



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

Applicant's Response to ExA's Second Written Questions

Deadline 5 (5th September 2023)

EN010127
EN010127/APP/9.38
Revision 0

Planning Act 2008

**The Infrastructure Planning
(Applications: Infrastructure Planning (Examination Procedure)
Rules 2010**

**Mallard Pass Solar Farm
Development Consent Order 202[x]**

9.38 Applicant's Response to ExA's Second Written Questions

Regulation Reference:	N/A
Planning Inspectorate Scheme Reference	EN010127
Application Document Reference	EN010127/APP/9.38
Author	Mallard Pass Project Team

Version	Date	Status of Version
Rev 01	5 September 2023	Deadline 5 Version

Table of Contents

Chapter	Pages
Introduction	3
Topic 1.0 Design, parameters and other details of the Proposed Development	4
Topic 1.1 Need	24
Topic 1.2 Site selection and alternatives	28
Topic 2.0 Air Quality and Emissions	30
Topic 3.0 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	31
Topic 3.1 Habitats Regulations Assessment	36
Topic 4.0 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	39
Topic 5.0 Draft Development Consent Order (DCO) Articles	49
Topic 5.1 Schedule 1 – Authorised Development	58
Topic 5.2 Schedule 2 - Requirements	60
Topic 5.3 Schedules 4, 5, 6, 7, 8 & 12	68
Topic 5.4 Schedule 15 – Protective Provisions	69
Topic 5.5 Schedule 16 – Procedure for Discharge of Requirements	70
Topic 5.6 Other matters raised by Interested Parties	72
Topic 6.0 Historic Environment	74
Topic 7.0 Land Use and Soils	81
Topic 8.0 Landscape and Visual	93
Topic 9.0 Noise and Vibration	98
Topic 10.0 Socio-economic Effects	102
Topic 11.0 Transportation and Traffic	108
Topic 12.0 Water Environment	116
Topic 13.0 Other Matters/Issues	122
Topic 13.1 Outline Management Plans	123

Introduction

- 1.1.1 This report responds to the Examining Authority's (ExA's) Second Written Questions, issued on 15 August 2023 **[PD-014]**. It responds to each of the questions posed to the Applicant. The Applicant has not responded to questions posed to specific Interested Parties but will review those responses once available and may comment on those at Deadline 6.
- 1.1.2 Section 2 of this report is tabularised to include the ExA's questions and response to each question as follows:
- Design, Parameters, and other details of the Proposed Development
 - Need
 - Site selection and alternatives
 - Air Quality and Emissions
 - Biodiversity, Ecology and Natural Environment
 - Habitats Regulations Assessment
 - Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations
 - Draft Development Consent Order (DCO)
 - Articles
 - Schedule 1 – Authorised Development
 - Schedule 2 – Requirements
 - Schedules 4,5,6,7,8 & 12
 - Schedule 15 – Protective Provisions
 - Schedule 16 – Procedure for Discharge of Requirements
 - Other matters raised by Interested Parties
 - Historic Environment
 - Land Use and Soils
 - Landscape and Visual
 - Noise and Vibration
 - Socio-economic Effects
 - Transportation and Traffic
 - Water Environment
 - Other Matters / Issues
 - Outline Management Plans

Topic 1.0 Design, parameters and other details of the Proposed Development

ExQ2	Respondent	Question	Applicant's Response
Q1.0.1	Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	Question not for The Applicant	
Q1.0.2	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	<p>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.</p> <p>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.</p>	<p>It should be noted that since the drafting of this question the Applicant has agreed to a Requirement to impose a 60-year time-limit on the draft DCO. On this basis, the scenario suggested by the ExA for comment is no longer relevant.</p> <p>Nevertheless, the Applicant agrees that having now agreed to a time-limited consent, any necessity to extend it at a later date would be considered in light of the relevant planning policies and material considerations that would be applicable at the time by the Secretary of State pursuant to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, as amended at the time.</p>
Q1.0.3	The Applicant	<p>If an operational time limit was included in the DCO (for example, 40 years), please explain whether there would be any implications for i) the undertaker's overall operation of the Proposed Development, ii) the benefits arising from the Proposed Development and iii) the overall assessment of the Proposed</p>	<p>The Applicant has now agreed to an operational time limit of 60 years and so the questions below are answered in light of this proposed limit, rather than the 40 year example.</p> <p>Potential implications in terms of operation are likely to be limited with the imposition of an appropriate time limit as it would not change the way the Applicant operated it. Please see response to SWQs 5.0.1. and 11.0.9 in respect of maintenance activities.</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>Development, in comparison to a consent granted with no operational time limit?</p>	<p>The 60 year time limit would have the benefit of providing certainty to the local communities on the lifetime of the Proposed Development, and provide a fixed decommissioning date. This would allow the decommissioning period to be better planned in advance around other cumulative schemes or other planned construction works in the area. It would not change the ultimate benefit of the Proposed Development in terms of the delivery of renewable energy to reach Net Zero by 2050 and staying there well past that date. It would also not change the benefits arising from the permissive paths, local business rates, construction and operational jobs, and landscape and ecological enhancements (and ultimately) BNG that is achieved – they would just change to being in place for a shorter amount of time.</p> <p>Overall, the conclusions of the Environmental Statement would remain largely the same. There would largely be no change to the conclusions of the following topic assessments, as the ES has assessed the operational effects as permanent, plus an assessment of effects at decommissioning:</p> <ul style="list-style-type: none"> - Chapter 6: Landscape and Visual: Effects would remain as assessed within the LVIA but essentially be reduced to 'semi-permanent' for operation in that they would be over 40 years (i.e. over long term) but not 'permanent' as originally assessed using the LVIA methodology framework set out within Appendix 6.2 [APP-055] - Chapter 7: Ecology and Biodiversity: No implications arising. The conclusions of the Biodiversity Net Gain assessment [APP-064] remain valid. - Chapter 8: Cultural Heritage: No implications arising - Chapter 9: Highways and Access: There would be no significant benefits arising from a time-limited operational period, with the exception that the decommissioning works could be planned in advance around other cumulative schemes or other planned construction works in the area. - Chapter 10: Noise and Vibration: No implications arising - Chapter 11: Water Resources: No implications arising to the water quality and drainage assessments. The Flood Risk Assessment considered that whilst the DCO is not time limited, the assessment has assumed an operational lifetime of 40

ExQ2	Respondent	Question	Applicant's Response
			<p>years (for the purpose of the Environmental Impact Assessment), as per the approach taken by Cleve Hill Solar Park. The peak river flow allowances for the Welland Management Catchment for the Higher 2050s is 10%. The assessment considered a 20 % uplift in flows. Confirmation of a potential decommissioning date of 60 years takes the Development lifespan marginally into the 2080s epoch, which requires a 28% allowance in flows for the Welland Management Catchment to be considered.</p> <p>Given that a conservative approach has been adopted for the majority of the epoch in which the Proposed Development will operate in and the potential for climate change allowances to change in future, it is conserved that the Proposed Development has been designed appropriately.</p> <p>As such, the detailed OEMP(s) must provide that, should the Proposed Development lifetime extend into the 2080s then modelling must be undertaken in year 2078 using the appropriate climate change allowances at the time, in consultation with the Environment Agency. Should modelling results show that the Proposed Development has the potential to interact with flood depths then the Proposed Development design must be altered accordingly to ensure that flood storage and conveyance is maintained for the West Glen River (such alterations in design to be approved by the Environment Agency prior to their commencement).</p> <p>This could involve the removal of the first row of panels on a PV table or removing the racking system and associated infrastructure from the modelled extent.</p> <ul style="list-style-type: none"> - Chapter 12: Land Use and Soils: The assessment had always assumed that effects in the operational phase were reversible due to the soil management measures proposed. The change to 60 years simply provides certainty of when that could happen. The oSMP sets out the principles of decommissioning, to ensure that those areas disturbed by the works are returned in the same agricultural quality to the existing quality. - Chapter 13: Climate Change: The benefit of the scheme in relation to low carbon energy generation would stop at Year 60. - Chapter 14: Socio-Economics: No implications arising.

ExQ2	Respondent	Question	Applicant's Response
Q1.0.4	The Applicant	<p>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.</p> <p>a) 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?</p> <p>b) 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?</p>	<p>a) The Applicant has agreed to impose a 60-year time limit but notes that this has no implications on the conclusions on the effects on best and most versatile (BMV) land assessed in Environmental Statement Chapter 12: Land use and Soils [APP-042]. It has always been the Applicant's position that BMV land is not permanently lost as a soil resource as secured by the handling, storage and restoration measures set out in the outline Soil Management Plan (oSMP) [REP4-068]. It just puts a time limit on how long it is used for solar use, rather than agricultural.</p> <p>b) The Applicant cannot speak for what was in the minds of the ExA and SoS in respect of Cleve Hill. On that project 97% of the Order limits was not BMV, but there was discussion about time limits in relation to ensuring the Proposed Development aligned with an EA strategy for the adjacent watercourses. It is noted that both the ExA and SoS set out that the impacts to BMV land (being only 3% of the land) had little weight in the planning balance and that the NPS policy on site selection was met. However, they did not say that the absence of BMV land or compliance with the NPS policy should be given any positive form of weight at all, indeed they were silent on that issue.</p> <p>In any event, the Applicant has now imposed on itself a 60-year time limit which, along with the oSMP, provides certainty as to when the agricultural use of the BMV land will be restored.</p>
Q1.0.5	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	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?	The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide that decommissioning must commence no later than 60 years from the date of final commissioning of Work No. 1. The Applicant considers 60 years to be a reasonable time period to maximise the low carbon electricity generation for the Proposed Development for as long as possible, and to allow for technological innovation – there is no reason that the limit should be set by reference to the current market for product lifecycles, when this could change. Please see the responses above on the conclusions of the assessments within the ES with the imposition of the 60 year time limit. In light of those conclusions, there is no planning reason for a shorter time limit to be imposed.
Q1.0.6	The Applicant	With regard to construction phasing, the Applicant explained at ISH1 [REP4-022] that the intention is to build out the scheme as quickly as possible to	The construction phase is anticipated to take 24 months and subject to being granted consent the earliest construction is anticipated to start is Summer 2026. The final programme will be dependent on the detailed layout design and potential environmental constraints on the timing of construction activities and the detailed

ExQ2	Respondent	Question	Applicant's Response
		<p>contribute renewable energy to the grid and at ISH3 [REP4-040] that the construction must not be materially different or materially worse than what has been assessed. The Application details also refer to an indicative construction period of 24 months.</p> <p>For the avoidance of doubt, is it possible that there could be a construction scenario whereby a notable period of time might elapse between any respective phase of construction, such that the overall time period from the first commencement of the Proposed Development and the completion of the final phase is significantly greater than 24 months?</p>	<p>construction programme will be set out in the detailed CEMP(s) submitted for approval to match with the overall phasing programme that is submitted pursuant to Requirement 3 of the DCO.</p> <p>It is not considered inappropriate to impose a parameter on the construction phase and whilst it is the Applicants intent (and commercial imperative) to construct the scheme within 24 months there are unknowns at this stage which could affect the construction programme including:</p> <ul style="list-style-type: none"> ▪ Supply chain shortages or disruptions; ▪ Force majeure events; ▪ Prolonged consultation with statutory undertakers; ▪ Unexpected site conditions; and/or ▪ Unusual weather events. <p>As such, flexibility needs to be made for such eventualities at this stage in the DCO process. As the scheme progresses through the detailed design stage and there is greater certainty around some these matters, the Applicant will be required to submitted phasing information pursuant to Requirement 3 of the DCO.</p> <p>If there are any changes to the phasing assumptions after that approval, the Applicant at that time will need to, pursuant to Requirement 5(2), demonstrate to the satisfaction of the relevant planning authority or both relevant planning authorities (as applicable) that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.</p>
Q1.0.7	The Applicant	<p>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</p>	<p>a) Appendix 5.1 of the ES (submitted at Deadline 5) sets out the design parameters of the trench design for electrical cabling. Section 8 of the outline Soli Management Plan (Submitted at Deadline 5) includes details on the methodology for the installation of onsite cabling. The detailed design of the cabling that would be required to cross or be routing along the highway and /or under the East Coast Mainline is a detailed design matter (and in the case of the East Coast Mainline, detailed Network Rail requirements), which will influence the installation methodology. The oCEMP has been updated at Deadline 5 to require that the detailed CEMP (s) will set out detailed methodologies of underground cabling works. The oOEMP has been updated at Deadline 5 to provide that the</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>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.</p> <p>a) Please provide an explanation of this absence including when a Method Statement is to be provided along with details of how various elements expected by paragraph 3.10.55 of the draft EN-3 would be secured by the Development Consent Order (DCO).</p> <p>b) Provide further details as appropriate (including within the outline Construction Environmental Management Plan or otherwise) regarding the methods for the cable route underneath the Great North East Railway line, including the method for crossing of the West Glen River and adjacent former railway embankment.</p> <p>c) Explain whether the proposed Requirements in the draft DCO need to be updated to include reference to an underground cabling method statement?</p>	<p>maintenance schedule will include details of the operation and maintenance regime for underground cabling required in the forthcoming year.</p> <p>The maintenance of cable installation includes inspection, routine checking of current loading, and maintenance of cables, joints and end terminations. Repairs of cables generally involve replacement of a section of the defective cable by a length of new cable and insertion of two straight joints. All repairs and new joints in connection with repairs would be made in the same manner as joints on new cables. In some cases where the insulation has not been damaged severely, or where moisture has not ingress into the insulation, it may only be necessary to install a joint at the point of cable failure. On-going monitoring of cable loads would also be able to be undertaken as part of normal operation of the Proposed Development to ensure that the cables are not loaded beyond the safe current-carrying capacities.</p> <p>b) Where Horizontal Directional Drilling (HDD) would be employed to cross underneath the Great North East Railway line, the West Glen River and potentially the former railway embankment this would be in accordance with a detailed methodology set out in the CEMP (s) and the parameters set out in Appendix 5.1 of the ES. The oCEMP includes measures to control HDD in relation to working hours in Section 2.7, in Table 3-2 in relation to ecology and Table 3-5 in relation to noise. HDD is a trenchless technique that involves three principal phases. First, a small diameter pilot hole is drilled along a directional path from one surface point to another. Next, the bore created during pilot hole drilling is enlarged to a diameter that will facilitate installation of the desired pipeline. Lastly, the pipeline is pulled into the enlarged hole, thus creating a continuous segment of pipe underground exposed only at the two initial endpoints. As set out above, a detailed methodology will be prepared and included in the detailed CEMP (s) at detailed design. The design of the crossing of the former railway embankment will be a matter for detailed design as the topography, vegetation and the presence of existing utilities will need to be considered when determining the most appropriate crossing design. Design Guidance (PE3.2) requires that the Applicant consults with the statutory undertakers regarding the design and installation of electrical cables that cross existing underground utilities. Requirement 6 of the dDCO requires details of power and communications cables and pipelines to be submitted and approved by the relevant planning authorities.</p>

ExQ2	Respondent	Question	Applicant's Response
			c) The oCEMP has been updated to require that the detailed CEMP (s) will set out the methodology for underground cabling works at detailed design.
Q1.0.8	National Grid Electricity Transmission Plc (NGET), National Grid Electricity System Operator Limited (NGESO)	Question not for The Applicant	
Q1.0.9	The Applicant	<p>Paragraph 3.2 of the Grid Connection Statement [APP-202] explains that the Applicant is now completing detailed designs to determine the arrangement of the grid connection.</p> <p>a) The Applicant is requested to provide an update on these detailed designs, including whether it expects there to be any impediments to implementing the connection to the existing Ryhall substation.</p> <p>b) The Applicant's response to Q1.0.10 [REP2-037] refers to a period of 150 days for testing and commissioning. Bearing in mind any further arrangements/agreement needed with NGET, what is the proposed detailed timescale for i) gaining a final detailed approval with NGET for the grid connection and (ii) for the actual implementation of the grid connection and supply of electricity to the grid?</p>	<p>a) The Applicant expects no impediments to the grid connection being made at Ryhall substation and is going through the standard processes with NGET. The detailed design of the connection works will flow from the detailed design of the surrounding solar (including the Onsite Substation) and so cannot be fully completed at this time. NGET has given the Applicant no indication to suggest that the grid connection will not occur in the usual way and in line with the offer provided. The Applicant considers that it is in the standard position for such schemes at this point in the overall project development process.</p> <p>b) The Proposed Development has an offer to enable electricity generation in 2028 when the connection is planned to be put into place. At this time, the Applicant does not have a detailed timescale for the sign-offs that will be required along the way to get to that date, but has been given no reason to believe that there will be any problems with meeting that date.</p>
Q1.0.10	The Applicant Lincolnshire	Mallard Pass Action Group (MPAG) has provided details at Deadline 4 [REP4-054]	a) The Applicant has responded to the comments raised by MPAG in the 'Applicants Response to Interested Parties' Deadline 4 Submissions' document.

ExQ2	Respondent	Question	Applicant's Response
	County Council Rutland County Council South Kesteven District Council	<p>regarding security issues faced by solar farms along with implications for the type and form of fencing that might be required.</p> <p>a) The Applicant and other parties are invited to provide comments on MPAG's submission, including any implications that arise for the Proposed Development.</p> <p>b) 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.</p> <p>c) 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.</p> <p>d) 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.</p> <p>e) 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.</p> <p>f) Are any enhancements required to the Design Guidance [REP2-018] in this respect? Please provide suggested drafting as applicable.</p>	<p>The Applicant notes that's the examples of theft referred to in the DeterTech extract, note that:</p> <ul style="list-style-type: none"> ▪ The vast majority of offences are extremely close to A roads. Mallard Pass is not directly accessible from an A Road and the closest access to the Solar PV from the A road is 650m. Albeit this access the access to Park Farm, which will continue to be used during the operation period by the landowners which will provide natural surveillance and act as a deterrent. ▪ The site was broken into via forcing the lock on the main gate and crawling under the beam security system. A security fence won't prevent organised criminal gangs from forcing entry or cutting their way through the security gates into the Solar PV Arrays. ▪ The extract from the DeterTech report does not provide the total number of crimes committed in a year to enable this to be put into perspective in terms of the total number of solar farms within the UK. ▪ It should be noted that DeterTech are a security consultancy business, who provide security advice, install and monitor security systems and therefore will have an interest in the provision of security services ▪ The oOEMP [REP4-009] sets out that security risk management threat assessments will be conducted by suitable qualified and experienced persons and will determine security risks. <p>The source and date of the advice to BRE from the Devon & Cornwall Police Authority is unknown and is unclear in what context this has been provided. Notwithstanding this, the Applicant has followed the 'BRE Planning Guidance for the development of Ground Mounted Solar PV systems' and the advice provided by Devon & Cornwall Police Authority by:</p> <ul style="list-style-type: none"> ▪ Planting up and managing the boundaries of the Solar PV Areas; to prevent and deter unauthorised access from the highway; ▪ Planting up alongside perimeter fencing which isn't located alongside an existing hedgerow as shown on the Green Infrastructure Strategy Plan [APP-173];

ExQ2	Respondent	Question	Applicant's Response
		<p>g) 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?</p>	<ul style="list-style-type: none"> ▪ Access tracks are provided through the areas of PV Arrays rather around the perimeter, which will delay movement from field parcel to field parcel; ▪ Provision of a single secure vehicular point of access from the highway into each of the areas of the Solar PV during the operational phase as set out in the oOEMP. ▪ These are all potential measures that will be considered as part of the security risk management threat assessments as set out within the oOEMP. <p>b & c) There has been no engagement with the Designing Out Crime Officer within the host authorities, however the Applicant would like to note that SKDC state within two recent planning application committee reports (Planning application reference s23/0689 & s23/0511) that 'solar development would not result in any significant crime and disorder implications'. It is also worth noting that both Leicestershire and Lincolnshire Police and Crime Commissioner's were a prescribed consultation body for Mallard Pass Solar Farm (March 2022) and more recently Lincolnshire Police and Crime Commissioner were a prescribed consultation body for Springwell Solar Farm (May 2023). For both projects the Police and Crime Commissioners did not provide a response to the Planning Inspectorate as part of the EIA Scoping procedure. On this basis the Applicant has not identified a need to engagement with the 'Designing Out Crime Officer' or similar post holder' within the host authorities as this hasn't been raised by either the Planning Inspectorate, Police and Crime Commissioners or the host authorities.</p> <p>d) The Applicant has no concerns that it would able to operate in light of the concerns raised. Although it is not an obligation, the Applicant will obtain insurance and is confident that it will be able to be insured on the basis of its current proposals, which include fencing, CCTV and infrared cameras. This is further discussed and evidenced in the Applicant's response to MPAG in its Response to Interested Parties' Deadline 4 Submissions also submitted at Deadline 5.</p> <p>e) Requirement 8 of the dDCO (submitted at Deadline 5) has been updated to reference the Design Guidance, noting that it has never been proposed that the illustrative materials it has submitted should be secured. They have informed, but have not been the basis of the Applicant's LVIA assessments.</p>

ExQ2	Respondent	Question	Applicant's Response
			<p>f) Design Guidance (PL3.5 and PL3.13) set out guidance for the perimeter fencing around the Solar PV Arrays and the Onsite Substation and have been further updated at Deadline 5.</p> <p>g) The Applicant has control over the security fencing which will be agreed with LPAs at detailed design and include mammal passes, in line with industry standard. The Applicant can see no reason why passages for mammals could not be integrated into the perimeter fencing. The ES has therefore assessed the parameters of the proposed fencing.</p>
Q1.0.11	The Applicant	<p>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.</p> <p>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?</p>	<p>The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide that decommissioning must commence no later than 60 years from the date of final commissioning of Work No. 1. This is secured in Requirement 18 of Schedule 2 of the dDCO (Rev 5).</p> <p>The oOEMP has also been updated at Deadline 5 to provide certainty as to when decommissioning works have to happen if electricity generation stops before that period.</p> <p>Together, this means there is therefore certainty that decommissioning must happen and when. As noted at the Hearings, there is no precedent, in either solar, or offshore wind, for specific funding commitments to be made at consent stage.</p> <p>In the race to net zero, the availability of solar equipment at the point of solar decommissioning for use on other projects or for recycling of materials purposes, mean it will have value.</p> <p>It is also noted that the local planning authorities have enforcement powers under the Planning Act 2008 to secure compliance with the requirements in Schedule 2 of the DCO in the very unlikely event the Applicant does not comply with them. A breach of any requirements within the DCO is a criminal offence. In addition, the Proceeds of Crime Act 2002 also allows local authorities to seek to recover the profits accruing to businesses and individuals who breach planning control.</p> <p>The obligation to decommission the Proposed Development and the liability for it sits with the undertaker as secured by the DCO. The principles of</p>

