routing and its impact on bridleways and byways, it is often missed and the damage to surfaces can be very disadvantageous to equestrians, especially where not reinstated or where replaced by a sealed surface.*" Again there appears to be little clarity with respect to cable routings across the site.

Q10.0.7

A revised version of the Outline Employment, Skills and Supply Chain Plan was submitted by the Applicant at Deadline 2 [REP2-023]. It includes provisions for monitoring and the role of the local planning authorities.

a) Can the local planning authorities please comment specifically on the new monitoring provisions proposed for modern slavery and human trafficking as set out at Paragraph 4.1.3?

b) Do the local planning authorities have any other general comments on this document?

To: Rutland County Council, South Kesteven District Council

In the revised version of the Outline Employment, Skills and Supply Chain Plan para 4.1.3 the Applicant stated that it will require any supplier to upload its modern slavery and human trafficking statement annually to the Home Office Register which is maintained by the government and will mean that such statements are subject to monitoring by the relevant planning authorities.

The update does not answer the concerns of MPAG. Statements alone are not enough unless they can be verified by independent audits. There is little point in Local Authorities and others trying to monitor a statement.

The Modern Slavery Act 2015 states that businesses should ensure that slavery and human trafficking is not taking place in any of its supply chains, and in any part of its own business.

The Government's Statutory guidance document "Transparency in Supply Chains: A practical guide" updated 13 December 2021 States in Annex B - Section 54, paragraph 4 that "*a slavery and human trafficking statement for a financial year is a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place in any of its supply chains and in any part of its business or a statement that the organisation has taken no such steps.*"

Canadian Solar has policies on human rights applying to both suppliers and to the Company. However, in spite of many promises including those to the MP for Rutland and Melton Mowbray, the Company has yet to carry out a full, transparent and verifiable audit of its operations. All of the audits carried out to monitor the application of the policies are carried out by internal staff.

The latest follow-up report released by Helena Kennedy Centre for International Justice at Sheffield Hallam University August 2023 conclude the following on Canadian Solar:

“There are no disclosures by Canadian Solar about specific suppliers of any inputs in 2023 and only extremely limited information about previous years’ suppliers. As a result, the XUAR (Xinjiang Uyghur Autonomous Region) risk for all modules produced by Canadian Solar, including those for the US market, is high.” The report explains in details its findings. If Canadian Solar is not willing to be transparent with its supply chain sourcing globally, how can a modern slavery and human trafficking statement by the Applicant be assured to carry any credence?

11. Transportation & Traffic

Q11.0.1

Paragraph 1.1.4 of the of the outline Construction Traffic Management Plan (oCTMP) [REP4-016] states *“This oCTMP covers the principal construction activities envisaged at the time of preparing the Environmental Statement (ES) [EN010127/APP/7.11]. This oCTMP is intended to be a live document, such that modifications and necessary interventions can be made following further information and advice from consultees.”*

Given the recognised scope for change to the oCTMP, should this paragraph be revised to confirm that any subsequent amendments would still be sufficient to mitigate effects identified in the Environmental Statement?

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

Agreed.

Q11.0.2

The Applicant updated Paragraph 3.8.3 of the oCTMP at Deadline 4 [REP4-016] to restrict HGVs from passing through Great Casterton at any time prior to 9:00 and any time after 15:00 with the intent of ensuring that there are no HGVs passing schools within Great Casterton during the drop off and pick up periods.

Do Rutland County Council or the Mallard Pass Action Group have any comments to make on this amendment?

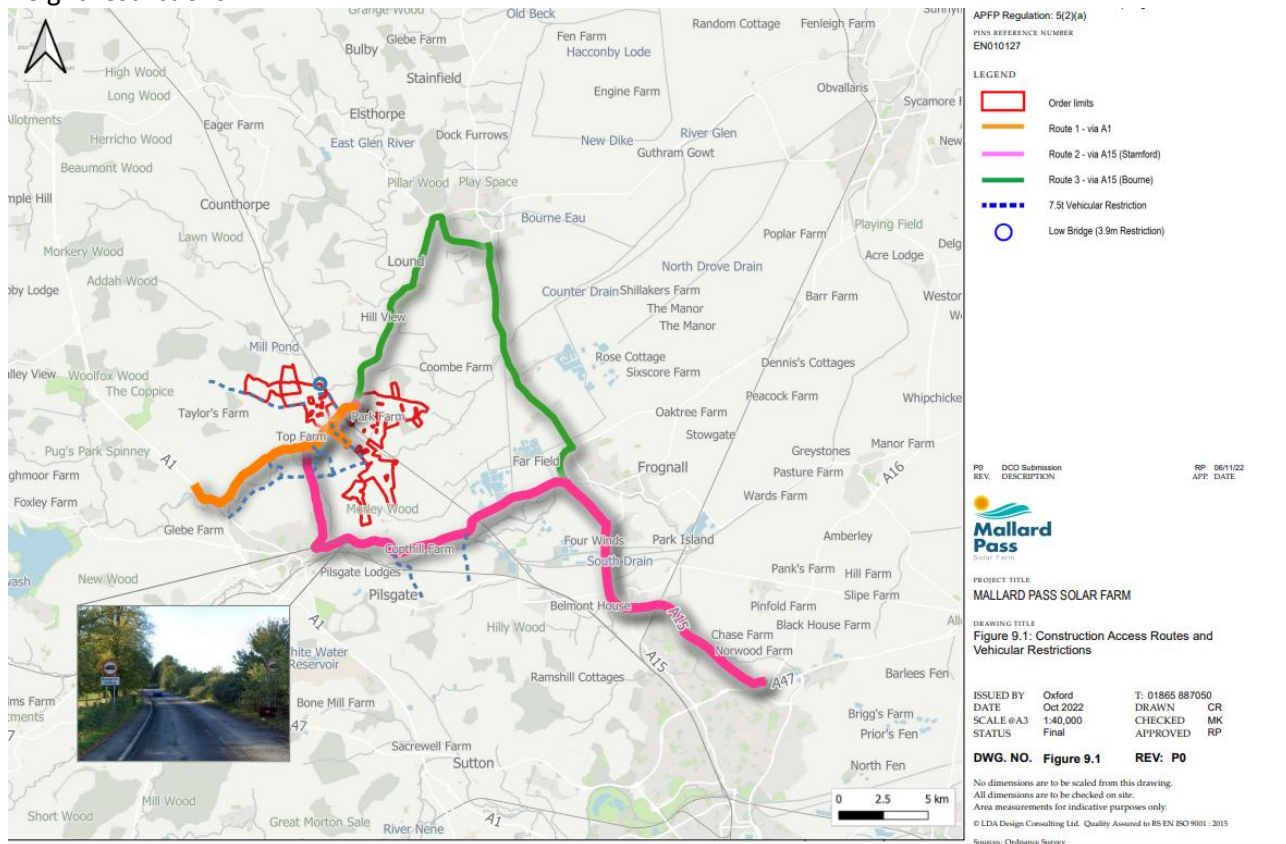
To: Rutland County Council, Mallard Pass Action Group.