ExQ2	Respondent	Question	Applicant's Response
			<p>decommissioning are set out in the Outline Decommissioning Environmental Management Plan [APP-209].</p> <p>With the decommissioning commitments having been strengthened at Deadline 5, enforcement can be undertaken more easily and efficiently by the relevant planning authorities should they have any concerns.</p>
Q1.0.12	<p>The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group</p>	<p>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.</p> <p>a) Can the Applicant comment on whether they consider the appeal decision has any implications for the consideration of the Proposed Development?</p> <p>b) Do the local authorities and Mallard Pass Action Group have comments to make on the decision?</p> <p>c) Are there any other recent decisions that may be of particular relevance to the Proposed Development?</p>	<p>a) The Applicant considers the South Derbyshire decision to be at odds with the approach from the Planning Inspectorate and Secretary of State on other recent decisions, notably, in relation to the Longfield decision and the Hambleton appeal, as discussed in the Issue Specific Hearings (please see Appellant's written summary of oral submissions at ISH1 [REP4-022]). The decision also appears at odds with Government policy on agricultural land in draft NPS EN3 and more generally in relation to the principle of moving land from agricultural use to natural capital, as noted by Inspector's in recent decisions referred to by the Appellant. It should be noted that in the South Derbyshire appeal, the Inspector refers (in paragraph 3) to an earlier (2021) draft of the NPS in the decision letter and not the most recent draft (2023). However, both versions are very clear that solar is not prohibited on BMV and that land type should not be a predominating factor in determining the suitability of a site, while noting a preference for non-agricultural land/BMV to be used in the first instance. It is further noted that it is understood that a claim for Judicial Review for the South Derbyshire decision has now been filed and therefore a question remains over whether any weight can be afforded to the decision.</p> <p>b) Not for Applicant</p> <p>c) Copies of all appeal decisions referred to in this response are included at Appendix A.</p> <p>An appeal decision issued on 7 July 2023 for a Solar Farm in Shropshire Council (appeal reference: APP/L3245/W/23/3314982) was granted.</p> <p>The Inspector in this case highlighted 2 main issues:</p> <ol style="list-style-type: none"> 1. Character, appearance and amenity of the area

ExQ2	Respondent	Question	Applicant's Response
			<p data-bbox="1167 212 2013 276">2. Agricultural land and whether the benefits of development would outweigh any harm</p> <p data-bbox="1077 312 2107 727">Of principal relevance to Mallard Pass is the Inspector's consideration of matter no. 2. The Inspector was satisfied that the appellant's site selection process reasonably took into account grid connection, environmental and heritage constraints, along with agricultural land quality considerations (paragraph 34). The Inspector concurs that the main soil types within the locality are of ALC Grade 2 and 3a quality, with the exception of land in the AONB and that the grazing of sheep means that the land would be retained in agricultural use and represent significant farm diversification that would generate secure and stable income for the estate. This is particularly relevant as the Mallard Pass site selection process sought to avoid areas of higher quality land where possible, however, given the predominating land type within the locality, it was not always possible to avoid BMV. Notwithstanding this the Inspector considered that the loss of the land for a period of 40 years would have an adverse impact on local agricultural productivity.</p> <p data-bbox="1077 764 2101 1083">The Inspector considered that the underutilisation of the Grade 3a land represented an adverse effect to which moderate significance was ascribed. However, the Inspector continues to note that given the constraints of grid capacity, it is important to take advantage of available capacity where solar photovoltaic development is or can be made acceptable. The Inspector further notes that mitigating climate change and moving to a low carbon economy are objectives in achieving sustainable development in the NPPF and, critically in terms of the principle of Mallard Pass, that the renewable energy benefits of the proposed development should be given substantial weight in favour of allowing the appeal.</p> <p data-bbox="1077 1120 2107 1184">An appeal decision issued on 7 August 2023 for a Solar Farm in North Lincolnshire Council (appeal reference: APP/Y2003/W/23/3317097) was granted.</p> <p data-bbox="1077 1220 1659 1246">The Inspector in this case noted 3 main issues:</p> <ol data-bbox="1167 1283 2040 1406" style="list-style-type: none"> 1. Impact of development on landscape character and appearance of surrounding countryside 2. Whether the proposal would conflict with local landscape and biodiversity priorities

ExQ2	Respondent	Question	Applicant's Response
			<p data-bbox="1167 217 2056 272">3. Whether any benefits of development would outweigh any identified harm</p> <p data-bbox="1077 312 2101 632">While it is difficult to compare landscape impacts side by side, it is reasonable to review the weight and manner in which the Inspector has considered potential impacts. In this appeal, and similarly to Mallard Pass, there are no significant landscape designations beyond that of the Landscape Character Area. The Inspector recognised that, even at a smaller scale, solar development will cause some adverse impact on the landscape. The Inspector refers to paragraph 174 of the NPPF which recognises the intrinsic character and beauty of the countryside but does not seek to protect it for its own sake. Instead its focus is on protecting areas of valued landscape which, in terms of the framework [and similar to Mallard Pass], this is not.</p> <p data-bbox="1077 667 2085 791">In considering the benefits and overall balance of the appeal, the Inspector notes that while the amount of renewable energy generated would be relatively modest (9.71MW), the parties concur that even this relatively small contribution attracts substantial weight in favour of the development.</p> <p data-bbox="1077 826 2085 919">A decision by the Welsh Ministers on 5 July to overturn an Inspector's decision to allow a renewable energy hub in Newport, Wales (Reference CAS-01772-Z5P5D2).</p> <p data-bbox="1077 954 2107 1174">This decision relates to the overturning of an initial approval by Inspectors on the basis that the application did not follow the step-wise approach required by PPW with regard to maintaining and enhancing biodiversity. However, the salient matters in terms of Mallard Pass relate to the considerable weight attributed by the Inspector to the benefits of renewable energy generation that the scheme would provide. The Welsh Ministers concur that the scheme would generate significant benefits in terms of reducing reliance on fossil fuels.</p> <p data-bbox="1077 1209 2107 1406">The Appellant would also note generally, as it did at ISH1, that each site will be determined on its own merits, however there are useful pointers particularly from the Longfield Solar Farm decision on the weight to be attributed to draft policy, and how that policy is applied, in relation to NSIP-scale solar projects, together with the respective weight to be given to BMV land compared to the urgent need to provide more renewable energy projects in the face of the growing climate emergency.</p>

ExQ2	Respondent	Question	Applicant's Response
Q1.0.13	The Applicant	<p>The Summary of Applicant's Oral Submissions at ISH1 & Appendices [REP4-022] provides commentary on the extent of overplanting. It is calculated that the area associated with Works No 1 is 420ha. Installing 350MW over this area equates to an average 1.2ha per MW. The contracted grid capacity is 240MW, therefore implying an overplanting of 110MW. At 1.2ha/MW, this equates to 132ha of overplanting. It is stated that 1.2ha/MW is equivalent to 3 acres/MW which is in the middle of the range set in Paragraph 3.10.8 of the draft NPS EN-3 for a typical solar farm along with associated infrastructure.</p> <p>Should the range specified in draft NPS EN-3 be interpreted as excluding land required for mitigation as the Applicant's calculation appears to suggest?</p>	<p>The Applicant's view is that the range set out in paragraph 3.10.8 includes associated infrastructure, as the drafting states, but excludes mitigation. This can be seen by reading the paragraph in the context of the paragraphs which precede it, which are focussed on the operational solar farm and its associated infrastructure. Paragraph 3.10.8 is also focussed on the energy that is produced.</p> <p>It can also be seen by the second sentence of paragraph 3.10.8, which refers to 50MW covering between 125 to 200 acres (i.e. 4 acres x MW per 50 MW of output = 200 acres).</p> <p>The range given in the NPS is of a typical solar farm and is not intended to set a minimum or maximum envelope. Each solar farm will have different characteristics depending on the area it is located in, and the precise mitigation required, together with the Applicant's approach to enhancement, which will also vary. As set out in its response to FWQ 1.0.9 [REP2-037], the Applicant has taken a design-led approach to mitigation and enhancement. The design has therefore informed the maximum parameters of the Project (please see Applicant's response to SWQ 4.0.1) however the Applicant has also referred to the range in the draft NPS as further evidence that scale is not unreasonable, or larger than it needs to be.</p>
Q1.0.14	The Applicant	<p>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).</p> <p>Please provide figures and any further evidence to substantiate the conclusion</p>	<p>Introduction</p> <p>A BESS which is not able to charge from the grid through an import connection is constrained in its ability to support grid balancing because:</p> <ul style="list-style-type: none"> ▪ It can only provide downward flexibility (i.e., reducing supply through charging) from the co-located solar ▪ It can only provide upward flexibility (i.e., increasing supply) after it has been charged, i.e., most probably only in the afternoon ▪ It cannot provide upward flexibility once it is fully discharged, until after the next charging opportunity – which may be the next sunny day. ▪ Therefore, a BESS which is not able to charge from the grid is AT MOST able to be fully charged and fully discharge once per day (more likely significantly less). This is called operation at one cycle per day. <p>Further, and as has been explained in the Applicant's Responses to First Written Questions [REP2-037], Q1.2.4 and Statement of Need [APP-202] Table 9.2,</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>that an export only BESS would not be commercially viable.</p>	<p>NGESO are able to procure more commercial balancing services which benefit the operation of the electricity system from a BESS which operates with import and export capability vs an asset which is able only to export.</p> <p>Outside of the provision of commercial balancing services to support electricity system operation, a BESS with import and export capability is able to respond to electricity system balancing needs. This means that, for example, a BESS with import capability is able to help NGESO balance the grid by storing excess energy at times when demand is low, or when wind generation is high, as well as when co-located solar generation is high. A BESS which has no import capability is only able to operate in response to the energy output of the co-located solar generation.</p> <p>This analysis demonstrates that an export-only BESS co-located with solar generation is able to provide significantly less services to NGESO than one which is also able to import from the grid.</p> <p>Historical Spreads</p> <p>Note that in the electricity market, prices rise during times when demand for energy is higher than the expected level of supply, and fall when the demand for energy is lower than the expected level of supply. Energy trading is therefore an important activity which supports the supply/demand balance of the UK's electricity system.</p> <p>First Figure following, shows the average achievable spread by year in the UK's Day Ahead hourly market.</p> <p>The analysis determines the spread available on each day, and then averages that spread across each year.</p> <p>The orange line, shows the average of the daily maximum available spread, being the difference between the lowest price point of the day and the highest price point of the same day, whenever it occurs.</p> <p>The grey line shows the same but picks the lowest price of the day only from the middle of the day when solar irradiation is highest, and picks the highest price of the day from the evening when demand is also often highest.</p>

ExQ2	Respondent	Question	Applicant's Response																														
			<div data-bbox="1093 236 2007 762" data-label="Figure"> <table border="1"> <caption>Estimated data for Figure 1: Historical average spread per year (£/MWh)</caption> <thead> <tr> <th>Year</th> <th>At any time of the day (£/MWh)</th> <th>Constrained to solar profile (£/MWh)</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>45</td> <td>30</td> </tr> <tr> <td>2016</td> <td>65</td> <td>55</td> </tr> <tr> <td>2017</td> <td>45</td> <td>35</td> </tr> <tr> <td>2018</td> <td>45</td> <td>35</td> </tr> <tr> <td>2019</td> <td>35</td> <td>25</td> </tr> <tr> <td>2020</td> <td>40</td> <td>30</td> </tr> <tr> <td>2021</td> <td>150</td> <td>125</td> </tr> <tr> <td>2022</td> <td>155</td> <td>115</td> </tr> <tr> <td>2023</td> <td>65</td> <td>50</td> </tr> </tbody> </table> </div> <p data-bbox="1075 821 2083 845">Figure 1. Year-average maximum daily spread available on the UK's Day Ahead hourly market.</p> <p data-bbox="1075 885 2116 1077">In Figure 1 the orange line is consistently higher than the grey line. This shows that the range of prices across the whole day is wider than the range of prices between the solar generation peak of the day and the evening demand peak, implying that import and export from a BESS is more valuable to the market across the whole day than the value of shifting middle-of-the-day generation until the evening demand peak.</p> <p data-bbox="1075 1109 2116 1300">While solar generation is therefore anticipated often to cause prices in the middle of the day to dip, there are many other reasons why prices at other times of the day may also dip, for example a windy overnight, an overcast moderately warm weekend afternoon or during a public holiday. Conversely prices may peak at times other than during the “evening peak” for example during periods of low wind, during times of high cooling demand, or during bright, cold mornings.</p>	Year	At any time of the day (£/MWh)	Constrained to solar profile (£/MWh)	2015	45	30	2016	65	55	2017	45	35	2018	45	35	2019	35	25	2020	40	30	2021	150	125	2022	155	115	2023	65	50
Year	At any time of the day (£/MWh)	Constrained to solar profile (£/MWh)																															
2015	45	30																															
2016	65	55																															
2017	45	35																															
2018	45	35																															
2019	35	25																															
2020	40	30																															
2021	150	125																															
2022	155	115																															
2023	65	50																															

ExQ2	Respondent	Question	Applicant's Response
			<p>Analytical Model</p> <p>The Applicant has developed a simple analytical model which describes, for a certain cost per MWh of energy storage capacity (assuming unitary power export capacity) the average market spread which would need to be captured by the asset each day of a 40-year lifetime to achieve a 5% rate of return on an uninflated, pre-tax basis.</p> <p>A list of sources for the assumptions made in the model are listed below.</p> <ul style="list-style-type: none"> ▪ BEIS 2020 Electricity Cost of Generation Report (https://www.gov.uk/government/publications/beis-electricity-generation-costs-2020) includes a reference to a Mott McDonald report (https://www.gov.uk/government/publications/storage-cost-and-technical-assumptions-for-electricity-storage-technologies) which provides a high, medium and low CAPEX cost for a 1hr 50MW BESS. These publicly available estimates are now three years old, therefore an additional case – which estimates CAPEX costs at ~60% of the 2020 Low Case – has also been developed ▪ The same Mott McDonald report includes a range for BESS efficiency, of 85% to 90%. This analysis uses 88% as a reasonable estimate of performance ▪ BESS degrade over time in that they are able to store less energy each year than the year before. Degradation will vary with use but a reasonable assumption for grid-scale electricity storage degradation is 2% per annum (https://blog.mod0.energy/battery-degradation-explained) ▪ BESS tend to have an operational range and are not operated outside that range. This analysis assumes an operational range for State of Charge, of 95% of rated capacity ▪ A hurdle rate has been set at 5% ROI. This was based on the low-end of information provided in the 2020 Electricity Cost of Generation report, and is therefore a conservative assumption ▪ For simplicity, all other costs including operating costs, fixed costs (e.g., rents and rates) downtime due maintenance or unavailability and industry connection costs have not been included. Further, the possibility that the storage facility may not be able to fully charge on any specific day has also

ExQ2	Respondent	Question	Applicant's Response																																								
			<p>not been included. These are also considered to be conservative assumptions.</p> <p>Inflation has not been included.</p> <p>The analysis therefore calculates the total maximum MWh / year throughput for each scenario based on a differing number of cycles per day, and back-calculates the average spread (price of exported energy less cost of procured energy) required to achieve the required rate of return.</p> <p>The results are shown in the Figure following.</p> <div data-bbox="1093 619 2016 1157" data-label="Figure"> <table border="1"> <caption>Data for Figure 2: Lifetime Average Spread Required (£/MWh)</caption> <thead> <tr> <th>Lifetime Average Cycles / Day</th> <th>High: £689k/MWh (Red)</th> <th>Medium: £590k/MWh (Grey)</th> <th>Low: £492k/MWh (Yellow)</th> <th>User Entry: £300k/MWh (Blue)</th> </tr> </thead> <tbody> <tr> <td>0.5</td> <td>~£320</td> <td>~£280</td> <td>~£230</td> <td>~£140</td> </tr> <tr> <td>0.75</td> <td>~£210</td> <td>~£180</td> <td>~£150</td> <td>~£90</td> </tr> <tr> <td>1</td> <td>~£160</td> <td>~£130</td> <td>~£110</td> <td>~£70</td> </tr> <tr> <td>1.25</td> <td>~£130</td> <td>~£100</td> <td>~£80</td> <td>~£60</td> </tr> <tr> <td>1.5</td> <td>~£110</td> <td>~£80</td> <td>~£70</td> <td>~£55</td> </tr> <tr> <td>1.75</td> <td>~£90</td> <td>~£70</td> <td>~£60</td> <td>~£50</td> </tr> <tr> <td>2</td> <td>~£80</td> <td>~£60</td> <td>~£50</td> <td>~£45</td> </tr> </tbody> </table> </div> <p>Figure 2. Lifetime average price spread required to achieve a hurdle rate of return. Author Analysis</p> <p>Four different CAPEX scenarios have been coloured red, grey, yellow and blue, from highest to lowest. The x-axis shows the average number of cycles per day and</p>	Lifetime Average Cycles / Day	High: £689k/MWh (Red)	Medium: £590k/MWh (Grey)	Low: £492k/MWh (Yellow)	User Entry: £300k/MWh (Blue)	0.5	~£320	~£280	~£230	~£140	0.75	~£210	~£180	~£150	~£90	1	~£160	~£130	~£110	~£70	1.25	~£130	~£100	~£80	~£60	1.5	~£110	~£80	~£70	~£55	1.75	~£90	~£70	~£60	~£50	2	~£80	~£60	~£50	~£45
Lifetime Average Cycles / Day	High: £689k/MWh (Red)	Medium: £590k/MWh (Grey)	Low: £492k/MWh (Yellow)	User Entry: £300k/MWh (Blue)																																							
0.5	~£320	~£280	~£230	~£140																																							
0.75	~£210	~£180	~£150	~£90																																							
1	~£160	~£130	~£110	~£70																																							
1.25	~£130	~£100	~£80	~£60																																							
1.5	~£110	~£80	~£70	~£55																																							
1.75	~£90	~£70	~£60	~£50																																							
2	~£80	~£60	~£50	~£45																																							

ExQ2	Respondent	Question	Applicant's Response
			<p>the y-axis shows the lifetime average spread required to achieve the hurdle rate of return.</p> <p>The blue line shows that under an aggressive CAPEX assumption, a return of 5% can be achieved by cycling the fully accessible battery energy capacity every day for 40 years at an average daily market spread of £71/MWh. This is very close to the 8.5-year average maximum achievable daily spread (orange line in Figure 1) but is nearly 30% higher than the average maximum daily spread achievable from an export-only BESS co-located with solar (grey line in Figure 1).</p> <p>Figure 2 shows that cycling more than once per day, which requires importing energy from the grid, does start to provide healthier returns for an import / export BESS.</p> <p>Further, Figure 2 shows that if less than one cycle per day is achieved over the operational life of the development, the average lifetime spread required to hit the hurdle rate of return, is even higher still, than the average spread achieved over the last 8.5 years.</p> <p>This analysis demonstrates that, based on market history, an export-only BESS co-located with solar generation which cycles once per day is not able to secure the revenues needed to pay for itself.</p>
Q1.0.15	The Applicant	<p>Paragraphs 3.10.42 of the draft NPS EN-3 states that, from the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC) should be used for the purposes of determining solar capacity.</p> <p>In the event of the draft NPS EN-3 being designated prior to determination, please clarify the proposed combined capacity of the Proposed Development as measured in AC.</p>	<p>The Applicant refers back to the answer provided to Q1.0.5 of the FWQ [REP2-037], where an explanation was provided that the number of Solar Stations (which contain inverters) would be dependent on two factors:</p> <ol style="list-style-type: none"> 1) The type of technology chosen at the time of procurement; and 2) The installed DC capacity of the Proposed Development. <p>the exact number of string or central inverters is not known at this stage as this will be dependent on the detailed design to be submitted to the relevant authorities pursuant to Requirement 6 of the dDCO.</p> <p>Notwithstanding this the Applicant can confirm that the maximum combined capacity of the installed inverters (measured in alternating current (AC)) will exceed 50MW, the threshold at which a solar farm is considered a Nationally Significant</p>

ExQ2	Respondent	Question	Applicant's Response
			Infrastructure Project. Subject to detailed design, chosen technology (string or central inverters), efficiency in the layout etc, the indicative total installed output capacity of the inverters could range between 240 MW – 250 MW (AC). Due to the AC capacity being above the grid connection offer, an export limitation scheme would be implemented when the export power exceeded the 240MW (AC) grid connection.

Topic 1.1 Need

ExQ2	Respondent	Question	Applicant's Response
Q1.1.1	Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	Question not for The Applicant	
Q1.1.2	The Applicant	<p>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.</p> <p>a) 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</p>	<p>(a) The satellite data, including an explanation of that data and its source, is included in Appendix B. The data was sourced from PVGIS https://re.jrc.ec.europa.eu/pvg_tools/en/ and was extracted on 18 June 2021.</p> <p>The location selected for the analysis (Latitude (decimal degrees): 52.702, Longitude (decimal degrees): -0.466), lies within the Order limits. The Applicant's experience is that it is appropriate to calculate load factor based on a single point location for a scheme of this size as any variation in the data from one side of the Order limits to the other will be negligible.</p> <p>(b) The calculations behind the 315,000MWh assessment are included in Appendix B. Appendix B to the Summary of Applicant's Oral Submissions at ISH1 [REP4-022] describes the analysis.</p> <p>Appendix B shows that (DEGRADATION, as highlighted on Appendix B titled Degradation Year 0 – Year 8) over 97.6% of the year (~8,550 hours) at the Proposed Location, 350MW(p) installed solar generation capacity is expected to generate no more than 240MW of power. All of this power will be exportable through the 240MW grid connection agreement. On the other 2.4% of the year (~210 hours), inverters will limit the output of the facility to 240MW. In its first 12 months of operation therefore, the facility is expected to export 350,760MWh of electrical energy to the Grid. (Year 0 as highlighted on Appendix B Page 213).</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>justification for why a higher load factor is applicable?</p> <p>b) 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?</p> <p>c) Do the calculations take account of the likely increase in demand for electricity for individual households over the 40-year period?</p>	<p>As the panels degrade, the peak power they are able to generate reduces and this is modelled in Appendix B.</p> <p>For example, by Year 20, degradation has reduced the number of hours during which the facility is expected to generate over 240MW of power, to just 1% (~88 hours per year). The facility is expected to export 319,432MWh of electrical energy to the Grid in that year (Year 20 as highlighted on Appendix B Page 213).</p> <p>The average expected annual generation from the facility, after degradation, is therefore 318,776MWh (which the Applicant rounded down to 315,000MWh in its DL4 submission), cited by the ExA in this question.</p> <p>In summary therefore:</p> <ul style="list-style-type: none"> ▪ Output from the solar facility varies as the sun rises and falls ▪ Only when output from the facility is greater than the grid export capacity will the solar facility be 'curtailed' (or lost) ▪ At all other times, all energy generated from the facility will be exported to grid ▪ As the facility ages, the maximum power output from the facility reduces, and therefore so does curtailment (losses) ▪ Overplanting therefore increases the lifetime generation of the facility versus a facility which is not overplanted <p>(c) No. The calculations which convert the expected electricity output of the scheme to an equivalent number of houses use a single assumption of 3,760kWh per household in a year. This number was derived from UK Government statistics for the calendar year 2019, available at https://www.gov.uk/government/statistics/regional-and-local-authority-electricity-consumption-statistics</p> <p>The critical point is that the proposed development will, if consented, generate a significant quantity of zero-marginal carbon emission electricity over its lifetime. That electricity will be transmitted to the National Electricity Transmission System through the existing Ryhall substation, and will be consumed nationally both to meet increasing demand due to electrification of homes and transport, as well as in the place of existing carbon intensive generation which it will displace from the</p>

ExQ2	Respondent	Question	Applicant's Response
			grid thereby reducing the carbon emissions associated with UK electricity generation.
Q1.1.3	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	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?	<p>No. The Statement of Need [APP-202] describes the urgent need for the Proposed Development in relation to Government's legal obligation to achieve Net Zero carbon emissions by 2050, the urgency of action required to achieve that, and Government's strategy of decarbonising the electricity grid by 2035 while building capacity to enable the substitution of carbon-intensive fuels for clean electricity in other sectors including but not limited to heating and transport.</p> <p>In announcing the new licenses, UK Prime Minister Rishi Sunak said: "Even when we've reached net zero in 2050, a quarter of our energy needs will come from oil and gas. But there are those who would rather that it come from hostile states than from the supplies we have here at home." Further, that "the carbon footprint of domestic gas production is around one-quarter of the carbon footprint of imported liquified natural gas" but of course, the carbon emitted from any oil and gas which is used will need to be captured or offset, and technologies to make this possible have not yet been deployed at scale, consented or funded in the UK.</p> <p>Government also cite security of energy supply benefits of developing UK-based hydrocarbon sources, which may be the case, but will not be the case until any identified resources have been developed and become operational.</p> <p>Increasing energy security and reducing carbon emissions are important steps to take. However, deploying zero-marginal cost (therefore independent of global gas markets), zero marginal carbon emissions and secure UK-generated electrical energy, such as that to be generated by the Proposed Development, remains a clear-cut step to removing carbon emissions and eliminating energy security risks.</p> <p>The Applicant considers that Government's announcement therefore has no negative implications in relation to the case for the need for Proposed Development.</p> <p>Indeed, one could argue that Government's decision to issue new licences, to support the transition to a lower carbon and more energy secure future, means that our transition to that future has not yet achieved sufficient progress to wean society off hydrocarbons entirely. The remedy to which is to increase the deployment of low-carbon renewable electricity generation.</p>

ExQ2	Respondent	Question	Applicant's Response
			<p>The Applicant considers that Government's announcement therefore has positive implications in relation to the case for the need for Proposed Development, in that the need for energy security and zero-carbon emissions fuels, which shield consumers from volatile international energy markets, remains of paramount importance. The Proposed Development delivers against these needs, as is described in the Statement of Need [APP-202].</p>

Topic 1.2 Site selection and alternatives

ExQ2	Respondent	Question	Response
Q1.2.1	The Applicant Natural England Lincolnshire County Council Rutland County Council South Kesteven District Council Mallard Pass Action Group	<p>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?</p> <p>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?</p>	<p>a) It is not considered proportionate to survey land outside of the Order limits. It is standard practice during site selection exercises to use publicly available data to inform the process as a starting point. In the case of agricultural land, both the provisional and predictive mapping data available from DEFRA and Natural England have been considered to form an appropriate baseline to help the site selection process. It would be unreasonable, disproportionate and impractical to seek to survey alternative land following the use of that predictive mapping data, alongside other data, willing landowners, and the grid connection, to inform the initial site selection process for many reasons, not least that the Applicant has no legal right to do so and the question of where would you draw the line of where to stop. The Applicant notes (and has done throughout the examination) that there is a policy preference to consider poorer quality agricultural land before better quality land, but this is one of many factors which help inform the choice of site, as recognised by draft NPS EN3, together with the recognition that this should not be a determinative factor in the site selection process (please see response to SWQ 1.2.3). The Applicant has sought to minimise impact on BMV land through the design process as noted in its responses to FWQ1.0.7 and the Applicant's written summary of oral submissions at ISH1, particularly item 6b) [REP4-022].</p> <p>b) The absence of survey data outside of the Order limits does not reduce the weight attributed to the consideration of alternative sites. There is no requirement for such detailed surveys to be undertaken for alternative sites, and for the reasons set out above, any expectation to do so would be entirely disproportionate.</p>
Q1.2.2	Rutland County Council	Question not for the Applicant	
Q1.2.3	The Applicant Natural England Rutland County Council Lincolnshire County Council	Paragraph 3.10.14 of the draft National Policy Statement for Renewable Energy (EN-3) states the following; <i>"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,</i>	<p>The first sentence of paragraph 3.10.14 in the draft National Policy Statement for Renewable Energy (EN-3) emphasises that land type should not be the primary determining factor when evaluating the suitability of a site location for Solar Photovoltaic Generation, recognising that there are factors that may be determinative, such as the availability of a suitable grid connection.</p> <p>The Applicant's position is that 'land type' refers to both agricultural land and brownfield land, as the rest of the paragraph goes on to clarify the approach to</p>

ExQ2	Respondent	Question	Response
	<p>South Kesteven District Council Mallard Pass Action Group</p>	<p><i>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)."</i></p> <p>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?</p>	<p>each. This interpretation is consistent with the approach applied by the ExA and Secretary of State at Longfield (see paragraph 5.7.5 of ExA report and 4.58 of SoS's decision letter).</p> <p>It follows from the above that agricultural use should not be considered a predominant factor in the site selection process, but it is an important one, alongside other important planning and environmental criteria, as set out in the Applicant's written summary of oral submissions at ISH1 [REP4-022].</p>

Topic 2.0 Air Quality and Emissions

ExQ2	Respondent	Question	Applicant's Response
Q2.0.1	Rutland County Council Lincolnshire County Council South Kesteven District Council	Question not for The Applicant	

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

ExQ2	Respondent	Question	Applicant's Response
Q3.0.1	The Applicant Rutland County Council South Kesteven District Council Natural England	<p>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.</p> <p>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?</p> <p>b) Do Natural England have any further comments to make on this matter given the recent publication of version 4.0 of the metric?</p>	<p>a) The position on which metric will be in force at the time the detailed LEMPs will come to be approved is highly likely to have moved on from metric 4.0 (with Natural England indicating that it will change every 3-5 years). A new metric has been released since the submission of the DCO Application in November 2022 and a new metric is anticipated to be released in November 2023, demonstrating that the version of the metric will continue to change. The Applicant has therefore updated the oLEMP (Rev 4) to provide that the detailed LEMP(s) will detail which version of the Defra BNG Metric has been used in the updated BNG calculations undertaken at detailed design. This is secured in Requirement 7(2)(f) of Schedule 2 of the dDCO (Rev 5) submitted at Deadline 5 which provides that the LEMP must include the metric that has been used to calculate that these percentages will be reached. Requirement 5(1) of Schedule 2 of the dDCO (Rev 5) submitted at Deadline 5 has also been updated to provide that the percentage of any BNG referred to in Requirement 7(2)(f) can be amended where it has been demonstrated that the LPAs are satisfied that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</p> <p>b) Not for the Applicant.</p> <p>c) As has been seen in the development of the metric over recent years, the methodology for how gains are calculated may change in the intervening period, meaning that the % the Applicant has put into Requirement may not be achievable on the basis of the revised metric because, for example, it might treat grassland differently from how it is treated now. Therefore, a 10% contingency has been set out to allow for variances in the future version of the Defa BNG Metric that would be used at detailed design to update the BNG calculations.</p> <p>Together the changes highlighted in (a) and (c) ensure:</p> <ul style="list-style-type: none"> ▪ a high amount of BNG is secured, whilst acknowledging that given the commitments in the OLEMP and the Green Infrastructure Strategy plans within it, it is likely to be even more than this, which is indirectly secured as set out at the Hearings;

ExQ2	Respondent	Question	Applicant's Response
		<p>c) Can the Applicant provide further clarification of the basis for the 10% contingency?</p> <p>d) Should Objective 1 of the oLEMP be updated to refer to 65% biodiversity net gain?</p>	<ul style="list-style-type: none"> ▪ the metric to be used can be agreed with the LPAs at the appropriate stage: detailed design, to reflect what is proposed and allow for discussion on what is best applied in light of how the metric and its associated guidance has changed in the future; ▪ the LPA to have approval of if the BNG figure needs to be changed, whilst avoiding the concerns expressed at Deadline 4. <p>d) Objective 1 of the oLEMP (Rev 4) submitted at Deadline 5 has been updated accordingly.</p>
Q3.0.2	<p>The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council Natural England Mallard Pass Action Group</p>	<p>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.</p> <p>a) Should the oCEMP provide further details of how these commitments will be implemented?</p> <p>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?</p>	<p>a) The oCEMP [REP4-008] has been updated for Deadline 5 to require that an Ecological Clerk of Works (ECoW) will undertake a walkover of the verges where passing points are proposed prior to the works to identify any orchids within the affected areas and update the detailed CEMP(s) to include the translocation methodology.</p> <p>b) Due to the very low volumes of heavy goods vehicle traffic required for the replacement of PV panels and electrical infrastructure such as inverters, no passing points will be required during operation of the Proposed Development. Please see responses to SWQs 5.0.1 and 11.0.9 which discusses this further.</p>
Q3.0.3	<p>The Applicant Rutland County Council South Kesteven District Council</p>	<p>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</p>	<p>(a) The Transport Assessment [APP-074] acknowledges that whilst there are no restrictions on routes for LGVs or staff, they could reasonably utilise any of the identified construction routes to access the site from the Strategic Road Network ('SRN', Route 1, Route 2 and Route 3), as well as any route from the Local Road Network (LRN), as the location of origin is not yet known.</p>

ExQ2	Respondent	Question	Applicant's Response
	Lincolnshire County Council Mallard Pass Action Group	<p>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 have any material impact.</p> <p>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.</p> <p>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?</p> <p>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?</p>	<p>However, it is considered highly unlikely for any vehicle trips to utilise Holywell Road as it does not provide a desire line from any destinations in the local area. When reviewing potential locations that could be accessed via Holywell Road, only trips from Holywell village would be likely to use this road. Whilst the number of trips from Holywell cannot be confirmed at this stage, this is likely to comprise a non-significant proportion of trips and even lower probability of any trips being two-way. All other trips from the local area would likely route via the B1176 and A1621, which would not lead to any impact on the Ryhall Pasture and Little Warren Verges SSSI.</p> <p>Whilst the width along Holywell Road is unlikely to be sufficient for two LGVs to pass across the full extent of road, this is not considered to be relevant as there are unlikely to be any trips using this route during construction.</p> <p>(b) In the unlikely event that there are trips that could potentially utilise Holywell Road, from staff who live in this village, the relevant members of staff would be advised to avoid utilising Holywell Road which would be detailed within the CTMP secured by way of requirement on the DCO. This has been added as a commitment to the outline Travel Plan</p>
Q3.0.4	Natural England	Question not for The Applicant	

ExQ2	Respondent	Question	Applicant's Response
	Rutland County Council Lincolnshire County Council South Kesteven District Council Lincolnshire Wildlife Trust Mallard Pass Action Group		
Q3.0.5	The Applicant Natural England Rutland County Council Lincolnshire County Council South Kesteven District Council Lincolnshire Wildlife Trust Mallard Pass Action Group	<p>Section 6.2 of the oLEMP [REP4-014] provides outline details for monitoring arrangements.</p> <p>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?</p>	<p>Draft NPS EN-3 paragraph 3.10.121 states that Applicant's 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'.</p> <p>The Applicant has done exactly, by making the monitoring commitments set out in section 6.2 of the oLEMP. That section provides for:</p> <ul style="list-style-type: none"> ▪ monitoring during the construction phase, where the risk of impacts is at its highest. This builds on the commitments in the oCEMP in respect of pre-construction surveys and monitoring; ▪ monitoring of the performance of the LEMP, which is important as it contains the mitigation measures which have been identified as necessary to ensure impacts to particular ecological receptors are mitigated, as such monitoring that the mitigation measures are working will ensure that those impacts are considered to be mitigated; and ▪ allows for the monitoring to be agreed by the LPAs through the detailed LEMPs and following construction. <p>It is clear therefore that the Applicant has committed to an ecological monitoring programme as required by the NPS.</p>

ExQ2	Respondent	Question	Applicant's Response
Q3.0.6	The Applicant Natural England Rutland County Council Lincolnshire County Council South Kesteven District Council Lincolnshire Wildlife Trust Mallard Pass Action Group	<p>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.</p> <p>Is additional mitigation required for Skylarks? If so, should it comprise of measures for providing food or other proposals?</p>	<p>The skylark plots will be sufficient to compensate for the losses to the skylark in terms of nesting locations – the RPSB, for example, has not suggested any further measures are required beyond what the Applicant has proposed. Additionally, the new grassland creation areas, including within the Solar PV Area, will offer higher foraging value habitats for the displaced individuals, meaning that no additional mitigation is needed.</p>
Q3.0.7	Forestry Commission	Question not for The Applicant	
Q3.0.8	The Applicant	<p>It is noted from the Statement of Common Ground with Natural England that Natural England [REP4-039] have yet to receive draft protected species licences for review. It is understood that they are due to be drafted <i>“during the examination process”</i>. Please provide an update on the progression of this and likely timescales.</p>	<p>The drafting of the District Level Licences for the Great Crested Newts has started and is being progressed. A draft District Level License will be submitted to Natural England during the course of the examination. It is noted that this is standardised system by Natural England and would not lead to the production of LONI by Natural England.</p> <p>In terms of badgers, following various discussions with Natural England and given the results of the assessment undertaken for the ES (which, based on the baseline data collected, indicates no impacts to badgers, but acknowledges that they are a mobile species who may move - which is the provenance for the Applicant having said that a licence <u>may</u> be required) and lack of detail at this stage of the process, it has been agreed that a LONI will not be sought, rather there will be an application (as required) for any necessary sett closure licences at a later stage. This licence application will be started closer to the commencement of construction, as a result of the need for the design to be finalised (as, for example, it is not yet clear what badgers may need to be moved,</p>

ExQ2	Respondent	Question	Applicant's Response
			and where, and the nature of mitigation that may therefore be required), and will be informed by pre-construction badger surveys as secured in the outline Construction Environmental Management Plan [REP4-007]. Further, the Applicant's stance, as set out in ES Chapter 7: Ecology and Biodiversity [APP-037], is to retain the main setts and only temporarily close any other setts such as outliers or subsidiaries where they are found to be present.

Topic 3.1 Habitats Regulations Assessment

ExQ2	Respondent	Question	Applicant's Response
Q3.1.1	Natural England Rutland County Council South Kesteven District Council Lincolnshire County Council	Question not for The Applicant	
Q3.1.2	The Applicant	At Deadline 2 [REP2-037] in response to question 3.1.2, the Applicant stated that impacts to the Baston Fen SAC were scoped out of Environmental Statement (ES) Chapter 11 (Water Resources and Ground Conditions) on the basis that the site is located 6.1km from the Order Limits and therefore is outside of the 5km study area. Table 11.5 of ES Chapter 11 states that the Baston Fen SAC lies approximately 4.46km from the Order limits, at ISH2 [REP4-041] the Applicant stated that the SAC is 4.4km from the Order Limits and Table 3 of the shadow Habitats Regulations Assessment (sHRA) [APP-063] also states that the site is 4.4km	<p>The distance to the SAC boundary from the nearest point of the Order limits is 6.1km. The distance is therefore greater than was previously stated in Chapter 7: Ecology and Biodiversity [APP-061] of the ES and in the shadow Habitats Regulations Assessment (sHRA) [APP-063], which means that the risk of impacts from the Proposed Development on the SAC is lower than previously assessed.</p> <p>The assessments provided in Chapter 7 and the sHRA considered impacts on the SAC and concluded that although there is a pathway, the risk is extremely low and there will be no significant effect at any level on the SAC. No further assessment is therefore required.</p> <p>Paragraph 7.3.3(b) of ES Chapter 7: Ecology and Biodiversity [APP-061] should read as follows: "<i>b. Baston Fen SAC is located 6.1km north-east of the Order limits.</i>"</p>


ExQ2	Respondent	Question	Applicant's Response
		<p>from the Order Limits. a) Can the Applicant confirm the correct distance between the Order Limits and Baston Fen SAC?</p> <p>b) If the distance confirmed for question (a) above is below 5km, the justification provided at deadline 2 for scoping this pathway out is incorrect so can the Applicant update the assessment within ES Chapter 11 [APP-041] to considering this impact pathway?</p> <p>c) In relation to the Habitats Regulations Assessment, Table 3 of sHRA [APP-063] states that this pathway has been assessed in ES Chapter 11 which concludes no likely significant effects. However, as noted previously, this pathway was scoped out of the ES. Considering this pathway has not been assessed as stated, can the Applicant clarify whether further assessment is required under the Habitats Regulations?</p>	<p>Table 1 of the sHRA has been updated to refer to the correct distance of 6.1km, with a revised version being submitted at Deadline 5.</p>
Q3.1.3	<p>Natural England Environment Agency Rutland County Council Lincolnshire County Council South Kesteven District Council</p>	Question not for The Applicant	

Topic 4.0 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

ExQ2	Respondent	Question	Applicant's Response
Q4.0.1	The Applicant	<p>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).</p> <p>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.</p>	<p>The Applicant is seeking flexibility for Fixed South Facing and Single Axis Tracker, where neither of the other developments (Longfield, Little Crow or Cleve Hill) sought flexibility for Single Axis Trackers. It should also be noted that the Longfield, Little Crow and Cleve Hill concept designs used different configurations, most notably:</p> <ul style="list-style-type: none"> ▪ Cleve Hill was an East / West configuration; ▪ Longfield was a 4-portrait fixed south facing configuration. <p>These differences make it difficult to compare like for like in terms of land take as each site is different and as the Applicant has stated Mallard Pass is within the range provided within paragraph 3.10.8 of draft NPS EN-3.</p> <p>It should be noted however that even with the additional flexibility of allowing for Single Axis Tracker (SAT) panels (in comparison to the schemes above), the ratio for the Proposed Development is only marginally above that for Little Crow.</p> <p>The illustrative configuration for Fixed South Facing, as shown in Figure 5.2 of the ES [APP-120], is a 'two portrait' configuration, which is the Applicants preferred Fixed South Facing configuration for the following reasons:</p> <p>It has greater construction flexibility, allowing the PV tables to follow the contours of the Site and assimilate the PV Arrays into the landscape;</p> <p>The panels can be cleaned more easily using machinery, in comparison to a wider PV Table;</p> <ul style="list-style-type: none"> ▪ It reduces the impact on installed capacity where localised conditions may prevent the installation of panels, i.e. provides greater flexibility without comprising the installed capacity. ▪ It provides better conditions (more light) for the establishment and maintenance of grass and consequently grazing.