MPAG are agreed to the updated paragraph *“to restrict HGVs from passing through Great Casterton at any time prior to 9:00 and any time after 15:00 with the intent of ensuring that there are no HGVs passing schools within Great Casterton during the drop off and pick up periods.”* This should be the minimum requirement.

However MPAG would like to raise the point that no HGVs are supposed to return via route 1 and are supposed to take route 3. Para 3.2.3 of the oCTMP (REP4-016) states *“As discussed, and agreed with key stakeholders, and to reduce the impact of two-way HGVs on Ryhall Road, it is proposed for HGVs to be required (unless it is not possible) to access the Order Limits via Route 1, enter the primary compound, before departing via Route 3.”*

MPAG are extremely concerned that the Applicant has not reviewed the practicality of Route 3. If the start of Route 1 is where an HGVs comes off the A1 at Great Casterton, then the finish of Route 3 also needs to be there. This is definitely the case if the traffic has come from the North. The Construction Access Routes and Restrictions map below (APP-192) does not show this. It just shows Route 3 finishing on A15 at Market Deeping where it meets Route 2 (which is not allowed to be used due to restrictions in Stamford). Therefore the onward journey for HGVs on Route 3 after Market Deeping is to carry on until they reach the A47 nearer Peterborough which they

can then take west back to the A1 at Wansford and up the A1 towards Great Casterton area. The round trip for Route 3 is in excess of 40 miles. Route 1 is only c5 miles to the substation. This is not a practical solution and therefore it is inevitable HGVs will either return via Route 1 or take the cross country narrow roads which have no weight restrictions.



Q11.0.3

In response to discussions held at Issue Specific Hearing 2 regarding the risk of demand for construction staff parking at the primary construction compound exceeding supply and associated potential impacts on ecologically sensitive grass verges in the vicinity [REP4-041], the Applicant has included the following text at Paragraph 2.4.3 *“Car parking will not be permitted outside of the primary compound on verges adjacent to the local highway network. All vehicles will be required to park within the extent of the Order Limits.”*

- Can the Applicant confirm where vehicles will be able to park in the event that the car park at the primary construction compound is full?
- Should the areas prohibited for parking be clearly identified on a plan?
- Do the local authorities and Mallard Pass Action Group have any comments to make on the Applicant’s response and amendments to the oCTMP on this issue?

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Mallard Pass Action Group.

Can the Applicant confirm the arrangements for staff over the lunch hour. It is entirely possible they leave the primary compound and park in the surrounding area and villages for some peace and quiet potentially causing damage to verges whether down Uffington Lane or elsewhere. Prior experience of the construction of the Ryhall substation suggest very tight controls would need to be put in place.

Looking on-site several times at field 19, it does not seem possible to fit car parking for 150 vehicles alongside all the temporary buildings, whilst leaving room for the substation and the area needed around the footprint to do the actual build.

Q11.0.9

The Applicant's response to the Examining Authority's First Written Question Q 11.0.4 states that *"The effects of replacing any photovoltaic panels during the operational phase have not been assessed as it is estimated that this would only take place on an ad-hoc basis and is unlikely to generate any significant effects, given it will be less than what is required during construction / decommissioning. Whilst it is difficult to estimate the number of vehicles that could be required for such maintenance, it is estimated that this could be in the region of one vehicle a week/month, rather than per day, which is significantly less intensive than during construction."*

a) In the context of the definition of "maintain" in the draft Development Consent Order (dDCO) [REP4-026] and the thresholds specified in paragraphs 9.3.1 to 9.3.4 of ES Chapter 9 [APP-039], can the Applicant provide further justification for the conclusion that the replacement of PV panels is unlikely to generate any significant effects?

b) In the event of any major maintenance works such as the large scale replacement of PV panels, could the removal and delivery of new PV panels give rise to additional vehicles movements that would not occur during either the construction or decommissioning phase (when the emphasis may only be on the delivery or removal of panels in the construction and decommissioning phases respectively)?

To: The Applicant, Lincolnshire County Council, Rutland County Council, South Kesteven District Council.

The Applicant has not taken into account that all solar panels will require replacement at the end of their economically viable life. This will occur some 25 to 30 years after the commencement of operation, broadly speaking at the same time. As existing panels and some supporting structures would have to be removed and replaced, the impacts of this replacement activity will be considerable.

12. Water Environment

Q12.0.3

The outline Surface Water Drainage Strategy (oSWDS) [APP-087] states that the *"localised flat topography within parcels of the Proposed Development is generally flat meaning rainfall will not drain quickly down slope..."*. In relation to the PV array area, 2D modelling is provided for an area to the east of the Order limits only, to demonstrate the impact of surface water run-off through the proposed planted buffer zones. It is understood that this area is considered by the Applicant to be representative of the existing agricultural land use and so provides a demonstration of how the PV arrays will influence water flows across the Proposed Development. However, the ExA has noted that the topography is generally undulating across the Order limits with slopes of varying degrees present. Furthermore, the oSWDS states that *"intensification of the runoff from panels, along the 'drip line', into small channels / rivulets, could be exacerbated where PV Arrays are not positioned in alignment with topography."*

a) Can the Applicant confirm if the modelling takes account of a worst-case scenario in which channelling may occur and/or when the ground beneath the panels is bare? What effect could this have on watercourses and surrounds within and beyond the Order limits, including in Greatford?

b) Could such a scenario arise in the event that the proposed grass mix proposed underneath the panels is not laid in sufficient time ahead of heavy rain fall or is damaged by grazing sheep? If so, what measures should be taken to address it?

c) Can the Applicant comment on how the final positioning and alignment of the PV arrays take account of topography to avoid exacerbating run-off?

d) Is additional modelling required to take account of topography and infiltration across and adjacent to the Order limits?

To: The Applicant, Rutland County Council, Lincolnshire County Council, South Kesteven District Council, Mallard Pass Action Group, Greatford Parish Council, Black Sluice Internal Drainage Board.

a) MPAG would be very interested to see worst case scenario modeling where soil is left bare beneath the panels, this would most likely cause more rapid run-off, loss of top soil and siltation of the West Glen and Greatford Cut

(flood relief channel) leading to worsening flood risk to the areas already exposed to flood risk i.e. Greatford, Banthorpe, Essendine.

b) As stated in Q7.0.6 this development should not proceed without establishing well in advance of construction a suitable grass sward so as to enhance soil resilience to trafficking, reduce the risk of compaction (with suitable soil moisture controls) and maintain / improve soil water infiltration rates which will help keep water in the soil profile and reduce run off.

c) PV arrays are usually positioned to face south in order to maximise sun radiation receipts, in some parts of the order limits where slopes run east / west this could lead to water draining from panels at the lowest point (i.e. the bottom corner) which would concentrate the run-off from the panel onto a very small area of soil, which would in turn increase the risk of soil erosion from these points. This needs to be addressed with appropriate vegetation establishment prior to construction so as to avoid run-off issues.

d) In the light of the above point MPAG request that additional modelling is undertaken detailing very clear baseline assumptions.

Q12.0.9

The Applicant's response to the Mallard Pass Action Group's concerns regarding nutrient discharge into ground and surface water as set out in its summary of oral submissions at Issue Specific Hearing 2 [REP4-041] states that "Other measures established to manage potential surface water run-off during construction, such as swales, may also be retained during the operational phase to manage run-off from the Order limits to a greater degree than the current baseline conditions.". The outline Soil Management Plan (oSMP) has been updated at Deadline 4 to include details on swales and scrapes. Paragraph 9.7 states that "There may be a need for localised and small scrapes/swales to collect water run-off" [REP4-017].

a) How and when will it be determined where swales and scrapes are located and whether they should be retained during the operational phase? Is the potential retention of swales considered as a pre-cautionary measure to provide mitigation in the event that the provision of grass swards and planting is not effective in addressing run-off?

b) Have swales and scrapes been considered in the modelling provided in the oSWDS?

To: The Applicant

MPAG & Greatford Parish Council welcome the inclusion of swales and scrapes into the oSMP, however it seems that the deployment of these features is somewhat random and no modelling has been undertaken as to where they may need to be deployed. Intercepting water run-off is critical to preventing downstream flooding, but the inclusion of swales and scrapes should not be used as an alternative to establishing a good quality grass sward which will be much better at preventing run-off rather than trying to attenuate run-off after it has occurred.

13. Other matters/Issues

Q13.0.1

The Applicant has confirmed its commitment [APP4-042] to setting up a community liaison group with further engaged proposed to take this forward.

a) Please provide an update on the proposals for the formation of a community liaison group including with regard to its remit and outline terms of reference, along with details of any relevant groups and organisations that should be part of it.

b) Should (with explanation of your position) the approval of the final details and terms of reference of a community liaison group, along with its implementation, be the subject to a Requirement within the draft DCO [REP4-027] rather than within the outline CEMP [REP4-007]?

To: The Applicant; Rutland County Council; South Kesteven District Council; Mallard Pass Action Group.

The Applicant has liaised with MPAG who suggested it would only be appropriate to form the Community Liaison Group once the Development Consent Order had been granted by the SoS. To form the group and start meetings

prior to consent would not be fully supported by all the stakeholders and be a huge drain on resources which are currently focused on the Examination. The structure and management of the group needs some careful thought to ensure it is workable, accountable and effective.

We would suggest that the Community Liaison group has to have support of all parties before it is signed off and included in any suite of documents. The group must have a tight ToR. It must have an independent Chairman and preferably someone who is known to & respected by the local community and is not an elected representative sitting on any of the local authorities etc. Whether it should form part of the DCO I am not sure – maybe it should be included as a requirement with a brief outline of its purpose, the Chairman should be involved in agreeing its ToR.