ExQ2	Respondent	Question	Applicant's Response
			<ul style="list-style-type: none"> ▪ It has a reduced density within any particular field and therefore is less visually dense. ▪ It reduces the ground coverage within any particular field and therefore the potential for channelisation and riling. ▪ It provides greater flexibility to optimise the tilt of the PV Tables to respond to the site conditions and layout, which will be determined at the detailed design stage. <p>In terms of a Single Axis Tracker layout, it should be noted that this technology is more efficient and is able to generate a higher kWh/kWp/Yr in comparison to a Fixed South Facing layout, as they track the sun, maintaining a constant angle of incidence. This means that Single Axis Trackers are capable of producing the same amount of GWh/Yr as a Fixed South Facing scheme by using a lower number of PV Modules. Alternatively using the same number of PV Modules, the SAT tracker configuration will generate more GWh/Yr. However due to the configuration of the SATs (one panel width per PV Table as shown on Figure 5.2 of the ES [APP-120]), the density of panels per Hectare would be lower than a Fixed South Facing configuration, when the minimum pitch parameter is applied.</p> <p>The SAT configuration therefore allows for an equivalent amount of GWh/Yr to be generated, using less infrastructure and therefore with a lower embodied carbon value per MWh when compared with Fixed South Facing. The Applicant therefore wishes to retain the flexibility for both Single Axis Trackers and Fixed South Facing configurations that allow for the infrastructure installed and GWh produced per year to be optimised.</p> <p>Although the consented examples did not propose SATs as an option, there are a number of NSIP-scale solar farms currently in the public domain that are proposing flexibility to allow for SAT panels, including Cottam (Island Green Power), Byers Gill (JBM Solar) and Tillbridge (Tribus and Canadian Solar).</p>
Q4.0.2	The Applicant	The Applicant explained at CAH1 [REP4-042] that the skylark mitigation areas would continue as arable land. These areas are shaded pink (freehold and leasehold to be compulsorily acquired) on the Land Plans [REP1-003] and would be subject to proposed	a) Chapter 7 of the ES [APP-037] confirms that the Proposed Development will result in a loss of nesting areas used by nesting skylark. Therefore, measures are put in place to enhance the value of retained arable habitats for nesting and includes a provision of skylark plots. Plots to accommodate for the displaced territories are provided within the Order limits within the Mitigation and Enhancement Areas secured in the oLEMP (Rev 4). The fields where skylark plots are to be created are reasonable and proportionate as it is the area required to offset the losses from the

ExQ2	Respondent	Question	Applicant's Response
		<p>Work No. 7 – works to create, enhance and maintain green infrastructure.</p> <p>a) Taking account of the nature of the proposed use/purpose of these plots/fields only for skylark mitigation, please justify why the full extent of the compulsory acquisition powers sought is necessary and proportionate for these areas? Have any alternative methods been considered that might also allow for this mitigation to be provided without compulsory acquisition?</p> <p>b) Noting that it is intended that these areas would continue to be farmed as arable land, what impediments to the feasibility of this might arise taking account of the location and layout of the remainder of the Proposed Development on adjacent land? Would any particular measures be required in order to ensure that these areas are able to be properly farmed as arable land?</p>	<p>Solar PV Site. Importantly, the fields also help to create a separation gap between the Solar PV Site and the surrounding area, including residential properties and communities – as set out in the Residential and Visual Amenity Assessment and the DAS, fields were actively taken out of proposed Solar PV Site to achieve this aim and instead became MEAs.</p> <p>It is therefore the case that the Applicant needs to ensure that the land is not used for any other purpose than retained agriculture, as well as the positive obligation to maintain the skylark plots. Given the all-encompassing nature of that restriction, and the inability to compulsorily acquire positive covenants, it is appropriate for compulsory acquisition powers to be sought.</p> <p>b) The skylark plots require a simple management activity that has a minimal effect on farming the land for arable crops. Essentially the plots are nothing more than an area of 16 - 24 sqm (4 - 5m by 4 - 5m) of crop that is either not sown or is sprayed out so that the crop is killed. The result is a small bare patch in the middle of the growing crop where a skylark can nest. See the revised OCEMP at 4.2.35 [REP2-021].</p> <p>A hectare of farmland is 10,000 sqm, so the reduction of 16 - 24 sqm is negligible. Most arable crops have areas of crop failure and that is where skylarks nest. The deliberate creation of a bare area simply makes site selection easier and guarantees suitable areas for the skylarks.</p>

ExQ2	Respondent	Question	Applicant's Response
			 <p>(Photo from RSPB website)</p> <p>Payment is available under Countryside Stewardship, for example, with a requirement of 2 plots per hectare. They do not hinder management of the rest of the field, and the plots can receive the same fertiliser and spray treatments as the rest of the field. The fact that the use of this is something already supported by a national scheme illustrates that this is a well-used practice alongside farming.</p>
Q4.0.3	The Applicant Network Rail	<p>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].</p> <p>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?</p>	<p>a) A Basic Asset Protection Agreement has been signed and is now with NR for contractual completion. In engineering terms NR are aware of the Applicant's plans to use the brick arch crossing point and basic designs have been produced to support this. When the commercials are complete, these designs will be passed to NR for formal acceptance. NR have provided record details of their current infrastructure for our use in the design process. With regard to land issues the position is that agreed Heads of Terms for the Option Agreement relating to the arch were sent to NR on 13 July 2023. Confirmation of agreement was sent to NR on 1 August 2023. It is understood that NR are instructing solicitors to draft the Deed but this is currently awaited by the Applicant.</p> <p>b) NR requested confirmation as to the Applicant's insurance and PO cover before they will engage further in respect of the engineering issues. The Applicant has</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>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)?</p> <p>c) For any issues/impediments raised, please describe what action/remedy is required and how it can be achieved.</p> <p>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.</p> <p>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).</p> <p>g) If any matters remain outstanding, provide a Statement of Common Ground at Deadline 5.</p>	<p>provided the insurance details and discussions are continuing to confirm if any further detail is required. At present, therefore, the Applicant is unable to confirm whether there will be any objections from NR to the method proposed. However, the Applicant has relied upon engineering judgment and experience in railway matters to minimise the likelihood of objections. In the case of the high-pressure gas main, the Applicant intends to route the cables through an adjoining arch to that occupied by Cadent on the surface in cable trays to minimise the impact on the main and the ground conditions for the supporting arches. It is understood that Cadent are supportive of this.</p> <p>c) There are no known current issues or impediments.</p> <p>d) There are no known current issues or impediments.</p> <p>e) The Applicant can confirm that the Protective Provisions for the protection of Network Rail have been agreed on 20 July 2023. The Framework Agreement has also been agreed on 16 August 2023 and is in the process of being signed and completed.</p> <p>f) The Applicant understands that NR has appointed solicitors and has requested a timetable for the issuing of draft documents in order that an assessment can be made as to the likely timetable for completion. However, the Applicant has yet to be contacted by NR's solicitors and has not received any indication as to timescales.</p> <p>g) The outstanding items are that the engineering works approvals are to be completed and NR need to provide the draft Land Agreement to the Applicant for consideration, comment and final completion. A Statement of Common Ground is not required as it would simply repeat what is set out above.</p>
Q4.0.4	The Applicant	<p>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.</p>	<p>Following the examination hearings in July 2023, a compulsory acquisition workshop has been organised to take place at Essendine Village Hall on 20th September 2023. Members of the Applicant's team will be in attendance to present information and discuss any queries that members of the local community may have in regard to the cable route and compulsory acquisition matters.</p> <p>Information postcards have been distributed to local residents of Essendine (specifically residents with plots on or next to the A6121, as well as those who appear in the Book of Reference as a Category 1 interest and who submitted a Relevant Representation to this Examination), so they are directly made aware of this</p>

ExQ2	Respondent	Question	Applicant's Response
			workshop. The Applicant also provided a poster to be displayed at numerous locations in the relevant area to further advertise the workshop and to ensure all relevant stakeholders were appropriately notified.
Q4.0.5	Affected persons in Essendine Mallard Pass Action Group Essendine Parish Council Essendine Village Hall	Question not for The Applicant	
Q4.0.6	The Applicant (a) Mr and Mrs Beamish (b)	<p>a) Further to the information provided at CAH1 and the Applicant's subsequent Summary of Oral Submissions [REP4-042], the Applicant is requested to provide an update on discussions with Mr and Mrs Beamish. Are any further changes required to the outline CEMP [REP4-007] in the light of comments made in the post hearing Summary of Oral Submissions?</p> <p>b) Mr and Mrs Beamish are requested to confirm if there are any outstanding concerns, in regard of compulsory acquisition matters, including whether the matter of access to/from Events and Tents and Mallard Point Vineyard has been satisfactorily resolved and if any additions are required to Table 3-10 of the outline CEMP [REP4-007].</p>	<p>a) The Applicant has requested a further call or meeting with the Beamishes following the ASI, but, further to the comments made at the July Hearings and the ASI, wishes to put on record the attempts that it has made to communicate with the Beamishes during the course of the development of the Proposed Development to illustrate that it engaged with them and not ignored them as has been suggested. The chronology of communication is as follows:</p> <ul style="list-style-type: none"> ▪ 10.12.2021. Phone Call. Mr Beamish calls the project Freephone information line and discusses key concerns with members of stakeholder relations team for approximately 1 hour. ▪ 15.12.2021. Email. Mrs Beamish provides feedback to Stage One Non-Statutory Consultation to the Applicant via email. ▪ 20.12.2021. Email. The Applicant follows up with Mr Beamish following phone call on 10.12.2021. ▪ 20.12.2021. Email. The Applicant responds to Mrs Beamish following receipt of feedback on 15.12.2021. ▪ 16.02.2022. Email. The Applicant notifies Mr Beamish of the submission of the EIA Scoping Report to the Planning Inspectorate, the publication of the Applicant's community newsletter and Consultation Summary Report, and the publication of the Applicant's responses to Frequently Asked Questions from the Stage One Non-Statutory Consultation.

ExQ2	Respondent	Question	Applicant's Response
			<ul style="list-style-type: none"> ▪ 26.05.2022. Email. The Applicant notifies Mr and Mrs Beamish of the Stage Two Statutory Consultation starting that day. ▪ 23.06.2022. Email. The Applicant notifies Mr and Mrs Beamish that the Stage Two Statutory Consultation would be ending in six-weeks' time. ▪ 25.06.2022. Event. At Stage Two Statutory Consultation event at Essendine Village Hall, Mr Beamish attends and requests meeting/ onsite visit with the Applicant. ▪ 30.06.2022. Email. The Applicant follows up re: meeting offer, setting out potential dates and meeting formats (virtual, in-person) for Mr and Mrs Beamish to consider. No response is received. ▪ 21.07.2022. Email. The Applicant notifies Mr and Mrs Beamish that the Stage Two Statutory Consultation would be ending in two-weeks' time. ▪ 02.08.2022. Email. The Applicant notifies Mr and Mrs Beamish that the Stage Two Statutory Consultation would be ending that week. ▪ 04.08.2022. Email. Mr and Mrs Beamish provide feedback to Stage Two Statutory Consultation and receives Applicant auto-response confirming safe receipt. ▪ 05.01.2023. Email. The Applicant notifies Mr Beamish that the DCO Application for the Proposed Development has been accepted, providing notification of the Section 56 registration period. ▪ 03.03.2023. Email. The Applicant notifies Mr Beamish that the Section 56 registration period has come to a close. ▪ 16.05.2023. Event. Mr and Mrs Beamish attend Preliminary Meeting and request meeting / onsite visit with the Applicant. The Applicant met with Mr and Mrs Beamish immediately following the close of the Preliminary Meeting to discuss their concerns and re-iterate the offer of another meeting/ onsite visit should this be of interest. ▪ 16.05.2023. Email. The Applicant follows up with Mr and Mrs Beamish following discussion at Preliminary Meeting, including links to materials and answers to key questions in writing.

ExQ2	Respondent	Question	Applicant's Response
			<ul style="list-style-type: none"> ▪ 09.06.2023. Email. The Applicant contacts Mr and Mrs Beamish to ask whether they would like for the ExA to consider a visit their property as part of the Accompanied Site Inspection (ASI). ▪ 13.06.2023. Phone Call. The Applicant follows up with Mr Beamish directly regarding the above ASI request. ▪ 16.06.2023. Email. The Applicant follows up with Mr and Mrs Beamish regarding the ASI. ▪ 19.07.2023. Email. The Applicant follows up with Mr and Mrs Beamish regarding the offer for a meeting / onsite visit. ▪ 02.08.2023. Email. The Applicant follows up with Mr and Mrs Beamish regarding the ASI. ▪ 11.08.2023. Email. The Applicant follows up with Mr and Mrs Beamish regarding the ASI. ▪ 25.08.2023. Phone Call, Email. The Applicant calls Mr and Mrs Beamish to follow up on offer for a meeting / onsite visit. Following this the Applicant provides potential meeting dates/times via email to both parties upon Mr Beamish's request. ▪ 30.08.2023. Phone Call, Email. The Applicant calls Mr and Mrs Beamish to follow up on the email regarding the meeting however no response is received. Following this the Applicant has followed up to seek to confirm date by emails and phone but as yet has had no response. <p>It is not considered that any further changes are required to the CEMP. The Applicant has included a specific provision in the oCEMP which deals directly with the Beamishes' concern at table 3-10, namely that it must liaise with Beamishes, as a user of an access track, to confirm access arrangements whilst any cabling works take place in that track.</p>
Q4.0.7	The Applicant (a and b) Mrs Woolley (c)	<p>a) Please provide any update on the position further to Mrs Wooley's submissions at CAH1 [REP4-067] relating to the Land Plans and Book of Reference.</p> <p>b) With regard to access, at Deadline 4, the Applicant stated [REP4-042] that</p>	<p>a) The principle of ad medium filum, is the legal presumption that, where a property fronts on to a public highway, the title includes the portion of the highway up to the centre line. Accordingly, along highways, plots are split to the centre line according to the titles that abut the highway boundary. In the instance of plots 01-11 to 01-18, several smaller plots were required to accurately reflect the position of the titles that</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>access to Mrs Woolley's properties would be maintained throughout the construction phase. Would this relate to both pedestrian and vehicular access? Please explain how it would be ensured that such access would be maintained during construction, including with reference to the amendments made to Table 3-4 of the outline CEMP [REP4-007]? c) Does Mrs Woolley have any further comments on these matters?</p>	<p>make up respective properties and the two gaps of unregistered land which are shown in the Book of Reference and Land Plans as plots 01-12 and 01-17.</p> <p>The plots have been reviewed and have been found to accurately reflect the ownership of the respective properties. A slight inconsistency was identified where plots 01-14 and 01-15 share the same ownership information and acquisition type and so could appear as a single plot. However, the Applicant does not believe this requires a new revision of the Book of Reference and Land Plans given the information shown in the plots is correct.</p> <p>The Applicant can confirm that plot 01-17 appears on pages 17 and 18 of the most recent Book of Reference. Historic versions have also been checked, where plot 01-17 consistently appears.</p> <p>The Applicant was made aware of a right of access over land forming part of LL361551 during contact land referencing. However, plot 01-18 forms part of the public highway (Stamford Road, B1176) which is made clear by the plot description shown in the Book of Reference. Plot 01-18 is not covered by title LL361551 and as it forms part of the public highway it is not possible to have a right of access over it.</p> <p>The Applicant is continuing to seek to liaise with Mrs Woolley on these matters.</p> <p>b) The oCEMP was updated at Deadline 4 to states that "Vehicular access to private residential properties will be maintained at all times when works are being carried out to or in streets, with the exception of when the trenches for cable works are being constructed or reinstated directly in front of a property. Appropriate temporary covers will be installed over any trenches that might be required, once they are completed, to install the cables to enable continued vehicular access to private drives and parking areas." However, Mrs Woolley's property will not be affected by cabling works, with the only works relevant that may affect this property the vegetation management for the securing of visibility splays, as such will be protected by the commitment made in the first part of that oCEMP commitment. In any event it is noted that these works will only impact the verge on the opposite side of the road to the aforementioned property and will therefore not hinder or impact pedestrian and vehicle access. Details on the relevant traffic management measures will be confirmed within the final CTMP by the appointed contractor but in a worst-case scenario there could be a need for a vehicle to be parked on-street whilst these works are taking place, though this will not impact pedestrian or vehicle access to the property in any way.</p>

ExQ2	Respondent	Question	Applicant's Response
Q4.0.8	The Applicant Mr Richard Williams	<p>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.</p> <p>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.</p> <p>b) Does Mr Williams have any further comments on these matters?</p>	<p>a) Plot 01-01 provides circa 50MW or 14.5% of the installed DC capacity of the Proposed Development and is therefore integral to the project. In this way, it is almost a NSIP worth of development in one field and therefore contributes to the overall contribution of the Proposed Development. The compelling case in the public interest for the Proposed Development as a whole therefore specifically applies to this parcel.</p> <p>The plot is also used to access infrastructure to connect Field 3 to the highway avoiding the use of The Drift and to provide green infrastructure required to meet the objectives set out within the oLEMP [REP4-013].</p> <p>Mr Williams suggests that the PV Arrays located on plot 01-01 could be accommodated within the remainder of the Order limits on land that is not being used for PV Arrays. However, the Applicant has undertaken a thorough design review process, which is explained within the Design and Access Statement ('DAS') [REP3-023], ES Chapter 4: Alternatives and Design Development [APP-034] and the Early Site Environmental Red Flag Review [Appendix F of REP2-038]. These documents provide an explanation why Solar PV Arrays are not considered appropriate within the remaining '1019 acres' of land that is referred to by Mr Williams, which include but not limited to :</p> <ul style="list-style-type: none"> ▪ Setting of Essendine & Braceborough; ▪ Proximity to ancient woodland; ▪ Views from Burghley House; ▪ Fields consisting of entirely Grade 2 land; ▪ Residential amenity; and ▪ Flood Zones. <p>The reference in the Design and Access Statement (P51, paragraph 5.8, third sub-paragraph) is referring to the suitability of Field 37 to accommodate Solar PV Arrays. It was not referring to the 250 acres of land highlighted in red within Mr Williams' submission [REP4-066].</p> <p>The land 'near to Braceborough' referred to by Mr Williams was not on the market at the time the Applicant was undertaking land assembly for the Proposed Development. This land only became on the market (which does not mean that the</p>

ExQ2	Respondent	Question	Applicant's Response
			<p>landowner would necessarily have been willing to negotiate with the Applicant) later in the development process, by which time sufficient land had already been identified by the Applicant, with willing landowners, to accommodate the Proposed Development. Applying the Design Principles and Guidance and Parameters (as set out in the DAS [REP3-023]) to the land identified by Mr Williams, would prevent Solar PV Arrays being located in these fields (as it has done on the 'remaining land' Mr Williams refers to above). The relevant principles and parameters affecting that land its :</p> <ul style="list-style-type: none"> ▪ Proximity to Ancient Woodland and Woodland; ▪ Proximity to the properties of Braceborough Lodge and Redroofs; ▪ Proximity to Braceborough Village; ▪ Proximity to Braceborough Conversation Area and list buildings; ▪ Proximity to Open Access Land; and ▪ Presence of two Public Rights of Way. <p>As set out within the DAS (paragraph 5.8, second bullet), the setting of Braceborough was a key early design consideration. Therefore, considering the reasons set out above the Applicant does not identify an overriding reason to include the land within the Proposed Development.</p> <p>Negotiations with the Williams family are continuing and the Applicant is seeking to conclude them as soon as possible.</p> <p>For responses to Mr Williams' concerns, please see the Applicant's Response to Interested Parties Deadline 4 submissions also submitted at Deadline 5.</p>
Q4.0.9	Lincolnshire County Council Rutland County Council	Question not for The Applicant	

Topic 5.0 Draft Development Consent Order (DCO) Articles

ExQ2	Respondent	Question	Applicant's Response
Q5.0.1	The Applicant	<p>Part 1, Article 2 (Interpretation) "maintain"</p> <p>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.</p> <p>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)?</p> <p>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)?</p>	<p>a) and d) As explained in its responses to the 1.0 series of questions, the Applicant has now committed to a 60 year operational lifetime for the project; and as such, in order to maximise the renewable energy produced during that time, there will come a time when the panels may need to be replaced as they reach the end of their operational life and become 'faulty', given the current understanding of product lifetimes; although this is not a given in light of continuous innovation in the solar market which may lead to longer lifetimes than are currently known.</p> <p>Whilst panels will be replaced during the lifetime of the project, as they break or reach such end of their operational life (which, importantly, will fluctuate on a per panel basis), the Applicant does not intend to undertake large scale replacement of panels, as is made clear by the parameters of the operational phase set out in section 5.17 of the ES [REP2-012].</p> <p>To ensure that there is oversight of this, in the context that there is already a control in article 5 to prevent maintenance activities causing materially new or materially different environmental effects than those reported in the ES, the Applicant has updated the oOEMP at Deadline 5 to provide that alongside the annual maintenance schedule committed to at Deadline 4, the Applicant must provide accompanying environmental and traffic information to confirm that the planned maintenance activities do not cause such effects, and the activities are consistent with section 5.17 of Chapter 5 of the ES.</p> <p>Furthermore, to provide specific quantification to this, rather than seeking to define 'large' as a restriction, which is a qualitative term, and noting that section 5.17 of the ES refers to 'ad-hoc' movements, the oOEMP has also been updated to provide that the aforementioned accompanying traffic information must provide confirmation that there will be no more than 5 daily two way HGV movements a day for the planned maintenance activities</p> <p>The 5 daily two way movements has been set as the threshold because movements greater than this would trigger the need to undertake an assessment in accordance with Institute of Environmental Assessment guidelines (i.e. less than that would not fall in the scope of an ES, never mind cause new or different significant effects).</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>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?</p> <p>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?</p> <p>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?</p>	<p>The IEMA Guidelines states that a 10% change in HGV flows to require inclusion within an EIA. Uffington Lane has the lowest baseline HGV flows at 48 and has therefore been used to set the threshold ($48 * 10\% = 5$). This should be seen in the context that a single 40 foot HQ container can transport 527 modules.</p> <p>b) There is not current comparable evidence in the UK (as the most comparable market due to the weather impacts to equipment) as there is not enough solar farms old enough yet to require panel replacement maintenance above and beyond isolated breakages.</p> <p>c) The Applicant does not intend to undertake large scale replacement of panels. It's response to (a) and SWQ 11.0.9 below illustrate that sufficient controls are able to be put in place to ensure that any replacement activities it does do, do not cause materially new or materially different environment effects than those reported in the ES.</p> <p>SWQ 11.0.9 notes that even if large scale replacement was attempted, it would be unlikely to cause any materially new or materially effects than those assessed in the ES for the operational phase in traffic terms.</p> <p>The applicant also notes that as the replacement of panels:</p> <ul style="list-style-type: none"> ▪ does not involve any noisy activities (e.g. piling) as the Mounting Structures would still be in place; ▪ does not involve the creation of new tracks, fencing; ▪ would not disturb soils or archaeology as the Mounting Structures would still be in place (and would in any event be subject to the controls in the oEMP); and ▪ would not involve activities likely to disturb or kill fauna (and would in any event be subject to the controls in the oEMP), <p>it is considered unlikely that any other new or different significant effects would be caused to human health or ecology even if large scale replacement were permitted to take place.</p> <p>e) The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide that the definition of maintain includes inspecting, repairing, adjusting, altering, removing, refurbishing, reconstructing, replacing and improving any part of the authorised development, but not removing, reconstructing or replacing the whole</p>