Q13.1.2

The core construction hours set out in paragraph 2.7.1 of the oCEMP [REP4-007] include hours of 07:00 to 19:00 Monday to Saturday.

a) Is it likely that residents living near to the site might be expected to benefit from more of a respite from construction works on Saturday mornings/early evenings?

b) Notwithstanding the specific detail of construction working hours provided in section 2.7 of the oCEMP, would a later core working start time and earlier finish time on Saturday's (for example 08:00 to 17:00) be appropriate? Please provide justification for your answer.

To: The Applicant; Rutland County Council; South Kesteven District Council; Mallard Pass Action Group.

a) Yes. Any change to the weekend working hours would help reduce the impacts on residents. Respite is a good way to describe it.

b) a later working time would definitely be more agreeable especially to more sensitive residential receptors and those living in and around the area. Currently the traffic on a Saturday is noticeably less and later than on weekdays. The traffic surveys no doubt would concur with that. However with between 150-400 workers needing to come on site there will be a very noticeable change to the traffic levels in the early and late hours. Residents have a right to have some rest and respite from a 2 year construction programme from all the noise and disruption. It is a well known fact that a good night's sleep is inextricably linked with supporting both mental and physical health benefits. Disappointingly any reduction in working hours would not sufficiently offset the negative impact on recreational amenity given those kinds of activity will be more likely to take place outside those early and later time slots.

Appendix 1

Appendix 1

The essential role of a Battery Energy Storage System (BESS) in large solar farms

The Applicant has made it clear that the Proposed Development will not have a BESS.

It is the view of MPAG that without a co-located BESS the value of the Proposed Development would be significantly reduced. The need for a co-located BESS is supported by Government policy, technical experts and the developers of other large solar farms all of which will have a BESS.

The lack of a BESS, and the subsequent implications, must have a major impact on the planning balance for the Proposed Development.

The inclusion of a BESS is important as

- Trading is the backbone of renewable generation asset investment cases. Storage reduces energy market risk as output can be directed from lower-price to higher-price periods. This helps reduce curtailment of otherwise useful low-carbon generation, and provides additional revenues to the asset. (Statement of Need for Sunnica Solar Farm - Table 10.1)
- Inverters installed on solar sites are able to provide synthetic inertia, storage devices are also capable of this provision. Both will be important as the traditional sources of inertia (large fossil fuelled assets) close prior to 2025. (Statement of Need for Sunnica Solar Farm - Table 10.1)
- There are substantial benefits to the co-location of solar and storage generation facilities which will result in an improved contribution to low carbon UK electricity supplies when compared to a scheme coming forward independent of the storage. (Statement of Need Cottam para 11.5.18)
- Co-location is especially beneficial for NGENO where connections are to the transmission, rather than to the distribution network, because the combined asset is required to meet certain energy market operational planning, notification and service obligations. (Statement of Need Sunnica para 10.4.13)
- Solar can provide important downward constraint management services, and solar plus storage can provide services in both directions. (Statement of Need Sunnica Solar Farm - Table 10.1)
- Without a BESS supply to the Grid from the Proposed Development will be entirely governed by the weather. The Proposed Development will be less able to help in balancing the Grid.
- When Grid operators have to curtail power generation, power is lost without a BESS co-located on the same site to store the curtailed power. As more solar plants come into service and as maximum solar power production takes place during the summer when demand is low, curtailment is likely to occur more frequently.
- The land take will be larger as more panels (over-planting) will be required to supply the Grid when light levels are low and, normally, when demand for power is high. This demand would normally be met by power already saved in a BESS, thus negating the need for the overplanting of solar panels for this purpose, and avoiding the need for excessive land take.
- The excess number of panels would produce power during periods of high light levels exceeding inverter capacity thereby causing "clipping." Without a co-located BESS the clipped power is lost thereby wasting power and the land taken up by the panels producing that power.

- Including a BESS in a solar project is expensive. Given the safety concerns of lithium-ion batteries, it is also very controversial with developers having to justify the importance of a BESS against local opposition. It follows therefore that if developers did not consider a BESS as being essential, they would not be included in all other similar developments to that of the Proposed Development.
- The Ryhall sub-station has been put forward by the Applicant as a key determinant for the location of the Proposed Development. However, it has a fundamental weakness in that it has no import connection to the Grid. Thus it is not able to support a BESS, impacting seriously on the viability of the Proposed Development as a fully functional supplier to the National Grid.
- MPAG has not been able to find another solar farm using an overplanting strategy only instead of a having a BESS.

The following are extracts from the Statement of Need for Longfield, Cleve Hill, Sunnica and Cottam, all of which supported the need for a BESS, and all of which were written by the same advisor to the Applicant, **Mr Gillett**. There seems an inconsistency between the Statement of Need for this Development and all the the other solar farms outlined below.