ExQ2	Respondent	Question	Applicant's Response
			of Work No. 1. This provides clarify that the definition relates to all parts of the Proposed Development.
Q5.0.2	The Applicant	<p>Article 8 (Street Works) Does the wording of Article 8(1)(d) needs to be slightly amended, as it currently might be read that the street itself may have its position changed or may be removed?</p>	The Applicant does not consider any amendments to be required to Article 8(1)(d). This reflects the wording provided in a number of granted DCOs and the Applicant's view is that it is clear that this wording refers to the apparatus and not the street.
Q5.0.3	The Applicant Lincolnshire County Council Rutland County Council	<p>Article 9 (Power to alter layout, etc. of streets) a) Taking account of the concerns raised by Rutland County Council [REP4-046], the Applicant is requested to justify how the details provided in relation to the works provided for under paragraph (1) (a) of this Article are sufficient to provide the level of certainty required to ensure that the proposed alterations to streets are acceptable in highway terms? b) Notwithstanding the Applicant's response to the ExA's first written question 5.0.10 [REP2-037], in the event that the Secretary of State was to consider it inappropriate to extend the power under Article 9 (2) to 'any street outside of the Order limits', what, if any, alternative drafting be appropriate in this respect?</p>	<p>a) The purpose of article 9 is to enable the undertaker to undertake specified street works so there is no need for a section 278 agreement. The objective of the Planning Act 2008 is to enable a 'one stop shop' for authorising the proposed development and not require lots of additional consents and agreements once the development consent is granted. This is imperative to deliver the NSIP in a timely manner. In addition article 9 must be read in conjunction with requirement 6 of Schedule 2 which requires details to be submitted for vehicular and pedestrian access before the authorised development is commenced. . This approach is precedented in multiple DCOs that precede this DCO. However, the Applicant recognises that the Council is concerned in respect of the detail offered at this stage and is currently in the process of negotiating an agreement with LCC and RCC to enable additional detail to be provided to the Councils at the appropriate time.</p> <p>b) There should be no objection to this provision given that the street authority must consent to it and they will require suitable details to be submitted before consent is given. The implications of not including such a provision may lead to the undertaker not having the power to alter the layout of streets which are deemed necessary as part of the Proposed Development. This would necessitate the Applicant having to obtain separate consents outside the ambit of the precedented process in the DCO for the works which is not considered necessary as per the response to part (a) above. The Applicant does not consider alternative drafting is required as the drafting already provides suitable protection to the street authority.</p>
Q5.0.4	The Applicant Lincolnshire County Council	<p>Article 12 (Claimed public right of way) a) Lincolnshire County Council is requested to provide an update on</p>	<p>a) Not for the Applicant b) Not for the Applicant</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>whether or not it is in agreement with this proposed Article that would replace the definitive map process under the Wildlife and Countryside Act 1981, including any additional or alternative drafting it may consider to be necessary.</p> <p>b) Does Lincolnshire County Council agree with the Applicant [REP4-040] that Article 12 is no different to other made DCOs that have provided for the diversions and extinguishment of public rights of way without going through the separate processes?</p> <p>c) The Applicant explains [REP4-040] that the parties who made the DMMO application would be aware of the competing proposals following its consultation. No details have been provided of any specific correspondence with the DMMO applicant(s) and there does not appear to have been a response from them. What attempt has the Applicant made to directly seek the views of the DMMO applicant(s). If none, the ExA requests that their views are now sought and submitted to the Examination.</p> <p>d) Please provide the relevant application details of the DMMO application, including the reasons for the application being made, along with copies of any representations received on the application.</p>	<p>It is to be noted that Article 12 of the dDCO (Rev 5) submitted at Deadline 5 has been updated to enable the process in the Wildlife and Countryside Act 1981 to be used. This will allow LCC to complete its processes in the usual way; and for the Applicant to be able to stop up any right of way that is created if this becomes necessary (in the usual way that is permitted in every DCO).</p> <p>c) The Applicant believes that the applicant for the DMMO is aware of the Proposed Development. The application form and supporting evidence for the claimed right of way DMMO 440 submitted by Lincolnshire County Council refers to the Proposed Development of the Mallard Pass Solar Farm and includes a copy of the Stage 1 Concept Plan for the proposed Development. As such the DMMO applicant was aware of the Proposed Development.</p> <p>d) The application form and supporting evidence for the claimed right of way DMMO 440 is included in Appendix C. The historic claimed route is for a restricted byway along 'Gravel Pit Road' which extends in a southerly direction from Carlby Road and terminates within an agricultural field (where a former gravel pit was located). The historic claimed route moved location over time as the area of the gravel pit being worked relocated and was removed at some point after the gravel activities ceased. Therefore, the route does not currently physically exist although there is evidence supplied in the supporting materials showing its previous possible locations. The route as shown on the application does not connect to any existing PRoW, public highway or other claimed route, and would form a cul-de-sac.</p> <p>In summary, the case made in the application for the DMMO is that the route once formed part of the wider highways network, and in the absence of a stopping-up order, a right of way would still exist.</p> <p>The applicant has contacted the Senior Definitive Map Officer – Public Rights of Way & Access at Lincolnshire County Council who confirmed that work on application DMMO440 has yet to commence. This means no decision based on the evidence on whether a modification order should be made has been taken and no consultations have yet been carried out. The case is currently ranked 167 out of 429 cases in the County Council's Modification Order Case Priority Schedule, with the first 18 cases currently being investigated. Therefore, it is likely to be a significant amount before officer time becomes available for progress this case in accordance with the Authority's Modification Order Priority Policy.</p>

ExQ2	Respondent	Question	Applicant's Response
Q5.0.5	The Applicant	<p>Article 20 (Compulsory acquisition of land)</p> <p>Whilst the Explanatory Memorandum explains that this Article broadly follows the model provision, it also includes Article includes provision (20(1)(b)) that the undertaker may use any land so acquired for the purpose authorised by the Order or for any other purposes in connection with or ancillary to the undertaking. This element of the Article does not appear to be clearly explained.</p> <p>a) Please explain the reasons for this additional drafting which goes beyond the equivalent model provision, including why it is necessary for the Proposed Development?</p> <p>b) Does this additional wording effectively duplicate Articles 3 to 5 which provide development consent for the Proposed Development, and allow it to be constructed, operated and maintained by the undertaker?</p>	<p>a) Article 20(1)(b) has been inserted for clarity to confirm that once land has been compulsorily acquired by the Applicant, it can be used for the authorised development or any other purpose in connection with or ancillary to the undertaking. It is precedented in the Drax Power (Generating Stations) Order 2019.</p> <p>b) Article 20(1)(b) is not duplicative of articles 3-5 of the DCO as they do not specifically relate to the purposes for which land compulsorily acquired pursuant to the DCO may be used. Article 3-5 give the power for the Applicant to construct, maintain and operate the development. Article 20 relates to the powers of compulsory acquisition and so is a separate matter.</p>
Q5.0.6	The Applicant	<p>Article 22 (Compulsory acquisition of rights)</p> <p>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?</p> <p>b) Explain how the drafting of Article 22 (1) accords with paragraph 24 and 'Good practice point' 9 of the Planning</p>	<p>a) Statutory consultation carried out in May 2022 made clear that the Proposed Development includes, amongst other things, acquisition of rights and the imposition of restrictive covenants. The Section 48 notice provides that the DCO will, amongst other things, authorise the permanent acquisition of land and / or rights and overriding of easements and other rights over or affecting land. See Appendix 3 of the Consultation Report [APP-026]. However, at the consultation stage, the Applicant did not identify what powers related to specific areas of land within the Order limits, as this was still under development. This approach is standard practice for DCOs. It is also noted that neither the Planning Act, nor the DCLG 2013 Guidance on compulsory acquisition or the 2015 Guidance on the pre-application process, requires consultation to go to that level of detail at the consultation stage.</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>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.</p> <p>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</p>	<p>The Schedule of Negotiations and Powers Sought (Rev 4) provides details of the negotiations entered into before and during the consultation process.</p> <p>b) The dDCO (Rev 5) has been updated to clarify that vegetation maintenance rights includes the restriction or prevention of the removal of vegetation.</p> <p>The type of restrictive covenants and land to be affected has been clearly set out for the land identified in Schedule 9. However, the Applicant seeks to retain the wider powers within Article 22(1) as it is possible that the entirety of the construction area would not be needed for the operation of the Proposed Development and that a smaller area can be subject to compulsory acquisition or that the Proposed Development can operate with land rights/restrictive covenants only rather than owning the freehold of the relevant land. Therefore, the powers allow the Applicant only to compulsorily acquire the land rights/restrictive covenants/land that it actually needs which is appropriate as it means that Applicant may be able to limit the extent of the powers it is seeking to compulsorily acquire (i.e. restrictive covenant rather than acquisition of the freehold). This approach is precedented in general, using compulsory acquisition as a matter of last resort and giving the promoter the ability to acquire rights instead. This is justified in the Statement of Reasons [AS-009] and explained further in the Applicant's Oral Submissions at CAH1 [REP4-042] and therefore accords with paragraph 24 of Advice Note 15. Precedent for this approach can be seen in the drafting used for Longfield Solar Farm Order 2023 and Cleve Hill Solar Park Order 2020.</p> <p>c) Limiting Article 22 to relate only to the acquisition of rights as set out in Schedule 9 of the DCO would result in the Applicant resorting to the compulsory acquisition of land during the operational period for plots not included within Schedule 9, despite only the lesser property interest being required. There is no requirement to limit the extent of rights that can be compulsorily acquired where the land can also be compulsorily acquired outright as the compulsory acquisition of rights is a 'lesser property interest' than freehold acquisition which would already be authorised by the Order. In addition, Article 22(1) states that the powers for compulsory acquisition of rights is subject to Article 29 and therefore does not apply to land temporarily used for constructing the authorised development.</p>

ExQ2	Respondent	Question	Applicant's Response
Q5.0.7	The Applicant	<p>Articles 29 and 30 (Temporary use of land for constructing/maintaining the authorised development)</p> <p>a) Please provide specific reference to relevant parts of the statutory consultation that made it clear that the Proposed Development includes temporary use powers over any of the Order Land and not just that Order Land set out in Schedule 11 of the draft DCO.</p> <p>b) In respect of Article 29, the Applicant's answer to Q5.0.19 of the ExA's First Written Questions considers that 14 days notice of entry is reasonable and would provide landowners with sufficient time to make any necessary arrangements. Given that the notice period that will be given for temporary possession under the enacted Neighbourhood Planning Act 2017 would be 3 months, what is the justification for only providing 14 days notice?</p> <p>c) What is the justification for the period of one year etc for remaining in possession of land under Article 29 (4)?</p>	<p>a) Statutory consultation carried out in May 2022 made clear that the Proposed Development would include, amongst other things, temporary possession powers. This is expressly stated in paragraph 4 of the section 48 notice. Section 42 consultation letters were sent to each affected party with an interest in the Order land, including land in which temporary possession may be taken. Statutory consultations do not provide details of the specific land where temporary possession may be required as it is not generally known at that stage what land this will apply too. This is the position for all statutory consultations undertaken pursuant to the Planning Act 2008.</p> <p>b) The provisions of the Neighbourhood Planning Act 2017 ("NPA 2017") relevant to the temporary possession of land (Chapter 1 of Part 2) will come into force on a date to be appointed. The NPA 2017 received royal assent on 27 April 2017 and despite six sets of commencement regulations having been made in the intervening five years, a date has not been appointed for the coming into force of Chapter 1 of Part 2 of the NPA 2017. The provisions are not in force and there is no certainty as to when, or whether, they will come into force.</p> <p>The Applicant's rationale for disapplying the relevant provisions of the NPA 2017 is that the regulations required to provide more detail on the operation of the regime have not yet been consulted upon, let alone made. This creates uncertainty for the Applicant, and indeed affected persons, as to the legal regime that would apply should the development consent order be granted. As such, it is considered appropriate to apply the 'tried and tested' temporary possession regime which has been included in numerous DCOs and Orders made under the Transport and Works Act 1992 to date and to ensure that this endures throughout construction of the Scheme. The Applicant's approach here is not novel and is consistent with other DCOs made since the NPA 2017 came into force.</p> <p>The 14-day minimum notice period is sufficient and appropriate to the Proposed Development and would ensure that the construction programme would not be threatened, which might occur if the Applicant is required to give the three months' notice envisaged by Chapter 1 of Part 2 of the NPA 2017. The 14 day period also accords with the 14 day period set out within the Model Provisions.</p> <p>If the Applicant is required to give three months' notice it would reduce the Applicant's flexibility in how to exercise the temporary possession power. An unintended consequence of this is that it may need to make decisions on when it requires land on a precautionary basis to avoid programme disruption, leading to</p>

ExQ2	Respondent	Question	Applicant's Response
			<p>land being possessed temporarily earlier than would otherwise be the case which would be to the detriment of affected persons through the unnecessary disruption and to the Applicant through being required to compensate the affected persons for that additional disruption.</p> <p>c) This is standard drafting across multiple granted DCOs and reflects the drafting set out in the Model Provisions. This is required to enable the Applicant to undertake certain works that are required after final commissioning, for example removing the tracks and finishing the final measures required by the Soil Management Plan. This flexibility is required to enable the Applicant to allow for remediation and repairing any defects in liaison with the landowner.</p>
Q5.0.8	The Applicant	<p>Article 35 (Consent to transfer the benefit of the Order)</p> <p>Article 35(3)(b) would allow the Applicant to transfer or grant the benefit of the DCO to a holding company or subsidiary of the undertaker without the consent of the Secretary of State.</p> <p>a) Explain why this additional exemption from the need for Secretary of State consent is necessary given that if the applicant is to transfer or grant the benefit of the Order to a holding company or subsidiary, the Secretary of State would presumably expect that company to be holder of a licence under section 6 of the Electricity Act 1989? If it is unnecessary, then Article 35(3)(b) could be deleted from the dDCO?</p> <p>b) 35(6) provides a period of only five days for giving notice (under 35(4)) to the Secretary of State of transferring or granting a benefit. Recent solar farm DCOs have provided for a longer period of fourteen days. Is there any justification of why a period of fourteen days would</p>	<p>a) Article 35(3)(b) is required as the transfer of the benefit of the DCO may not necessarily be to a company that is a holder of a licence under section 6 of the Electricity Act 1989 (for example, the Applicant may transfer the benefit to an entity that involves entrepreneurial farmer on site to undertake sheep grazing; and/or the Applicant may choose to set up a separate subsidiary entity to transfer the benefit in relation to landscaping). Therefore, the Applicant has not deleted Article 35(3)(b) from the dDCO but has amended it to refer specifically to Work No. 7 only</p> <p>b) The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide a notice period of 14 days in accordance with other recent solar farm DCOs.</p>

ExQ2	Respondent	Question	Applicant's Response
		not be appropriate in this instance? If not, could the notice period be amended?	
Q5.0.9	The Applicant Rutland County Council South Kesteven District Council	<p>Article 38 (Felling or lopping of trees and removal of hedgerows)</p> <p>Part 4 of this Article allows the undertaker to undertake works to or remove any hedgerows within the Order land that may be required for or in connection with the purposes of the authorised development. There is no requirement for approval of such works within the Article other than for the removal of hedgerows within the extent of the publicly maintained highway. Given that the removal of hedgerows not shown on the hedgerows plans is to be included within the details approved under Requirement 7 (Landscape and ecology management plan) is there need for this to be reiterated or cross reference under Article 38 for clarity and consistency across the DCO?</p>	The dDCO (Rev 5) submitted at Deadline 5 has been updated to cross reference Requirement 7 in Part 4.

Topic 5.1 Schedule 1 – Authorised Development

ExQ2	Respondent	Question	Applicant's Response
Q5.1.1	The Applicant Rutland County Council Mallard Pass Action Group	<p>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).</p> <p>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)?</p> <p>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</p>	<p>(a) The Applicant does not consider this necessary, as Schedule 1 provides the general power for laying the electrical cables for Work No.4 is not specific to the railway crossing. The Applicant does not agree that Work No. 4 should be expanded to include particular reference to the relevant railway cable crossing options.</p> <p>(b)(i) The Applicant is in continued discussions with Network Rail. However, the Applicant does not propose further drafting at this stage to force the Applicant to choose one of two routes, because it has not yet had documented sign off from Network Rail that it agrees to this, and that therefore the possibility of both routes being needed can be discounted. If Network Rail confirm that all cabling requirements can be dealt with via the non A6121 route, then Article 20 will be able to be amended to provide that:</p> <ul style="list-style-type: none"> ▪ the Applicant must choose, and be restricted to only using, powers over either the A6121 route or through the non A6121; ▪ in doing all of the above, it will set out the specific plot numbers captured by either option, so it 100% clear to which plots the choice/restriction will bind onto; ▪ once the Applicant makes the choice, it will make clear that identified articles in the DCO (including article 3) will not be able to be utilised in respect of the identified plots for the option that it is not chosen; and ▪ when it has made the choice, the Applicant must notify the LPA it has done so and what it is (building on the commitments already in the oCEMP). <p>It is important that the Applicant has the ability to make a choice, as even if outline design approval is given at this Examination stage, a range of agreements and approvals subsequent to them, will need to be entered in to with Network Rail, and it is not appropriate that a key part of the whole Proposed Development is beholden to the whims of the Network Rail, if they later withhold such consents when there is viable alternative. Please see the response to SWQ 4.0.3 for the latest progress on discussions with Network Rail.</p>

ExQ2	Respondent	Question	Applicant's Response
		the chosen option in the event that the railway archway is not the Applicant's final choice?	(ii) The Applicant does not agree that the final choice of the railway cable crossing is to be approved by the LPA. It would be inappropriate for the LPAs to approve the final choice given it is Network Rail that determines whether the non A6121 routes can be utilised. To allow the LPAs to have this final approval could lead to a dispute whereby Network Rail does not consent to the non A6121 routes and the LPAs do not consent the A6121 route. The control will come from the Applicant only being able to use its powers in respect of one route as discussed above.

Topic 5.2 Schedule 2 - Requirements

ExQ2	Respondent	Question	Applicant's Response
Q5.2.1	The Applicant	<p>Requirement 3 (Phasing of the authorised development and date of final commissioning)</p> <p>a) Why is the 'date of final commissioning' included in the heading when it is not referred to in the actual wording of the requirement?</p> <p>b) Should the drafting of the requirement include reference to the need for a plan identifying the relevant areas for each phase?</p>	<p>a) The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide that notice of the date of final commissioning must be given to the relevant planning authority.</p> <p>b) The dDCO (Rev 5) submitted at Deadline 5 has been updated to include reference to the need for a plan identifying the phasing areas.</p>
Q5.2.2	The Applicant Rutland County Council South Kesteven District Council	<p>Requirement 5 (Approved details and amendments to them)</p> <p>As discussed at ISH3, this Requirements covers not just amendments to the details approved under the Requirements but also those documents that would be certified under Article 39 (certification of plans and documents etc.) of the draft DCO. In 2015 the Government published Guidance on Changes to Development Consent Orders (December 2015) which sets out processed for both non-material and material changes to a Development Consent Order. The Infrastructure Planning (Changes to, and Revocation of, Development Consent Order) Regulations 2011 (as amended in 2015) are also relevant.</p> <p>a) Can the Applicant provide its justification for the provisions in Requirement 5 in the context of this</p>	<p>a) Any amendments to documents certified under Article 39 are subject to Requirement 5(2), that such approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement. Therefore, such amendments would not be classified as material or non-material changes under the Planning Act 2008, the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 and the Guidance on Changes to Development Consent Orders.</p> <p>It is important to note that the Applicant is not seeking a novel approach for this project and the drafting of Requirement 5 is similar to the approach as adopted in several made DCOs, including the Longfield Solar Farm Order 2023. It offers the flexibility to capture in those final documents new or amended mitigation measures that are deemed necessary based on the final approved design of the authorised development. This is typically considered advantageous by relevant planning authorities and stakeholders engaged in the process. However, this flexibility is appropriated limited by reference to the Environmental Statement. The approach seeks to mitigate the need to make applications to the SoS to make a non-material amendment to a DCO for relatively minor changes. To remove this ability would undoubtedly cause delays to the construction programme as a non-material amendment would take significantly longer than adopting the approach set out in Requirement 5.</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>Guidance and the Regulations? Why is a different process required in this case?</p> <p>b) Can the Applicant clarify, where Requirement 5.1 refers to 'the documents certified under Article 39' is this intended to relate only to the 'documents' in Schedule 13, or is it intended to also include 'plans' which are also set out in Schedule 13.</p> <p>c) Do the local authorities have any further comments on this Requirement, particularly where it makes provision for amendments to be considered to the documents certified under Article 39?</p> <p>d) In terms of fairness for all parties, what risk is there, that changes may be approved that have not had the opportunity to be the subject of consultation and publicity?</p>	<p>b) Requirement 5(1) intends to refer to both documents and plans certified under Article 39. However, this does not include the Book of Reference or the Land Plans as these go beyond environmental matters and relate to compulsory acquisition.</p> <p>c) Not for the Applicant.</p> <p>d) The relevant planning authorities are familiar with determining conditions attached to planning permissions granted for EIA developments and thus the need to have regard to the ES when doing so. As the enforcing body under the Planning Act 2008, the responsibility for determining the application to discharge requirements is well placed on relevant planning authorities to consider amendments to already approved documents. The relevant planning authority has the discretion, and in some cases, the statutory obligation, to consult the relevant parties for those applications.</p>
Q5.2.3	The Applicant Rutland County Council Lincolnshire County Council	<p>Requirement 6 (Detailed design approval)</p> <p>The Applicant's Deadline 4 submission explains that paragraph 3.2.11 of the Outline CTMP explicitly provides that the detailed CTMP will explain when the access works will take place, which must be provided prior to the commencement of construction of the Proposed Development. a) It appears that paragraph 3.2.11 only refers to certain highway improvement works but not to the proposed vehicular accesses to the actual Order Land which are listed in Schedule 7 of the dDCO (and referred to under section 3.3 of the Outline CTMP). Therefore, should the Requirements not</p>	<p>a) and b) The oCTMP has been updated to clarify that all highway works proposed will happen before the rest of the works will commence.</p> <p>It is also noted that the dDCO (Rev 5) submitted at Deadline 5 has been updated to provide that consent of the relevant highway authorities does not affect the provisions of any separate agreements between the undertaker and the local highways authorities. The Applicant has entered into discussions with the relevant highway authorities in relation to side agreements that will govern highway improvement and access works, with such agreements anticipated to be completed before the end of the Examination.</p> <p>As a result of these amendments and the proposed side agreement, a further requirement is not needed.</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>include provision to ensure that the proposed accesses (the detail of which would be approved under Requirement 6) are carried out and completed prior to the commencement of the relevant phase of works?</p> <p>b) The reference in paragraph 3.2.11 generally refers generally to 'these works', which other than the works included in Appendix C of the Outline CTMP are not specifically referenced. Please consider if amendment is required to specifically refer to the highway works provided for in the dDCO [REP4-027]. For simplicity this could be wrapped up into one Requirement which covers the implementation of highway improvement and access works.</p>	
Q5.2.4	The Applicant	<p>Requirement 7 (Landscape and ecology management plan)</p> <p>The Applicant's response to our first written question 5.2.4 states that existing trees to be removed will be set out in the detailed Landscape and Ecology Management Plan. Given the overall purpose of Requirement 7 and bearing in mind the benefit of clarity as to what is proposed, please explain further why the Applicant does not consider it appropriate for details of existing trees to be removed to be included within the Landscape and ecology management plan(s)?</p>	<p>Detail of the existing trees to be removed are not detailed in the oLEMP (Rev 4) as this is likely to change during detailed design and therefore cannot be secured at this stage. Furthermore, it is noted that in usual day to day management of trees does not require approval from a Local Planning Authority, which by putting a requirement to put that into a LEMP that is approved by the LPA, gives more control than is usual practice.</p> <p>It is noted that the Arboricultural Impact Assessment at Appendix 15.2 of the ES [APP-103] shows the trees and hedgerows that are to be removed for the access points and the cable corridors. This informs the conclusions of the ES; and the Applicant is required to show in producing a LEMP for approval that it will not cause any effects materially new or materially different to those reported in the ES (pursuant to paragraph 2 of Schedule 16). This provides a control that additional significant tree loss, which is not intended, would not be possible</p>
Q5.2.5 And Q6.0.7	The Applicant Lincolnshire County Council Rutland County	<p>Requirement 10 (Archaeology)</p> <p>a) The parties are requested to provide an update on their discussions regarding the drafting of this requirement. Where there</p>	<p>The Applicant has answered these points together (noting that the cross reference is understood to be 6.0.7 rather than 6.0.2 as they are directly related).</p>