Longfield Statement of Need

- *Para 12.5.13. Whilst the electricity storage element of the Scheme is not an NSIP in itself the Applicant considers it is associated development, as is explained in the Planning Statement [EN010118/APP/7.2]. There is a clear, direct relationship between the solar generation station and the electricity storage which means that there are substantial benefits to their colocation which will result in an improved contribution to low carbon UK electricity supplies when compared to either coming forward independent of the other. Co-location of energy storage within solar generation schemes is not essential for either asset to make a significant contribution to the future operation of the NETS, however Table 12-1 demonstrates that the colocation of those assets enables additional operational capabilities to be accessed for system benefit, supporting the view of the Applicant that electricity storage is associated development as per the Guidance on associated development applications for major infrastructure projects. Co-location is especially beneficial for NGENSO where connections are to the transmission, rather than to the distribution network, because the combined asset is required to meet certain planning, notification and service obligations.*
- *Para 12.2.24 The need to convert the pipeline of potential projects into commissioned assets reinforces the case for the colocation of energy storage as part of the Scheme*
- *Para 12.5.29 The proposal to include BESS as part of the Scheme is therefore in accordance with emerging government policy on the need for integration measures on the electricity system to support the transition to a fully low- carbon grid. The grant of a consent for BESS as part of Longfield Solar Farm, would therefore allow the project to fulfil its ambitions in providing full support to UK action plans to deliver decarbonisation.*
- *Para 13.1.3.3 The Scheme provides an efficient opportunity to integrate BESS with large-scale solar generation. BESS are an essential technology for high-RES electricity systems, such as that which the NETS is anticipated to become during the critical 2020s, as the power generation sector seeks to achieve rapid decarbonisation in support of wider decarbonisation on the path to Net Zero. BESS play essential roles in the provision of those services necessary to keep power flowing to all consumers, as well as integration measures which help balance supply and demand, thereby reducing the need for carbon-intensive back-up generation .*

Cleve Hill Statement of Need

- Para 5.73 *The ancillary services available from an energy storage asset connected to the NETS of circa 300 - 400 MW, would likely be significantly beneficial to NGrid for managing energy balance and system security. Co-locating an energy storage asset with a large solar generation asset at the Cleve Hill substation would also provide a uniquely beneficial asset which will support the ongoing operation of this busy area of the NETS.*
- Para 7.1 Point 3. *Solar, when coupled with electricity storage, can offer many important ancillary services to the System Operator, supporting the integration of its renewable profile into the GB energy system.*
- Para 7.2 5. *Integration measures have been designed into project proposals. A large solar farm, such as that planned at Cleve Hill, is capable of capturing massive amounts of zero-input cost, low-carbon energy from the sun. With an array of batteries installed as part of the same generation asset, this energy can be stored and dispatched to the grid whenever and however it will be needed most by consumers. The batteries will also be capable of providing important locational and system-wide system services, made more useful because they will be backed by a non-grid source of electricity.*

Sunnica Statement of Need

- Para 10.4.13. *Whilst the electricity storage element of the Scheme is not an NSIP in itself the Applicant considers it is associated development. There is a clear, direct relationship between the solar generation station and the electricity storage which means that there are substantial benefits to their colocation which will result in an improved contribution to low carbon UK electricity supplies when compared to either coming forward independent of the other. Colocation of energy storage within solar generation schemes is not essential for either asset to make a significant contribution to the future operation of the NETS, however Table 10-1 demonstrates that the colocation of those assets enables additional operational capabilities to be accessed for system benefit, supporting the view of the Applicant that electricity storage is associated development as per the Guidance on associated development applications for major infrastructure projects. Colocation is especially beneficial for NGENSO where connections are to the transmission, rather than to the distribution network, because the combined asset is required to meet certain planning, notification and service obligations (see Section 7.5).*
- Para 10.4.28. *Batteries will become well suited to displace other technologies (such as reciprocating gas engines, which are currently performing the role of meeting peak demand but for which no carbon capture solution has yet been identified) from the generation stack. In this regard the forward views of installed capacity included in Section 10.1 above are unconstrained, subject to industry achieving the cost improvements aspired to in Figure 10-1. Additionally, it is anticipated that further ambition in the development of renewable generation assets, such as is set out in the 2020 Energy White Paper [21], would increase the important role of electricity storage within the GB electricity system.*
- Para 10.4.29 *The proposal to include BESS as part of the Scheme is therefore in accordance with emerging government policy on the need for integration measures on the electricity system to support the transition to a fully low-carbon grid. The grant of a consent for BESS at Sunnica, would therefore allow the project to fulfil its ambitions in providing full support to UK action plans to deliver decarbonisation.*
- Para 11.1.2.3. *The Scheme provides an efficient opportunity to integrate BESS with large-scale solar generation. BESS are an essential technology for high-RES electricity systems, such as that which the NETS is anticipated to become during the critical 2020s, as the power generation sector seeks to achieve rapid decarbonisation in support of wider decarbonisation on the path to Net-Zero. BESS play essential roles in the provision of those services necessary to keep power flowing to all consumers, as well as*

integration measures which help balance supply and demand, thereby reducing the need for carbon-intensive back-up generation.

Cottam Statement of Need

- *Para 11.5.16. There is a clear, direct relationship between the solar generation station and the electricity storage in that the electricity storage element of The Scheme helps address the impacts of the solar generation element by increasing the benefit derived from the scheme by storing electrical energy when it is not needed and releasing it when it is needed.*
- *Para 11.5.17. The British Energy Security Strategy [50] recognises the benefits of collocation as a way of maximising the efficiency of land use . Collocation also increases utilisation of The Scheme’s grid connection capacity.*
- *Para 11.5.18. There are substantial benefits to the collocation of solar and storage generation facilities at this location which will result in an improved contribution to low carbon UK electricity supplies when compared to The Scheme coming forward independent of the storage.*
- *Para 11.5.19. Table 11.1 lists the operational services which can be delivered by the proposed collocated scheme. The table supports the Applicant’s view of the benefits of collocation. Collocation is especially beneficial for NGESO where connections are to the transmission, rather than to the distribution network, because the combined asset is required to meet certain energy market operational planning, notification and service obligations (see Section 8.5).*
- *Para 11.5.39 The proposal to include BESS as part of The Scheme is therefore in accordance with emerging government policy on the need for integration measures on the electricity system to support the transition to a fully low-carbon grid. The grant of a consent for BESS as part of The Scheme, would therefore allow the project to fulfil its ambitions in providing full support to UK action plans to deliver decarbonisation.*
- *Para 12.1.4 The Scheme provides an efficient opportunity to integrate energy storage with large -scale solar generation. Energy storage is an essential technology for highRES electricity systems, such as that which the NETS is anticipated to become during the critical 2020s, as the power generation sector seeks to achieve rapid decarbonisation in support of wider decarbonisation on the path to Net Zero.*

Appendix 2

17th June 2022

[REDACTED]

[REDACTED]

Mallard Pass Solar Farm

Statutory Consultation

Section 42 of the Planning Act 2008 (“the 2008 Act”), Regulation 3 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and Regulations 11 and 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the 2017 Regulations”)

Mallard Pass Solar Farm Ltd (“the Applicant”) intends to install a new solar farm near Essendine, partly situated in South Kesteven, Lincolnshire, and partly in Rutland. The project is proposed to generate in the region of 350 megawatts (MW) of renewable energy, using ground-mounted solar arrays to provide reliable, low-cost electricity to the national grid. Mallard Pass Solar Farm could generate enough renewable electricity [REDACTED] equivalent of 92,000 average UK households each year, helping our [REDACTED] meet climate change targets, while supporting the local environment by delivering a biodiversity net gain.

The Applicant intends to make an application to the Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS) for a Development Consent Order (“DCO”) for the Mallard Pass Solar Farm project (“Mallard Pass”). The [REDACTED] is applying for a DCO because Mallard Pass is proposed to have an anticipated [REDACTED] of over 50 MW. Due to this, Mallard Pass is classified as a Nationally Significant Infrastructure Project (NSIP) and must therefore submit a DCO application to the Planning Inspectorate. This application will then be determined by the Secretary of State for the Department for BEIS.



Write to us at:

FREEPOST MALLARD
PASS SOLAR FARM



Email us at:

info@MallardPassSolar.co.uk



Call our Freephone information line:

0808 196 8717



Visit our website at:

www.MallardPassSolar.co.uk

The DCO application will contain full details of Mallard Pass and will be accompanied by an Environmental Statement in accordance with the 2008 Act and the 2017 Regulations.

Consultation on Mallard Pass

Mallard Pass is currently in the pre-application phase of the DCO application process. As part of that process, the Applicant is required to carry out consultation on the proposed DCO application before it is submitted. Your feedback as part of this consultation will be considered before the Applicant finalises its DCO application and will also be reported to the Secretary of State when the application is submitted. Any representations you have already made will also be reported.

This consultation includes:

- Consultation with prescribed bodies, host and neighbouring authorities (under section 42 and section 43 of the 2008 Act);
- Consultation with any persons with an interest in the land affected by Mallard Pass (under section 44 of the 2008 Act); and
- Consultation with the local community in the vicinity of Mallard Pass (under section 47 of the 2008 Act).

This letter is being sent to all parties required to be consulted under section 44 of the 2008 Planning Act. Accordingly, you are being consulted on the proposed scheme because you have one or more of the following categories of interests in land that is the subject of the proposed scheme (as set out in section 44 of the Planning Act 2008):

- you are an owner, lessee, tenant or occupier of land which is in our proposed application boundary ('Category 1');
- you have another type of interest in, or have the power to sell, convey, or release some of the land which is in our proposed application boundary ('Category 2'); or
- your property or land may, in due course, be affected by the carrying out of, or the use of the proposed scheme, such that you may be entitled to bring a claim for compensation in the future ('Category 3').

[REDACTED] you as we believe that you may have an interest in land that falls [REDACTED] 1 or 2; and we therefore wish to obtain your feedback on our proposals.

This consultation will run from **Thursday 26 May 2022** to **Thursday 04 August 2022**.



Details of how this consultation is being carried out can be found in the Statement of Community Consultation agreed with your local planning authority, available at www.MallardPassSolar.co.uk/documents.

In addition, section 48 of the 2008 Act and Regulation 13 of the 2017 Regulations require the Applicant to publicise its proposed DCO application. A formal notice publicising the proposed application is therefore enclosed with this letter which includes a summary of the key elements of the Mallard Pass proposals.

Consultation materials

As Mallard Pass is an Environmental Impact Assessment ("EIA") development, the Applicant has prepared a Preliminary Environmental Information Report ("PEIR"). This has been informed by the Scoping Opinion issued by the Planning Inspectorate and reports the results of the EIA process that has been carried out to date. The PEIR forms the basis of this consultation and also includes a non-technical summary. The purpose of the PEIR is to enable consultees to understand the likely environmental effects of Mallard Pass and to help inform consultation responses. It should be noted that the EIA is an ongoing process and the design of Mallard Pass will continue to evolve during the pre-application stage.

In addition to the PEIR, the Applicant has produced a Main Consultation Document, Community Consultation Leaflet, and Feedback Form. These consultation documents provide information and invite feedback on the proposals for Mallard Pass.

Consultation materials are available free of charge online at www.MallardPassSolar.co.uk/Documents, and to view in hard copy at the locations listed in the enclosed section 48 notice. A USB device containing the consultation documents can also be provided free of charge upon request.

Hard copies of these documents are also available on request. Please note that a full printed version of the PEIR is subject to a £350 fee, while all other consultation documents can be provided free-of-charge. Details of how to request these documents and any related charges are set out in the enclosed section 48 notice.