ExQ2	Respondent	Question	Applicant's Response
	<p>Council South Kesteven District Council</p>	<p>remains to be disagreement, setting out the reasons for this disagreement, how it might be resolved and any preferred revised drafting that is sought.</p> <p>b) The attention of the parties is also drawn to WQ 6.0.2 (below) on the drafting of Requirement 10. The parties are therefore asked to engage and submit updates on two versions of a draft Requirement 10 – one on the basis of their being no necessity for additional trial trenching prior to construction and one (without prejudice) that includes additional trial trenching prior to construction.</p>	<p>a) The Outline Written Scheme of Investigation (Rev 0) has been provided to the relevant planning authorities for comments ahead of Deadline 5 and has been submitted into the Examination at Deadline 5. Following comments from the relevant planning authority, the dDCO (Rev 5) has been updated to provide simply that the authorised development must be carried out in accordance with the WSI. The Outline WSI provides the relevant planning authorities with the ability to approve the site specific WSI and sets out the processes by which the various authorities will be involved in the development of the detailed archaeological mitigation measures. The Applicant awaits comments on the outline WSI as to whether the LPAs want any further controls within it – but it should be that document, rather than Requirement 10, to which attention should now be drawn.</p> <p>b) The draft DCO at Deadline 5 contains the Applicant's preferred approach. The LPA's comment on the previous drafting becomes moot with this approach, so as noted above, the Applicant would welcome comments on the Outline WSI.</p> <p>In the event that the SoS believes that the issue of trial trenching needs further consideration, alternative without prejudice drafting for Requirement 10 has been provided in the Summary of the Applicant's Submissions at Issue Specific Hearing 2 [REP4-041].</p> <p>6.0.7 (c): The Applicant strongly emphasises, as set out in in REP4-041, that sufficient assessment and evaluation has taken place in the ES in order to predict the presence of archaeological remains and assess their potential significance. That is why the Requirement is presented without prejudice – the Applicant does not consider it is necessary. The Applicant would also highlight the comments it makes in respect of additional trenching within the Outline WSI submitted at Deadline 5.</p> <p>The Applicant has also updated Requirement 6 at Deadline 5 to provide that the Applicant must indicate, in presenting detailed design for approval, how it has taken into account the results of the archaeological investigation and evaluation carried out pursuant to the Outline WSI.</p> <p>In any event, the drafting of the without prejudice requirement ensures that there would be no changes to impacts, as it requires the archaeological mitigation strategy to be developed further to account for the results of any additional trial trenching, if considered necessary.</p>

ExQ2	Respondent	Question	Applicant's Response
Q5.2.6	The Applicant Natural England	<p>Requirement 14 (Soil management plans) The updated version of the outline soil management plan [REP4—017] includes coverage of both construction (and immediate aftercare), operation (part 12) and decommissioning activities. However, R14(2) only refers to the need for the construction phase(s) to be carried out in accordance with the approved soil management plan and excavated materials management plan.</p> <p>a) Does the drafting of R14(2) therefore need to be extended in order to properly ensure that the approved soil management and excavated materials management plans are also adhered to during the operation and decommissioning phase(s)?</p> <p>b) Does paragraph 1.8 of the outline soil management plan also need revising in this regard as it only refers to construction?</p>	<p>a) No, as the SMP developed pursuant to Requirement 14 will only be for the construction phase; as that involves a specific set of measures for that phase that do not relate to the operational phase.</p> <p>As the Proposed Development moves into the operational phase, there is no requirement for a detailed SMP as there should be no requirement to disturb or move soils. However, the management of soil bunds is included in the oSMP which will inform the detailed OEMP, as the outline OEMP requires. The outline OEMP sets out that the detailed OEMPs must include for soil measures.</p> <p>The decommissioning phase then involves a new phase of activities after the operational phase. The requirement to provide for soil management measures in that phase are set out in the oDEMP, compliance with which is secured by Requirement 18.</p> <p>b) Sections 1 and 2 of the outline SMP have been updated at Deadline 5 to account for this.</p>
Q5.2.7	The Applicant Rutland County Council South Kesteven District Council	<p>Requirement 16 (Operational noise)</p> <p>This Requirement has been amended to include reference to operational noise rating levels not exceeding 35 dB at residential properties. Can this Requirement be reviewed to address the following:</p> <p>a) Why is only noise at residential properties included when noise levels are referred to elsewhere for public rights of way and permissive paths?</p> <p>b) Should the appropriate noise rating/time period be included?</p>	<p>a) Given the lack of any policy or guidance regarding noise impacts on public rights of way, as discussed in response to Q9.0.1 in ExQ1 [REP2-037], it would not seem required or appropriate to control noise on PRoWs through a direct requirement of the DCO. However, the oOEMP include measures which will control noise on the PRoWs, with the final OEMP secured on this basis through a DCO requirement; similarly, the design guidance includes design principles to control noise on PRoWs (PE4.2, which has been further updated at Deadline 5 to clarify that the distance between any Solar Stations and PRoWs would increase beyond the minimum distance of 50 m if reasonably practicable) and the detailed design will be undertaken on this basis as secured by Requirement 6(2) of the dDCO.</p> <p>A similar form of operational noise requirement was applied for the Longfield Solar Farm application (PINS reference EN010118), with limits at residential properties only and no proposed control of noise on PRoWs proposed in the final</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>c) Should the Requirement also refer to monitoring measures needing to be included for approval to ensure that the relevant noise levels are continually adhered to?</p> <p>d) The ExA requests that the Applicant engages further with the relevant Environmental Health/Protection Officers at Rutland County Council and South Kesteven District Council on the detailed wording of this Requirement and related operational noise levels.</p>	<p>DCO. This was done despite the potential impact of noise on PRoWs having been considered in Chapter 11 of the ES (Noise and Vibration, EN010118/APP/6.1) for that scheme. By providing control measures through the oOEMP, this therefore provides more control of noise on PRoWs than was secured for the Longfield Solar Farm scheme.</p> <p>It is also noted that the appeal scheme referenced in Footnote 2 to Appendix 10.2 of the ES also had a similar planning condition as to what is proposed for the Proposed Development.</p> <p>b) The same noise rating limit (35dB) applies at all times, day and night, so there is no need to specify a time period. It is also noted that the Proposed Development would not be generating electricity for most night-time periods.</p> <p>c) It is not considered necessary to define in further detail the compliance monitoring requirements in the dDCO. Monitoring matters are dealt with the outline OEMP where reference is made to a complaints procedure and the guidance of BS 4142 for such measurements, and this guidance would need to be followed by any suitable competent practitioner (reference to which has now been added to the OEMP) undertaking these measurements. It is also not possible to specify the remedial measures that would be considered in the event of non-compliance as this would depend on the nature of any potential issue identified and the particular source of noise identified.</p> <p>To further aid in this, the Applicant has updated table 3-5 of the oOEMP at Deadline 5 to provide that a log book of monitoring and remedial actions must be kept, and made available to the LPA on request.</p> <p>Any other enforcement of the requirement would be a matter for the Council through their enforcement powers.</p> <p>d) The Applicant has been engaging with the LPAs on its comment on the dDCO, noting that no issues with R16 were raised at Deadline 4, following discussions at the Hearing.</p>
Q5.2.8	The Applicant	<p>Requirement 18 (Decommissioning and restoration)</p> <p>Notwithstanding the Applicant's submissions at ISH1 [APP4-022], there is no legally enforceable guarantee that the Proposed Development would be</p>	<p>a) The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide that decommissioning must commence no later than 60 years from the date of final commissioning of Work No. 1. Further to discussions with the relevant planning authorities, the Outline OEMP (Rev 3) has been updated at Deadline 5 to provide that the LPAs must be informed of when the development has stopped generating electricity and a process by which decommissioning works are then</p>

ExQ2	Respondent	Question	Applicant's Response
		<p>decommissioned following all or part of the Order land ceasing to be used for the purposes of electricity generation. This is especially the case in the absence of any operational time limit within the dDCO [REP4-027]. Furthermore, Requirement 18 as currently drafted, links decommissioning to the undertaker's decision to decommission rather than the point at which it ceases to be used for electricity generation.</p> <p>a) Please provide alternative drafting that would ensure that there is a legally enforceable guarantee that the Proposed Development, or relevant part of it, would be decommissioned following all or part of the Order land ceasing to be used for the purposes of electricity generation.</p> <p>b) Notwithstanding the above, should 18.(1) of this Requirement refer to the 'relevant planning authority or both relevant planning authorities (as applicable)' rather than the 'local planning authority'?</p> <p>c) Without prejudice to the Applicant's position, please also provide alternative drafting in the event that the SoS considers it appropriate to impose a time limit on the operational period of the Proposed Development.</p> <p>d) The Applicant is also requested to take into account the suggested alternative drafting provided by Lincolnshire County Council at Deadline 4 [REP4-043], and where possible provide revised agreed drafting (also taking into account submissions and ongoing engagement</p>	<p>brought forward, all of which will be included within the detailed OEMP. This process dovetails with Requirement 18 as re-drafted at Deadline 5.</p> <p>b) Requirement 18 of the dDCO (Rev 5) refers to the relevant planning authority for that part or both relevant planning authorities where that part falls within the administrative areas of both SKDC and RCC.</p> <p>c) See a) above.</p> <p>d) Please see the Applicant's Response to the Interested Parties' Submissions at Deadline 4. LCC's suggested drafted at Deadline 4 reflects the wording already provided in Requirement 18 of the dDCO (Rev 5) and Requirement 18 has therefore not been amended further than discussed above.</p>

Mallard Pass Solar Farm
9.38 Applicant's Response to the Second Written Questions

ExQ2	Respondent	Question	Applicant's Response
		with other relevant parties including Rutland County Council and South Kesteven District Council)	

Topic 5.3 Schedules 4, 5, 6, 7, 8 & 12

ExQ2	Respondent	Question	Applicants Response
Q5.3.1	The Applicant	The title for Column 1 of each of these Schedule refers to 'District'. Would an alternative term such as 'area' be more appropriate given that Lincolnshire and Rutland are both counties rather than districts?	The Applicant has updated the dDCO at Deadline 5 to make this change.

Topic 5.4 Schedule 15 – Protective Provisions

ExQ2	Respondent	Question	Applicant's Response	
Q5.4.1	The Applicant	Please provide an update on the progress made on negotiations of the Protective Provisions with the relevant statutory undertakers, including confirmation on whether agreement has now been reached.	Statutory Undertaker	Status of Protective Provisions
			Anglian Water	PPs have been agreed on 12 June 2023 (as reflected in the dDCO)
			Cadent Gas	PPs and Side Agreement have been agreed on 6 June 2023 (as reflected in the dDCO). The Side Agreement was signed and completed on 10 July 2023.
			National Grid Electricity Transmission	PPs have been agreed on 7 June 2023 (as reflected in the dDCO)
			National Gas Transmission	PPs have been agreed on 7 June 2023 (as reflected in the dDCO)
			National Grid Electricity Distribution	PPs have been agreed on 14 April 2023 (as reflected in the dDCO). The Side Agreement has been agreed on 25 June 2023 and completed 24 August 2023.
			Network Rail	PPs have been agreed on 16 July 2023 and the Side Agreement has been agreed on 20 August 2023. The Applicant and Network Rail are in the process of signing the agreement.
			Environment Agency	The Applicant is in active discussions with the Environment Agency and anticipates the Protective Provisions will be agreed before the end of the Examination. The PPs have been agreed, subject to confirmation of a plan to be referenced within the PPs following the site visit on 8 September 2023. Following confirmation, the agreed PPs will be finalised and

ExQ2	Respondent	Question	Applicant's Response
			reflected in Part 5 of the dDCO. This is anticipated to be agreed and finalised by Deadline 6.
Q5.4.2	Environment Agency (EA)	Question not for The Applicant	
Q5.4.3	The Applicant BT Limited Vodafone	<p>The Applicant's Statutory Undertakers Schedule at Deadline 2 [REP2-036] states that the Applicant has not received any responses from BT Limited and Vodafone Limited.</p> <p>a) For the avoidance of doubt on the respective positions of these Statutory Undertakers the Applicant is requested to seek any comments from BT Limited and Vodafone on Part 2 of the Protective Provisions and provide an update at Deadline 5.</p> <p>b) BT Limited and Vodafone are also requested to submit their own representations to confirm or otherwise their agreement with the proposed Protective Provisions in the dDCO [REP4-027].</p>	<p>The Applicant has reached out to BT Limited and Vodafone Limited again on 21 August 2023. On 31 August 2023, Vodafone confirmed that it does not have any apparatus within the vicinity of the Proposed Development and has no comments or objections. However, the Applicant has not yet received a response from BT. It is to be noted that the Applicant reached out to BT in September, October, November and December 2022 to seek comments and enter into discussions on Protective Provisions.</p>

Topic 5.5 Schedule 16 – Procedure for Discharge of Requirements

ExQ2	Respondent	Question	Applicant's Response
Q5.5.1	The Applicant Rutland County Council South Kesteven District Council Lincolnshire County Council	<p>Schedule 16 of the draft DCO has been updated at D4 following ISH3 [REP4-026].</p> <p>a) The Applicant is requested to set out the latest position on Schedule 16 following any further engagement with the relevant authorities.</p> <p>b) The relevant authorities are requested to set out whether each is in agreement with the drafting of Schedule 16 or to set out any part where there is still disagreement. The later should include the reasons for this along with preferred alternative drafting.</p> <p>c) For applications where the subject matter crosses the boundary between relevant planning authorities, what happens in the event that one of the relevant planning authorities does not determine the application within the prescribed period whilst the other refuses the application within the prescribed period?</p>	<p>a) The Applicant's latest position is as set out in the Applicant's Response to the Interested Parties' Submissions at Deadline 4. The Applicant has been in discussions with the relevant planning authorities on Schedule 16, with the Applicant's position remaining as described in the Oral Submissions at ISH3 [REP4-040], which provides why a period of more than 8 weeks for discharging requirements is not considered appropriate for NSIPs. The dDCO [REP4-027] submitted at Deadline 4 provides a period of 8 weeks rather than 6 weeks for the discharging of the majority of the requirements, except for requirements 6, 7, 11, 12 and 18, where a longer period of 10 weeks is deemed appropriate. Given that this is a NSIP, providing for thirteen weeks, being over three months, is not considered an acceptable period and would, so far as we are aware, be unprecedented.</p> <p>b) Not for the Applicant.</p> <p>c) The applications are treated separately for each relevant planning authority. Where a planning authority refuses the application, the Applicant will need to amend and re-submit the application or appeal the determination using the process detailed in Part 4 of Schedule 16. In the event that a relevant planning authority does not determine the application within the relevant prescribed period, the application is either deemed to have been granted or refused depending on which circumstance applies in Part 2 of Schedule 16. The refusal of one relevant planning authority does not affect the decision of another relevant planning authority.</p>

Topic 5.6 Other matters raised by Interested Parties

ExQ2	Respondent	Question	Response
Q5.6.1	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council Other Interested Parties	<p>The ExA notes that several written submissions have been made at Deadline 4 on the content of various parts of the draft DCO.</p> <p>The ExA encourages that discussions and engagement continues between the relevant parties on such matters so that updated positions on the relevant matters can be submitted at Deadline 5 (5 September 2023). Where any disagreements remain, the ExA requests that these are clearly set out along with the reasons for any such disagreement and any preferred alternative drafting where appropriate. This information may be presented within the relevant Statements of Common Ground.</p>	<p>The Applicant has been in regular discussions with the relevant parties to ensure that updated positions on the relevant matters can be submitted at Deadline 5.</p> <p>The Applicant has submitted a response to the LPAs comments on the DCO in its Response to Interested Parties' Deadline 4 submissions also submitted at Deadline 5, which sets out the full picture of each party's positions. SoCGs have also been submitted at Deadline 5 which entries on DCO matters</p> <p>In short the Applicant's position is as follows:</p> <ul style="list-style-type: none"> ▪ in respect of the highways concerns raised, the Applicant has made the clarifications requested, and will be progressing side agreements with the LPAs to deal with their concerns in respect of detail. It is understood that the LPAs are agreeable to this approach; ▪ article 12 has been re-written to allow LCC to finish the Wildlife and Countryside Act 1981 process if desired; and for then the DCO to allow for any created right of way to be stopped up in the usual way for NSIPs; ▪ the Applicant has made a number of changes to the DCO and outline OEMP to deal with the LPAs' concerns in respect of maintenance and decommissioning. From the Applicant's perspective, it does not intend to make any further amendments (subject to any comments on the detail of what has been proposed) to the principle of what it has put forward (e.g. the ability of the LPAs to approve a maintenance schedule) in Examination, so it will likely be the case that the parties remain at an 'agree to disagree' position; ▪ LCC has been added as a consultee to the Requirements it requested to be added to and changes have been made to Requirement 3 as requested; ▪ Requirement 7 has been updated at Deadline 5 for the LPAs to consider (see response to SWQ 5.2.4); ▪ the LPAs comments on Requirement 10 are noted, but it is hoped that attention can now turn to the submitted Outline WSI as the document which sets the process by which the detail of archaeological mitigation

ExQ2	Respondent	Question	Response
			<p>measures are brought forward; as the drafting of Requirement 10 is now simple. The Applicant will not move to a position where the 'without prejudice' Requirement it suggested is included in its proposed draft DCOs;</p> <ul style="list-style-type: none"> ▪ following to further discussions with the LPAs, and the approach taken on other solar schemes in Lincolnshire which the LPAs were amenable to, the Applicant has added drafting to deal with requirement discharge fees, that is consistent with Longfield and the Boston Alternative Energy Facility; and ▪ in respect of Requirement discharge time periods, the Applicant has not made any further changes, and does not intend to. It will be for the Secretary of State to determine if it wishes to make any changes at decision stage.

Topic 6.0 Historic Environment

ExQ2	Respondent	Question	Response
Q6.0.1	The Applicant	<p>At ISH2 the Applicant stated that the Outline Written Scheme of Investigation is likely to be submitted by Deadline 5 once the Applicant has had the opportunity to hear and consider matters raised at the hearings and In Deadline 4 submissions.</p> <p>Given the importance of this document for the proposed archaeological mitigation, it is requested that it is submitted for Deadline 5 in order to provide sufficient opportunity for it to be considered during the remainder of the Examination.</p>	<p>The Outline Written Scheme of Investigation (WSI) was shared with the Local Authorities on 17 August 2023. LCC have advised that their position remains unchanged on the matter. No further responses have been received at the time of writing (5 September). In sharing the WSI, the Applicant also requested early sight of their responses to Q5.2.5 regarding Requirement 10. Discussions are therefore ongoing.</p> <p>The outline WSI has been submitted at Deadline 5.</p>
Q6.0.2	Lincolnshire County Council Rutland County Council	Question not for The Applicant	
Q6.0.3	Lincolnshire County Council	Question not for The Applicant	
Q6.0.4	The Applicant	<p>At ISH2 the Applicant stated [REP4-041] that the targeted programme of trial trenching is appropriate in this case, as evidenced by the same approach being adopted in respect of the Longfield DCO and endorsed by the relevant Local Authorities.</p> <p>Bearing in mind that each case needs to be considered on its merits, please explain (with appropriate cross references) how the specific archaeological considerations of the</p>	<p>It is the Applicants position that a more robust and detailed assessment of the potential effects has been undertaken for the Proposed Development, when compared to that executed for the Longfield DCO.</p> <p>The desk-based assessment completed for Longfield DCO adhered to best practice and comprised a very similar scope of work as adopted for the Proposed Development. The assessment completed for Longfield DCO recognised the high potential for previously unrecorded buried archaeological remains within the Order limits (PCA, September 2012, Archaeological Evaluation, Longfield Solar Farm). Specifically, a known, extensive, important Roman period settlement site lies less than 200m from the Order limits (ibid, paragraph 4.2.3).</p>

ExQ2	Respondent	Question	Response
		<p>Proposed Development are consistent with those of the Longfield DCO, with particular regard to archaeological evaluation? Also, set out any differences in the circumstances and approaches taken.</p>	<p>Extensive geophysical survey was also undertaken for the Longfield DCO (Environmental Statement, Vol.2, Appendix 7C: Geophysical Survey) comparable (in scale c450ha and methodology) to that undertaken for the Proposed Development. It is the Applicants opinion that greater reliance can be placed on the geophysical survey completed for the Proposed Development, when compared to the Longfield DCO. This is mostly a reflection of the “unfavourable geological conditions” (ibid, page 12) within the part of Essex, where the Longfield DCO is located (i.e., a geology [London Clay] that is not particularly conducive to providing reliable results). This is a recognised limitation referenced throughout the geophysical survey report. A specific example is noted in the Project Summary and Discussion (ibid, page iii & 12), where a ring ditch (the remains of ploughed-out round barrow) can be seen on recent air photos but was not picked up in the geophysical survey. No such limitations are attached to the geophysical survey for the Proposed Development.</p> <p>To supplement the desk-based assessment and geophysical survey for Longfield DCO, a programme of 50 trial trenches were excavated (35 of which were located within the battery storage area). This equates to less than 0.1% sample of the Longfield development area. This approach was agreed with the LPA.</p> <p>The Longfield DCO Outline WSI, which sets out a programme for further trial trenching and the suite of mitigation measures was agreed with the LPA and forms part of the DCO Requirements. The Outline WSI for the Proposed Development follows a very similar approach to that successfully adopted for the Longfield DCO.</p>
Q6.0.5	The Applicant	<p>The Applicant explained at ISH2 [REP4-041] that the Written Scheme of Investigation (WSI) will set out a suite of mitigation measures that would specifically include additional trenching during the detailed design process in locations where more extensive ground disturbance would take place, such as inverter stations, construction compounds, access tracks and so on, when the particular location and extent of these areas are known.</p>	<p>The completed programme of trial trenching (210 trenches in total, as reported in the Supplementary Trial Trenching Report [PDA-014]) was specifically targeted to those locations where buried archaeological remains were most likely to be found; alongside a sample of proximate locations to verify / test the quality of the information garnered from preceding assessments and surveys. Thus, the rationale for selected locations was informed by the desk-based assessment (comprising lidar, air photos, documentary and archival sources) and the geophysical survey.</p> <p>a) While the broad locations of the construction compounds are identified on Figure 5.12 [APP-132], the specific location, size and composition within the identified field parcel will be developed as part of the detailed design. Further to</p>

ExQ2	Respondent	Question	Response
		<p>a) As the general location of construction compounds are already known, why has trial trenching not already been carried out to enable a robust assessment of the potential effects on archaeology within these areas?</p> <p>b) Would the additional trial trenching (as proposed to be included within the WSI) differ from that proposed within the Applicant's alternative (without prejudice) drafting for Requirement 10?</p>	<p>this, the assessments (desk-based and geophysical survey) did not suggest that these locations were likely to include buried archaeological remains.</p> <p>b) There would be no difference from the Applicant's perspective (noting that the LPAs will likely disagree) in terms of the approach to the amount and techniques that would be utilised, and this is set out within the Outline WSI.</p>
Q6.0.6	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council	<p>The Applicant's response to ExQ1.6.0.7 [REP2-037] explains why it is unable to provide drawings of the concrete shoes at this stage.</p> <p>How will the final design detail of the concrete shoes be secured through the dDCO? Is any further wording required in the relevant documentation to secure them, particularly to ensure that any ground disturbance from their construction is minimised?</p>	<p>In so far as the design, location and construction methods such as concrete shoes may affect buried archaeological remains, the Applicant is confident that the final design will be able to be mitigated and that this will be able to be secured via the detailed matters that will be secured in the site specific Written Schemes of Investigation (WSIs), as per Requirement 10 and the submitted Outline WSI, and as required by the outline CEMP. The same approach has been adopted in other consented schemes, such as Longfield.</p> <p>Given the practical nature of the concrete shoes, as shown in the response to 1.6.0.7, it is not so much of a question of the 'design' of the concrete shoes, as they practically 'are what they are', but the methodology for their installation in the context of the surrounding archaeology. This is what will be able to be mitigated through the operation of the mechanisms in the outline WSI.</p> <p>The Applicant has also updated Requirement 6 at Deadline 5 to provide that the Applicant must indicate, in presenting detailed design for approval, how it has taken into account the results of the archaeological investigation and evaluation carried out pursuant to the Outline WSI.</p>
Q6.0.7	The Applicant Lincolnshire County Council Rutland County Council South Kesteven	Further to discussions at ISH2 the Applicant has provided within section 11 of its Summary of Applicant's Oral Submissions at ISH2 [REP4-041] alternative (without prejudice to its position on this matter) drafting of draft DCO Requirement 10	Please see response to Question 5.2.5, which also deals with this question.

ExQ2	Respondent	Question	Response
	District Council	<p>(Archaeology) to provide for further trial trenching.</p> <p>a) Notwithstanding, other submissions that have been made on this Requirement, comments are sought on the acceptability of this alternative drafting.</p> <p>b) The attention of the parties is also drawn to WQ 5.2.4 (above) on the drafting of Requirement 10. The parties are therefore asked to engage and submit updates of two versions of a draft Requirement 10 – one on the basis of their being no necessity for additional trial trenching prior to construction and one (without prejudice) that includes additional trial trenching prior to construction. As an aside to this, it is noted that the current alternative drafting refers to the need for an outline written scheme of investigation being approved and implemented.</p> <p>c) Please comment on the acceptability of such a requirement as suggested in the Applicant's alternative drafting, given that it is normally expected that assessment and evaluation should take place before an application is determined in order to predict the presence of archaeological remains and assess their potential significance.</p> <p>d) To what extent would an acceptable package of mitigation within a Written Scheme of Investigation be capable of overcoming the Council's concerns regarding the Applicant's evaluation?</p>	
Q6.0.8	The Applicant	The Applicant's Cultural Heritage Impact Assessment [APP-068] states that, based on present knowledge, no harm to the	a) A full and robust assessment of the potential impacts of the Proposed Development is reported within Chapter 8: Cultural Heritage of the Environmental Statement [APP-038]. The geophysical survey did not reveal any evidence for

ExQ2	Respondent	Question	Response
		<p>significance of Essendine Castle (a Scheduled Monument) would result. It goes onto explain that should any future investigative work within the site demonstrate a direct historic association between the site and this asset, for example anomalies identified on the geophysical survey of the site, the site will be considered a component of its setting, and this outcome will be reviewed in light of the new information available.</p> <p>a) Taking account of the historic importance of this asset, explain why further investigative work has not already been carried out and presented in order to inform the assessment of the Proposed Development upon it?</p> <p>b) How should the Secretary of State consider the potential effects upon the significance this heritage asset given that the potential effects upon it are not yet fully known?</p> <p>c) In the event that further investigative work finds there is a direct historic association between the site and this asset, explain the process for how this would be considered and assessed as part of the detailed design of the Proposed Development?</p>	<p>associated remains within the Order limits. Thus, there is no evidence for surviving and associated buried archaeological remains, proximate to Essendine Castle within the Order limits. It is highly unlikely that any as yet unknown important associated buried archaeological remains survive within the Order limits. The work completed is proportionate to the likelihood of encountering buried archaeological remains, their potential importance and the extent of ground disturbance (in accordance with draft EN-3, paragraph 3.10.106).</p> <p>b) Historic England have confirmed that the Proposed Development would not result in significant impacts on designated heritage assets, including Essendine Castle (see Draft Statement of Common Ground with Historic England [REP4-035]). The Applicant is confident that the potential effects of the Proposed Development on this designated heritage asset is fully understood.</p> <p>c) In the unlikely event that associated buried archaeological remains survive within the Order limits and within the areas of the Proposed Development, the suite of mitigation options set out within the Environmental Statement and in greater detail within the Outline WSI will ensure that impacts are avoided or mitigated. The statement in the CHA was made to acknowledge this remote possibility. To provide further reassurance, the Applicant has also updated Requirement 6 at Deadline 5 to provide that the Applicant must indicate, in presenting detailed design for approval, how it has taken into account the results of the archaeological investigation and evaluation carried out pursuant to the Outline WSI.</p>
Q6.0.9	The Applicant Lincolnshire County Council Rutland County Council South Kesteven	The Applicant [REP3-030] explains that intervisibility (and/or co-visibility) is critical to the understanding of the effects on the setting of heritage assets and refers to paragraph 56 the Court of Appeal judgment R (Williams) v Powys [2017] EWCA Civ 427.	The detailed impact assessment reported in the Cultural Heritage Impact Assessment [APP-068] recognises the role intervisibility (and co-visibility) plays in understanding the setting of heritage assets. In accordance with industry guidance (Historic England, 2017, The setting of heritage assets: GPA3) consideration was also had of any potential non-visual aspects of the experience, which amongst other elements include soundscapes and smells.

ExQ2	Respondent	Question	Response
	District Council	<p>In this context, please comment on the relevance of and extent to which the judgment in <i>Steer v Secretary of State for Communities and Local Government Catesby Estates Limited, Amber Valley Borough Council</i> [2018] EWCA Civ 1697 also provides clarification on the meaning of 'setting', particularly the extent to which it is capable of extending beyond the purely visual?</p>	<p>Regarding the referenced Court of Appeal judgement, clarification is provided re: the need to ensure that 'setting' encompasses "the surroundings in which the asset is experienced" (as derived from the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)). This is not purely visual but can include those matters referred to above. What is paramount, is that it forms part of the experience, not a hypothetical or abstract concept of experience but a real observable interaction with the heritage asset(s).</p> <p>Beyond the concept of the physical 'experience' of the asset, is the related matter of the physical surrounds which may also play a role in the significance of the asset. These could include historic associations. These matters have been fully assessed in the Cultural Heritage Impact Assessment [APP-068]. It is further noted that given the results of the Noise chapter of the ES, and the Statutory Nuisance Statement [APP-206], there are no significant effects to receptors who would be experiencing significant effects in the case of noise, or any effects at all in terms of smell, in experiencing the heritage assets with the Proposed Development in place</p> <p>For the avoidance of doubt, the Proposed Development would not adversely affect the heritage significance / importance of any proximate designated heritage assets.</p>
Q6.0.10	The Applicant Lincolnshire County Council South Kesteven District Council	<p>The Cultural Heritage Impact Assessment [APP-068] explains that the Grade II listed Banthorpe Lodge was once part of a working historic farm and the listing describes it as a "17th century farmhouse.....".</p> <p>a) Please set out the extent to which the existing farmland within the Order limits has any historic functional links to this listed building and thus could form part of its setting?</p> <p>b) If any part of the Order limits was thus considered to form part of its setting, what would the effects of the Proposed Development be upon it?</p>	<p>a) There are no known historical functional links between Banthorpe Lodge and the farmland within the Order limits. However, that is not to suggest, just because the research completed did not reveal an association, that a link never existed, at some point within the past 400 years.</p> <p>b) The critical consideration is as to whether such a link would be adversely affected by the Proposed Development. For instance, if some of the land within the Order limits was once owned or tenanted by the owners (or tenants) of Banthorpe Lodge, this historic link has now been severed but still forms part of the history of the former farmstead. Were the Proposed Development to be consented and constructed, this historical link will not be affected in any way. The former association, if one existed, will not be lost.</p> <p>To further illustrate this point, it is perfectly feasible for former (or existing) land holdings to lie several kilometres (or further afield into a neighbouring County) from an estate house or farmstead (and for the purposes of this example, a Listed Building), thus these would have a historical functional link. However, it would be</p>

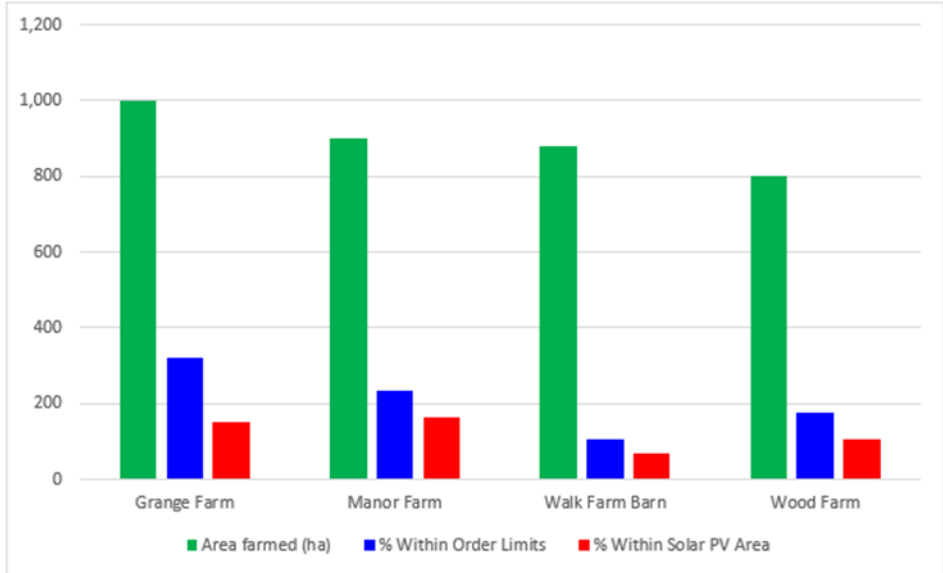
ExQ2	Respondent	Question	Response
			incorrect to suggest that these hypothetical land parcels, just because of this lost or severed historic relationship, form part of the setting of the heritage asset.
Q6.0.11	The Applicant Lincolnshire County Council South Kesteven District Council	<p>The Cultural Heritage Impact Assessment [APP-068] includes the description of the non-designated heritage asset Braceborough Grange as a detached farmhouse forming part of a partially extant 19th century farmstead.</p> <p>a) Please set out the extent to which the existing farmland within the Order limits has any functional and/or historic links to this non-designated heritage asset and thus could form part of its setting?</p> <p>b) If any part of the Order limits was thus considered as part of its setting, what would the effects of the Proposed Development be upon it?</p>	<p>a) There are no known historical functional links between Braceborough Grange and the farmland within the Order limits. However, that is not to suggest, just because the research completed did not reveal an association, that a link never existed, at some point within the past 200 years.</p> <p>b) See the answer presented to Q6.0.10b, above.</p>
Q6.0.12	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council	<p>In order that the positions of the parties on archaeology evaluation, assessment and mitigation can be clearly understand, please provide a position statement (which can form part of an SoCG provided it is of sufficient detail) setting out (i) the outstanding areas of disagreement between the respective parties, (ii) a justification for each parties position where there is disagreement, and (iii) what needs to be done to overcome the disagreement (as applicable).</p>	<p>The Outline Written Scheme of Investigation (WSI) was shared with the Local Authorities on 17 August 2023.</p> <p>However, it is the Applicant's understanding that the Position on trenching is as per the position set out in the relevant parties' summaries of oral submissions at ISH2.</p> <p>Regarding mitigation, the Applicant's position is set out in the outline WSI, which is awaiting comment from the Local Authorities.</p> <p>Regarding results from the assessment to date, the Applicant has received no comments that the results of its assessment are not agreed, (notwithstanding the central disagreement regarding the overall quantum of trial trenching).</p> <p>In sharing the WSI, the Applicant also requested early sight of the Local Authorities responses to the ExA's Q5.2.5 regarding Requirement 10. We await detailed comments on the without prejudice requirement but understand the Councils position is that the LPAs wish to approve the level of trenching, and that if should this be refused, the Applicant can utilise their right to appeal. As set out in the Applicant's ISH2 summary, given our differing positions the Applicant</p>

ExQ2	Respondent	Question	Response
			<p>believes it is very important that sub-para (1)(a) of the without prejudice draft Requirement is for approval by the Secretary of State, given the current impasse on trial trenching numbers which would likely continue post consent if approval was to be by the LPAs, potentially preventing this much needed infrastructure from coming forward expeditiously.</p> <p>The outline WSI has been submitted at Deadline 5.</p>

Topic 7.0 Land Use and Soils

ExQ2	Respondent	Question	Response
Q7.0.1	The Applicant	<p>Paragraph 1.3 of the outline Soil Management Plan (SMP) [REP4-017] states that it is intended to be a live document, such that modifications and necessary interventions can be made as construction and decommissioning is carried out.</p> <p>a) Given that it is the detailed SMP that will need to be approved by the relevant authority in consultation with the Environment Agency and subsequently adhered to, explain why any modifications and necessary interventions' would need to be made to the outline SMP 'as construction and decommissioning is carried out'?</p> <p>b) Notwithstanding the above, what mechanism would be in place to ensure that any 'post approval' alterations accord with the 'approved' outline SMP?</p>	<p>a) It is noted that the updates to any of the outline Management Plans are permitted pursuant to Requirement 5 of the draft DCO to allow for changes to the principles of mitigation if needed, but always with the control that such changes must not lead to effects of the Proposed Development materially new or materially different from those assessed in the ES. Any change to the outline SMP would need to be approved by the LPAs.</p> <p>Paragraph 1.3 as written is therefore consistent with this. It has also been updated to reflect the fact that the outline SMP now deals with the operational phase.</p> <p>It reflects the fact that given the lifetime of the project and the detailed design and construction methodology work that still need to be developed that could affect construction and operation matters, and with the effects of climate change and simply the passage of time as agricultural land classification develops for the operational and decommissioning phase, there needs to be some scope for flexibility.</p> <p>This statement is therefore true both of this outline SMP and the detailed SMPs/OEMPs that are produced in accordance with it – if changes to the detailed SMPs need to be made that would mean they are possible not 'substantially in accordance' the outline as written, the outline will need to allow for change.</p> <p>It should be noted that the document was intended to be an outline Soil Management Plan (oSMP). It still is, but having provided more detail than most</p>

ExQ2	Respondent	Question	Response
			<p>oSMPs, this triggered requests from Natural England (NE) for additional detail and data. The updated oSMP document [REP3-019] provides a very full oSMP. This will form the basis of the SMP so the Applicant is optimistic that changes are likely to be minimal, but cannot be certain of this at this time in project development.</p> <p>b) It is not the case that post approval alterations would need to accord with the approved outline SMP, as changes to the outline SMP would not be brought forward pursuant to Requirement 14, but under Requirement 5. Requirement 14 deals only with the production of detailed SMPs.</p>
Q7.0.2	The Applicant	<p>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.</p> <p>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.</p>	<p>Chapter 12 of the ES [APP-042] refers to the methodology employed for the ES in paragraph 12.1.4, which is set out in Appendix 12.2 [APP-089]. There are four full-time farms included within the Proposed Development. Full-time farms are identified as receptors of medium sensitivity in Table 1. Effects of a scale that involve only minor changes in the day-to-day management of a full-time farm are identified in Table 2 as a minor magnitude impact. A minor magnitude impact to a resource of medium sensitivity is identified in Table 3 as a "slight" adverse effect. This is set out in Chapter 12 [APP-042] at 12.4.62.</p> <p>The farm businesses are described in Appendix 12.6 [APP-093]. All the farms are substantial, all are owned, and all have put land forward for the Proposed Development on a voluntary basis. All will experience a reduction in land available for arable farming, but the remaining land in all cases is considerable and none will need to significantly change their operations or management. The effects are slight. In all cases the farms will experience income from the Proposed Development and this will counter any reduction in income. It should be borne in mind that reducing a farm's size does not automatically mean reduced profits. Many businesses often are more profitable at reduced scale.</p> <p>In response to the ExA's First Written Questions [REP2-037] the Applicant provided an extended description of the effect of construction (Q7.0.4) and of operation (Q7.0.4), and that included a table showing the size of each farm and the land involved. This is repeated below. There is then a graph to illustrate the figures.</p>

ExQ2	Respondent	Question	Response																																								
			<table border="1" data-bbox="1095 228 2027 445"> <thead> <tr> <th>Farm</th> <th>Area farmed (ha)</th> <th>% Within Order Limits</th> <th>% Within Solar PV Area</th> </tr> </thead> <tbody> <tr> <td>Grange Farm</td> <td>1,000</td> <td>32%</td> <td>15%</td> </tr> <tr> <td>Manor Farm</td> <td>900</td> <td>26%</td> <td>18%</td> </tr> <tr> <td>Walk Farm Barn</td> <td>880</td> <td>12%</td> <td>8%</td> </tr> <tr> <td>Wood Farm</td> <td>800</td> <td>22%</td> <td>13%</td> </tr> </tbody> </table>  <p>The bar chart displays three metrics for four farms: Grange Farm, Manor Farm, Walk Farm Barn, and Wood Farm. The Y-axis represents the value of each metric, ranging from 0 to 1,200. The X-axis lists the farms. The legend indicates: green bars for Area farmed (ha), blue bars for % Within Order Limits, and red bars for % Within Solar PV Area.</p> <table border="1" data-bbox="1081 491 2020 1066"> <thead> <tr> <th>Farm</th> <th>Area farmed (ha)</th> <th>% Within Order Limits</th> <th>% Within Solar PV Area</th> </tr> </thead> <tbody> <tr> <td>Grange Farm</td> <td>1,000</td> <td>32%</td> <td>15%</td> </tr> <tr> <td>Manor Farm</td> <td>900</td> <td>26%</td> <td>18%</td> </tr> <tr> <td>Walk Farm Barn</td> <td>880</td> <td>12%</td> <td>8%</td> </tr> <tr> <td>Wood Farm</td> <td>800</td> <td>22%</td> <td>13%</td> </tr> </tbody> </table> <p>The assessment of a slight adverse effect during the operational phase applies to Year 1 and each successive year. The effect is assessed to be slight because it will not significantly affect day to day farming operations. Future decommissioning is not the reason for the assessment of a slight effect, and would not alter the assessment. Therefore the time period of the Proposed Development will not affect the assessment that the effect is slight (including the Applicant's now agreement of a 60 year time limit).</p> <p>Farming circumstances change over time, sometimes over short periods of time, affected by multiple external or non-farming factors such as death, injury, divorce, taxation changes, and farming factors such as world prices, diseases, weather,</p>	Farm	Area farmed (ha)	% Within Order Limits	% Within Solar PV Area	Grange Farm	1,000	32%	15%	Manor Farm	900	26%	18%	Walk Farm Barn	880	12%	8%	Wood Farm	800	22%	13%	Farm	Area farmed (ha)	% Within Order Limits	% Within Solar PV Area	Grange Farm	1,000	32%	15%	Manor Farm	900	26%	18%	Walk Farm Barn	880	12%	8%	Wood Farm	800	22%	13%
Farm	Area farmed (ha)	% Within Order Limits	% Within Solar PV Area																																								
Grange Farm	1,000	32%	15%																																								
Manor Farm	900	26%	18%																																								
Walk Farm Barn	880	12%	8%																																								
Wood Farm	800	22%	13%																																								
Farm	Area farmed (ha)	% Within Order Limits	% Within Solar PV Area																																								
Grange Farm	1,000	32%	15%																																								
Manor Farm	900	26%	18%																																								
Walk Farm Barn	880	12%	8%																																								
Wood Farm	800	22%	13%																																								