How to respond to this consultation

Responses to this consultation should be submitted to:

Oscar Barton
MallardPass@ardent-management.com
Mobile: 07824 113520



Write to us at:

FREEPOST MALLARD
PASS SOLAR FARM



Email us at:

info@MallardPassSolar.co.uk



Call our Freephone information line:

0808 196 8717



Visit our website at:

www.MallardPassSolar.co.uk

When providing your response, please include your name and contact details (a postal or email address) and confirm the nature of your interest in Mallard Pass.

Responses must be received on or before Thursday 04 August 2022.

The Applicant will consider and have regard to all responses received on or before this date. Responses received after this time may not be considered. Responses and representations will form the basis of a Consultation Report, which will be submitted as part of the DCO application, and therefore may become public. Personal details will be held securely and solely for purposes in connection with the statutory consultation, DCO process and further development of the Project. Please see the enclosed notice for further details.

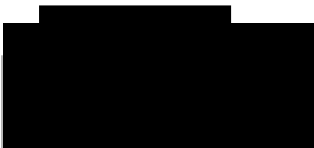
Further information

If you would like further information about this this consultation or Mallard Pass Solar Farm more generally, please contact the project team by using one of the contact methods provided below:

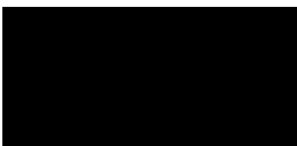
- Email: info@MallardPassSolar.co.uk.
- Post: FREEPOST Mallard Pass Solar Farm.
- Phone: 0808 196 8717.
- Visit our website: www.MallardPassSolar.co.uk.

We look forward to hearing from you.

Yours faithfully,



Sarah Price
Planning Lead
Mallard Pass Solar Farm Ltd.



Write to us at:

FREEPOST MALLARD
PASS SOLAR FARM



Email us at:

info@MallardPassSolar.co.uk



Call our Freephone information line:

0808 196 8717



Visit our website at:

www.MallardPassSolar.co.uk

13 September 2022

[REDACTED]

[REDACTED]

Mallard Pass Solar Farm

Statutory Consultation

Section 42 of the Planning Act 2008 (“the 2008 Act”), Regulation 3 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and Regulations 11 and 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the 2017 Regulations”)

Mallard Pass Solar Farm Ltd (“the Applicant”) intends to install a new solar farm near Essendine, partly situated in South Kesteven, Lincolnshire, and partly in Rutland. The project is proposed to generate in the region of 350 megawatts (MW) of renewable energy, using ground-mounted solar arrays to provide reliable, low-cost electricity to the national grid. Mallard Pass Solar Farm could generate enough [REDACTED] to power the equivalent of 92,000 average UK households [REDACTED] our country reach urgent climate change targets, while supporting the local environment by delivering a biodiversity net gain.

The Applicant intends to make an application to the Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS) for a Development Consent Order (“DCO”) for the Mallard Pass Solar Farm project [REDACTED]. The Applicant is seeking a DCO because Mallard Pass is proposed [REDACTED] potential output of over 50 MW. Due to this, Mallard Pass is [REDACTED] Nationally Significant Infrastructure Project (NSIP) and must therefore submit a DCO application to the Planning Inspectorate. This application will then be determined by the Secretary of State for the Department for BEIS.



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info@MallardPassSolar.co.uk



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The DCO application will contain full details of Mallard Pass and will be accompanied by an Environmental Statement in accordance with the 2008 Act and the 2017 Regulations

Consultation on Mallard Pass

Mallard Pass is currently in the pre-application phase of the DCO application process. As part of that process, the Applicant is required to carry out consultation on the proposed DCO application before it is submitted. Your feedback as part of this consultation will be considered before the Applicant finalises its DCO application and will also be reported to the Secretary of State when the application is submitted. Any representations you have already made will also be reported.

As a local resident, you have previously been issued project information under section 47 of the 2008 Planning Act.

Following further analysis of the information we hold in relation to land interests affected by the Mallard Pass proposals, we are writing to again to consult you as a party under section 44 of the 2008 Planning Act.

Section 44 requires us to consult with parties who hold an interest in any land that is within the draft Order limits for the scheme. One part of the Order limits for Mallard Pass includes Stamford Road, where the Applicant is proposing to installing cabling under the highway.

The Applicant understands that you hold an interest in land that is located adjacent to Stamford Road. In legal terms, the owners of land adjacent to a highway are also presumed to own the soil beneath the surface of the highway up to the halfway point of that highway (known as 'subsoil'). As such you hold an interest in the subsoil that is within the Order limits.

The section of Stamford Road this relates to, as well as its relationship to your land [REDACTED], is shown on the plan enclosed with this letter.

As our previous letter set out, the recent statutory consultation carried out on Mallard Pass included:

- Consultation with prescribed bodies, host and neighbouring authorities (under section 42 and section 43 of the 2008 Act);
- [REDACTED] on with any persons with an interest in the land affected by Mallard Pass (under section 44 of the 2008 Act); and
- [REDACTED] on with the local community in the vicinity of Mallard Pass (under section 47 of the 2008 Act).

During the consultation period a series of in person exhibitions events were held where people were able to speak to the Project team. You may have been able to attend



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them and speak to the team. A series of online live-chat events were also held, where members of the Project team were available to answer questions. Further details of how this consultation was carried out can be found in the Statement of Community Consultation agreed with your local planning authority, available at www.MallardPassSolar.co.uk/documents.

Whilst that consultation period has now completed, we are writing to you again to bring your attention to the impacts of Mallard Pass to your land interests.

By way of reminder, this letter explains the nature of Mallard Pass (as set out above) and how you can provide your comments on it. Included within this letter is more information where you can continue to find more information on Mallard Pass, and how you can provide your feedback. The closing date for you to provide feedback is **Tuesday 11 October 2022**. The consultation documents refer to the deadline for the recently completed public consultation, but this deadline does not apply to any response you send us – your deadline instead being **Tuesday 11 October 2022**.

Consultation materials

As Mallard Pass is an Environmental Impact Assessment (“EIA”) development, the Applicant prepared a Preliminary Environmental Information Report (“PEIR”). This was informed by the Scoping Opinion issued by the Planning Inspectorate and reports the results of the EIA process that has been carried out to date. The PEIR formed the basis of the consultation and also includes a non-technical summary. The purpose of the PEIR is to enable consultees to understand the likely environmental effects of Mallard Pass and to help inform consultation responses. It should be noted that the EIA is an ongoing process and the design of Mallard Pass will continue to evolve during the pre-application stage.

[REDACTED] PEIR, the Applicant produced a Main Consultation Document, Community Consultation Leaflet, and Feedback Form. These consultation documents provide information and invite any additional feedback you now want to make on the proposals for Mallard Pass.

Consultation materials are available free of charge online at www.MallardPassSolar.co.uk/Documents, and to view in hard copy at the locations [REDACTED] proposed section 48 notice. A USB device containing the consultation materials will also be provided free of charge upon request.

Hard copies of these documents are also available on request. Please note that a full printed version of the PEIR is subject to a £350 fee, while all other consultation documents can be provided free-of-charge. Details of how to request these documents and any related charges are set out in the enclosed section 48 notice.



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How to respond to this consultation

When providing your response, please include your name and contact details (a postal or email address) and confirm the nature of your interest in Mallard Pass. Completed responses may be submitted:

- (a) By emailing: info@MallardPassSolar.co.uk.
- (b) In writing to: FREEPOST Mallard Pass Solar Farm.
- (c) Online at: www.MallardPassSolar.co.uk/have-your-say.

Responses must be received on or before Tuesday 11 October 2022.

The Applicant will consider and have regard to all responses received on or before this date. Responses received after this time may not be considered. Responses and representations will form the basis of a Consultation Report, which will be submitted as part of the DCO application, and therefore may become public. Personal details will be held securely and solely for purposes in connection with the statutory consultation, DCO process and further development of the Project. Please see the enclosed notice for further details.


Further information

If you would like further information about this letter, the consultation or Mallard Pass Solar Farm, please contact the project team by using one of the contact methods provided below:

- Email: info@MallardPassSolar.co.uk.
- Post: FREEPOST Mallard Pass Solar Farm.
- Phone: 0808 196 8717.

 We look forward to hearing from you.

Yours faithfully,


Sarah Price
Planning Lead
Mallard Pass Solar Farm Ltd.



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Do you have questions about the land powers sought for the Mallard Pass proposals in Essendine?

If so, please consider attending our workshop on 20 September 2023 at Essendine Village Hall to find out more.

Our project team are hosting a workshop for residents with interests in land plots that are within the Mallard Pass Solar Farm proposals in and around the village of Essendine (and in particular on or next to the A6121). This will provide an opportunity to discuss land-related questions and explain the details which confirm that Mallard Pass do not propose to acquire any residential property.

The workshop will specifically aim to address questions about the cabling proposals and the related compulsory acquisition rights sought to deliver that cabling within the A6121. The project team is also happy to discuss any further questions landowners may have with regards to the Proposed Development's potential impact to their properties and land.

Join us on 20 September from 6 pm to 8 pm at Essendine Village Hall, Bourne Rd, Essendine, PE9 4LQ

If you have any questions relating to this topic, please contact us directly using any of the project dedicated communications lines (email, Freephone, Freepost) set out below. **We would welcome attendees confirming their attendance beforehand by contacting us via those communication methods, but this is not compulsory.**

We look forward to welcoming you.

About Mallard Pass Solar Farm

Mallard Pass Solar Farm are proposals for a new solar farm located on either side of the East Coast Main Line near Essendine, partly situated in South Kesteven, Lincolnshire, and partly in Rutland, and covering an area of approximately 852 hectares (ha).

Mallard Pass will have a generating capacity of more than 50 megawatts (MW), meaning it is be classified as a Nationally Significant Infrastructure Project (NSIP) and requires a DCO Application under the Planning Act 2008.

The Application was submitted to the Secretary of State via the Planning Inspectorate on 24 November 2022, and accepted for examination on 21 December 2022. The Examining Authority was appointed on 19 January 2023 to examine the Application and the Examination began on 17 May 2023, and is expected to end in November 2023.

Find out more

For more information about Mallard Pass Solar Farm, please scan the QR code or visit www.MallardPassSolar.co.uk



Scan here

Contact us

Please feel free to get in touch using the details provided below. We look forward to hearing from you.



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AC00216780004

2



Delivered by



Royal Mail

Essendine Parish Council
Essendine Village Hall
Bourne Road
Essendine
Stamford
PE9 4LQ

Mallard Pass Solar Farm



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The workshop will provide an opportunity to discuss land-related questions and explain the details which confirm that Mallard Pass do not propose to acquire any residential property. For more information about the project, please visit www.MallardPassSolar.co.uk

The session will aim to address questions about the cabling proposals and the related compulsory acquisition rights sought to deliver that cabling within the A6121. We are also happy to discuss any other questions landowners may have with regards to Mallard Pass' potential impact to their properties and land.



Contact us to join

If you have any questions relating to this topic, please contact us directly using any of the project dedicated communications lines (email, Freephone, Freepost) set out below. We would welcome attendees confirming their attendance beforehand by contacting us via those communication methods, but this is not compulsory.



We look forward to welcoming you.

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