ExQ2	Respondent	Question	Response
			<p>climate, policy, grants, prices and management skill. The assessment of a "minor adverse" effect is therefore applicable to the first few years of the operational phase. It is then presumed to continue for the duration of the operational phase, but within the limitation of assessment.</p> <p>In all cases the farms will have the opportunity, subject to normal commercial issues and obviously beyond the control of the Applicant, to mitigate any land use changes through rental or purchase of other land.</p>
Q7.0.3	The Applicant	<p>Paragraph 174 of the National Planning Policy Framework states that planning policies and decisions should recognise the benefits from natural capital and ecosystem services "including the economic and other benefits of the best and most versatile agricultural land". In addressing this policy requirement in Appendix 3 of the Planning Statement [REP4-021], the Applicant refers to Chapter 12 of the Environmental Statement and the oSMP [RE4-017] which contains measures to protect soil quality. Whilst this point addresses the quality of best and most versatile soil, it does not consider the economic benefits of its use. Please provide further explanation on how the Proposed Development accords with paragraph 174 of the NPPF in terms of the economic benefits of the agricultural use of best and most versatile land.</p>	<p>The Applicant would first note that whilst the policies in the NPPF can be important and relevant considerations, they are not determinative and policies in the adopted and emerging NPSs take precedence.</p> <p>The Applicant considers it is worth considering that paragraph in full: that decisions should be made <i>'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'</i>.</p> <p>The key here is that this is about the economic use of agricultural land as a use of the soil in the context of its place in the countryside. By definition, agricultural land and the economic use of it, takes place in the countryside. As such paragraph 174 is directing decision makers to consider the economic benefits that arise from using that agricultural land when considering impacts to the countryside.</p> <p>This policy commitment needs to be balanced against the NPS acknowledgement that utility scale solar may need to be located on agricultural land, i.e. a competing economic use within the countryside, alongside draft NPS EN3's acknowledgement that land type should not be a predominating factor in determining the suitability of a site for solar.</p> <p>As the Applicant has also consistently set out, with the exception of the worst case assumptions in respect of the access tracks and substation, the Proposed Development does not prevent the economic use of that soil in the future. As such, the Proposed Development provides a different economic benefit of the use of that soil (providing Net Zero benefits, which has multiple economic benefits including for local business rates and construction and operational employment) instead of farming, taking place in the countryside for a period of time. Ultimately, this consideration is also in the context that the land will be able to be used for</p>

ExQ2	Respondent	Question	Response
			<p>agricultural purposes once the Proposed Development is decommissioned, so even if there were negative weight placed on this, it would be time relative.</p> <p>It is further noted, as discussed in response to SWQ 7.0.2, that the economic use of the farms within which the Proposed Development sits will be able to continue, using the best and most versatile (BMV) soil around the Proposed Development both in and around the Site.</p> <p>The Proposed Development has minimised Solar PV Panels on the BMV agricultural land. Furthermore, it has aimed to retain BMV fields for agricultural use with enhanced sustainable management and technical agricultural practices that will ensure mitigation, productivity, and yield can be maintained. This approach ensures that the land is maintaining its agricultural character, economic potential and ecological value. Agricultural use in the countryside can therefore continue.</p> <p>In this context, it is for the decision maker to decide if the impacts arising from the change in type of economic use of BMV in the countryside, from agricultural use of the remaining BMV soil areas that are within the Solar PV Site, to solar, is acceptable in the planning balance, given the national policy support for large scale solar.</p> <p>It should also be noted that this policy commitment is high level and relates to all planning policies and decisions covered by the NPPF (e.g. those under the Town and Country Planning Act 1990 (as amended)). Paragraph 174 calls decision-makers to recognise the benefits that natural capital/ecosystem services provide, not just in terms of intrinsic character and beauty, but also wider benefits, including economic benefits of BMV land.</p> <p>The Applicant's view is that the temporary use of BMV land for solar is consistent with the policy direction in the NPPF, in that it protects the soil resource in the long term and provides significant environmental benefit which paragraph 174 is ultimately seeking to achieve (both economic and otherwise in terms of overall improvement to the earth's climate, which ultimately will boost natural capital and ecosystems).</p> <p>In addition, and with reference to a recent appeal decision (ref: APP/Y2003/W/23/3317097), it is important to note that the Inspector recognised that paragraph 174 of the NPPF does not seek to protect the countryside for its own sake, instead the focus is protecting areas of 'valued landscape. As set out in paragraph 6.3.76 of the ES [APP-036], when considering this term, "although</p>

ExQ2	Respondent	Question	Response
			<p><i>the identified landscape features within the Order limits are valued by the local community.... there is no evidence from the desk or field studies to suggest that these features are of particular or elevated value in comparison to the surrounding area. It is therefore assessed that the landscape within the Order limits would be of Local / District Value". Any consideration of the Proposed Development's impact therefore needs to be seen in the context that the area in which it is located is not a valued landscape and therefore should not be considered a countryside area of intrinsic character and beauty.</i></p>
Q7.0.4	The Applicant	<p>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 <i>"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)."</i> 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 <i>"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."</i></p> <p>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</p>	<p>a) Figure 12.1 [APP-201] of the ES shows the distribution of the BMV across the Site. There are three fields, within which Solar PV Arrays are proposed, which consist entirely of a combination of Grade 2 and 3a. These are fields 32, 50 and 53 as shown on Figure 3.2 of the ES [APP-112].</p> <p>Fields 32, 50 and 53 provide approximately 7.5% of the installed capacity of the Proposed Development and are integral to delivering renewable energy as part of the UK's transition to Net Zero .</p> <p>b) Section 5 of the Design and Access Statement (DAS) [REP2-018] illustrates the evolution of the Proposed Development. In comparison to the Concept Masterplan that was presented at Non-Statutory Consultation the following fields, which contained 3a, have been removed from the Solar PV Site:</p> <ul style="list-style-type: none"> ▪ Field 2 – Western extents – Combination of Grade 2 and 3a ▪ Field 4 – Eastern and Northern extents - Combination of 3a and 3b ▪ Field 7 – Entire Field – Entirely 3a ▪ Field 12 – Entire Field – Almost entirely 3a ▪ Field 52 – Entire Field – Combination of 2 and 3a. <p>These fields have been retained within the Order limits for the following reasons</p> <ul style="list-style-type: none"> ▪ Field 2 – The western extents within the Order limits as shown on the Green Infrastructure Plan (within the oLEMP submitted at Deadline 5) is proposed as Wildflower Grassland with Calcareous Species to strengthen the ecological connectivity between The Drift, Ryhall Pastures and Little Warren Verges and Newell Wood as shown on page 49 of the DAS (submitted at Deadline 5).

ExQ2	Respondent	Question	Response
		<p>areas of such land is necessary and justified.</p> <p>b) Identify which specific areas of grade 3a land were removed as outlined above.</p> <p>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.</p>	<ul style="list-style-type: none"> ▪ Field 4 – Eastern and Northern extents retained in agricultural use to provide skylark mitigation. ▪ Field 7 – Entire Field retained in agricultural use to provide skylark mitigation and provide enhancement to the West Glen River Corridor and existing PROW network. ▪ Field 12 – Entire Field retained within the Order limits as it would be impractical or uneconomic to farm as an isolated agricultural field separated from the remainder of the farm estate. As shown on the Green Infrastructure Plan (within the oLEMP submitted at Deadline 5) this area is proposed as Tussock Grassland with wildflowers to reconnect woodland and allow permeability as shown on page 49 of the DAS (submitted at Deadline 5). As explained within the DAS (paragraph 5.15, third bullet), the Solar PV Panels were removed to allow users of the PROW network to transition between the public highway and the Solar Arrays, in response to Design Principle (PE4) ▪ Field 52 – Entire Field retained in agricultural use to provide skylark mitigation. <p>c) As can be seen on Figure 12.1 [APP-201] of the ES, the distribution of 3a throughout the Order limits is varied and doesn't conform to field boundaries. There are only two fields within the Solar PV Site that consist entirely of 3a (Fields 46 and 47). These two fields provide circa 2.5% of the installed DC capacity.</p> <p>This therefore means that if all fields that entirely consist of BMV land were to be removed from the Solar PV Site this would represent a 10% reduction in the installed capacity of the Proposed Development.</p> <p>As described in the DAS and the Site Selection Report, the Proposed Development has been through a three-stage design review process, which has taken into account a number of factors that have influenced the layout. The removal of further fields and or specific areas of the Solar PV Site would result in a reduction in the grid connection utilisation and therefore reducing the amount of renewable energy capable of being exported to the grid. Given the Proposed Development is time limited to 60 years and the BMV resource will not be permanently lost, it is considered that BMV should not be the overriding factor as</p>

ExQ2	Respondent	Question	Response
			<p>to whether a field, or part of a field, should be considered suitable or not for Solar PV Arrays.</p> <p>It should also be noted that the majority of Grade 2 and 3a land that is within the Order limits but not within the Solar PV Site will be retained in agricultural use but managed in a way to provide mitigation (very small nesting sites which have a minimal impact on the crop yield and do not affect other farming operations) for skylarks as set out within the oLEMP. Table 12.1 in the ES [APP-042] sets out the quantum of the different grades that within the Order limits and within the Solar PV Site (including the field margins). As presented within the table:</p> <ul style="list-style-type: none"> ▪ There is 100ha of Grade 2 within the Order limits of which 35ha are occupied by the PV Arrays and associated field margins; and ▪ There is 260ha of Grade 3a within the Order limits of which 181ha are occupied by the PV Arrays and associated field margins.
Q7.0.5	<p>The Applicant Natural England Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group</p>	<p>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.</p>	<p>The Applicant notes the issues raised around food security during examination and appreciates that it is a topic of particular interest. The Applicant’s position is that there is no policy basis against which ‘food security’ is required to be examined and neither the existing NPS, the draft suite of Energy NPS (noting that they were updated between 2021 and 2023 where this was a live issue in the news and so the Government could have decided to make reference to it in providing the new drafts) the NPPF, or the Rutland or South Kesteven Council make any reference to food security being a matter of policy. Indeed, and as the Applicant has emphasised previously, there is no policy basis which requires agricultural land to be farmed and across the UK farmers are paid to not farm the land to help address the UK’s biodiversity crisis (and which also forms part of the new ELM scheme the Government is putting in place).</p> <p>In the Examining Authority’s report on Longfield Solar Farm, food security is considered and the ExA set out their position in paragraphs 5.7.47 – 5.7.50. The key considerations are repeated below:</p> <p><i>5.7.47...Indeed, food security is an integral part of the protection afforded to BMV agricultural land. It is intended to protect land over the long term, benefitting those living now while ensuring it is preserved for future generations.</i></p> <p><i>5.7.48. However, while it is clear that a considerable amount (156ha) of BMV agricultural land will be affected during construction and operation, the impact on the vast majority (150ha) of this important resource is both temporary (albeit long-</i></p>

ExQ2	Respondent	Question	Response
			<p><i>term) and reversible. No robust evidence was submitted to the Examination which would indicate that the loss of 150ha of BMV agricultural land over the 40-year duration of the Proposed Development would jeopardise the UK's food security either now or in the future. Indeed, when considered through the lens of food security, the Proposed Development would successfully enable the energy needs of today to be met while preserving the land's agricultural value for future generations."</i></p> <p>The Applicant notes that the ExA considered that the Proposed Development could in fact have benefits in terms of food security by preserving the land's agricultural value in the long term.</p> <p>The Applicant notes the ExA's comments at Longfield but this is more in the wider consideration of impacts on BMV rather than the attribution of weight in decision making. It is further noted that the Secretary of State made no comment on the issue of food security when he could have done so given it was raised as an issue by objectors. Instead he placed a small amount of negative weight to the impacts on BMV land as a whole. It is therefore difficult to see that the Secretary of State contemplated food security as an important and relevant consideration.</p> <p>Notwithstanding the above, to assist the ExA in their consideration of Interested Parties' submissions on this issue, the Applicant has prepared Appendix D which comprises a briefing note entitled 'Self-sufficiency of UK Agriculture'. This note has been prepared to examine the current position of food security and self-sufficiency in the UK. The note uses UK Government and industry statistics as well as considering relevant policy to understand the UK's position. The note concludes that the UK benefits from high levels of self-sufficiency in most staples and that self-sufficiency in calories can be achieved from wheat production alone.</p> <p>Most importantly perhaps, it concludes that the <i>"Government and its agencies highlight declining soil health and quality and the provision of enhanced biodiversity as a more pressing concern"</i>.</p> <p>Whilst that sets a national picture, reference should also be given to the section on 'Implications of Land-Use Change in chapter 12 of the ES, which specifically considers the impacts to food production of the specific land within the Site in its current use, as against the market for that produce, concluding that there would be little impact to the national market; and thus, ultimately, food security. These papers are important as give full context to the impacts of the Proposed Development specifically.</p>

ExQ2	Respondent	Question	Response
			<p>By comparison, the position of Interested Parties to date has been simply to raise generalised concerns.</p> <p>Therefore, while the Applicant acknowledges the level of interest around food security, it is considered that it is not something which can be considered 'important and relevant'. Furthermore, even if it given any consideration by the ExA, the Applicant has demonstrated that the Proposed Development itself would not have any impact on food security.</p>
Q7.0.6	Natural England Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group	Question not for The Applicant	
Q7.0.7	Natural England	Question not for The Applicant	
Q7.0.8	The Applicant	The updated ES Chapter 17 (Summary of Effects and Mitigation) provided at Deadline 2 [REP2-010] states that no significant effects are reported in relation to Land Use and Soils. However, a moderate significant effect is reported during the construction phase in relation to permanent sealing over or downgrading of agricultural land. The overall methodology set out within ES Chapter 2 states that moderate effects are considered significant and paragraph 12.1.4	<p>The original ES Chapter 17 [APP-047] identified a moderate (significant) effect from the permanent sealing or downgrading of agricultural land, as set out in Table 17-1.</p> <p>That was based on the ES Chapter 12 [APP-042], which assumed a permanent loss, as without a time limit on decommissioning. See Chapter 12 paragraphs 12.4.16 and 12.4.45.</p> <p>Natural England's response was that the Proposed Development should seek to ensure the restoration of all areas back to their current ALC grade [REP2-093 page 5]. The oSMP was updated to undertake that all areas would be restored to comparable ALC grade on decommissioning. This was undertaken via the</p>

ExQ2	Respondent	Question	Response
		<p>states that the Land Use and Soils Chapter (ES Chapter 12) follows this overarching methodology.</p> <p>Can the Applicant clarify why this significant effect was removed from the summary table within ES Chapter 17?</p>	<p>amended Statement of Common Ground and the amended oSMP [REP3-019] provides this commitment. The consequence is that the significance of effect is reduced from significant to non-significant, and this is reflected in the revised Chapter 17.</p>
Q7.0.9	<p>The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group</p>	<p>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].</p> <p>a) Can the Mallard Pass Action Group confirm if this response addresses any of their concerns?</p> <p>b) Can the Applicant provide any further information specifically in relation to the economic viability of a sheep farming operation envisaged?</p>	<p>a) Not applicable</p> <p>b) The use of land for the grazing of sheep will fall within the definition of "agriculture", as set out in the Town and Country Planning Act 1990 section 336. There is no economic assessment embedded in the definition.</p> <p>The economic performance of agricultural land is influenced by a great number of factors. Therefore, the following assessment provides a response to the question of economic viability by way of a Gross Margin analysis. A Gross Margin is the income net of the variable costs, but before fixed costs.</p> <p>Fixed costs are impossible to budget at this stage. However, on the basis that the rental price is low, then fixed costs should be low.</p> <p>The revised OCEMP [REP2-022] at 4.2.30 references 0.5 livestock units per hectare. Based on the typical lowland ewe having a Livestock Unit of 0.11, the stocking rate if ewes are kept would be 4.5 ewes per hectare.</p> <p>Taking an average performance from the John Nix Pocketbook for Farm Management (2023), the Gross Margin per ewe is as shown below.</p>

ExQ2	Respondent	Question	Response																				
			<table border="1"> <thead> <tr> <th>Item</th> <th>£/ewe</th> </tr> </thead> <tbody> <tr> <td>Sale of lambs</td> <td>145</td> </tr> <tr> <td>Sale of wool</td> <td>0.4</td> </tr> <tr> <td>Less ewe and ram depreciation</td> <td>24</td> </tr> <tr> <td>Output</td> <td>121</td> </tr> <tr> <td>Variable costs</td> <td></td> </tr> <tr> <td> Concentrate</td> <td>22</td> </tr> <tr> <td> Vet and med</td> <td>10</td> </tr> <tr> <td> Miscellaneous</td> <td>15</td> </tr> <tr> <td>Gross Margin/ewe (excl forage)</td> <td>75</td> </tr> </tbody> </table> <p>This would equate to a Gross Margin per hectare of £337.50.</p> <p>This compares favourably with beef breeding, which has Gross Margins before forage for spring and autumn single suckling cows of £247 to £351 per hectare.</p> <p>The Gross Margin is the figure before deducting forage variable costs and fixed costs. Forage variable costs will be low, as this will be an organic system, and grazing will be managed alongside biodiversity management. Fixed costs will also be low as matters such as fences etc will be maintained by the solar operator.</p>	Item	£/ewe	Sale of lambs	145	Sale of wool	0.4	Less ewe and ram depreciation	24	Output	121	Variable costs		Concentrate	22	Vet and med	10	Miscellaneous	15	Gross Margin/ewe (excl forage)	75
Item	£/ewe																						
Sale of lambs	145																						
Sale of wool	0.4																						
Less ewe and ram depreciation	24																						
Output	121																						
Variable costs																							
Concentrate	22																						
Vet and med	10																						
Miscellaneous	15																						
Gross Margin/ewe (excl forage)	75																						
Q7.0.10	The Applicant	<p>It is noted that a “retained” soil surveyor is now proposed to advise on various aspects of soil management. Paragraph 4.13 of the oSMP [REP4-017] states that they will be engaged in the Spring prior to works commencing.</p> <p>a) How long will the soil surveyor be in post for?</p> <p>b) What qualifications will they have?</p> <p>c) Who will they report to?</p>	<p>a) The soil surveyor will be in post for the duration of the construction and decommissioning works.</p> <p>b) The overseeing soil surveyor should be a soil scientist who is a Professional Member of the British Society of Soil Science (BSSS).</p> <p>c) They will report to the Environment Manager and Site Manager, as defined in the oCEMP.</p> <p>These clarifications have been added to the oSMP at Deadline 5.</p> <p>d) The local authorities and Natural England will have no role in this process.</p>																				

ExQ2	Respondent	Question	Response
		d) What role will the local authorities and Natural England have in this process?	
Q7.0.11	The Applicant	<p>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].</p> <p>Can the Applicant outline how and when this will be explored?</p>	<p>As set out in the response [REP3-031] it is intended to consider whether a system of soil water metrics can be developed to be used in assisting determining the suitability of soils for trafficking, within the detailed SMP. That would therefore be after approval of the DCO.</p>

Topic 8.0 Landscape and Visual

ExQ2	Respondent	Question	Response
Q8.0.1	The Applicant	<p>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.</p> <p>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?</p>	<p>In landscape and visual terms, the Proposed Development is fully reversible and it is the clear intention, and legal requirement should DCO consent be granted, that the Applicant will be required to return the land back to the landowners in accordance with the measures set out within Section 2.1 of the oDEMP.</p> <p>In terms of permanence, a time period of up to 60 years for operation has been agreed by the Applicant. The LVIA [APP-036] assessed the operational impacts as permanent given no operational time limit was set at that stage and therefore in EIA terms no assumption could be made as to when it could be reversed.</p> <p>The Planning Statement, however, goes on to acknowledge that in planning terms the Proposed Development would likely be decommissioned at some point, and the impacts would therefore be reversible. This is now certain with a 60 year timeline</p> <p>In accordance with the LVIA Methodology [APP-055] a 60 year period would fall between the 'long-term' duration category (i.e. over 40 years) and the 'permanent' duration category (i.e. permanent). It is the Applicant's position the landscape and visual effects would therefore be 'semi-permanent' in recognition that a time</p>

ExQ2	Respondent	Question	Response
			<p>period of 60 years is not an insubstantial amount of time but is not permanent. This classification would not change the significance of the results of the LVIA in EIA terms.</p> <p>In light of the above considerations, it is the Applicant's view that the landscape and visual effects should be regarded as reversible and not permanent.</p>
Q8.0.2	The Applicant	<p>Table 6-4 of the ES [APP-36] sets out the summary of landscape and visual effects, including moderate effects during construction on landscape character and certain major-moderate effects on visual receptors during construction. It is assumed that these effects are based on an indicative 24 month construction period.</p> <p>In the event that the construction period was to take longer than 24 months, to what extent would the effects on landscape character and visual receptors increase beyond the effects reported in the ES?</p>	<p>The 'duration' of potential effects, along with 'scale' and 'extent' form the components to the assessment of magnitude of effect within the LVIA [APP-036] as set out in Assessment Methodology presented in LVIA Appendix 6.2 [APP-055].</p> <p>As assessed within the LVIA, a 24-month (2 year) construction period is categorised as 'short-term'. The period of 2 years to 10 years would be categorised 'medium term' and would likely cover any potential extension to the construction period.</p> <p>Replacing a 'short-term' duration with a 'medium-term' duration within the LVIA in essence increases the magnitude of effect as set out in Diagram 1 in Appendix 6.2 [APP-055].</p> <p>The prolongation of construction beyond 2 years would potentially increase effects slightly in some instances but not to the extent so as to be any greater than those assessed for the operational phase of the Proposed Development, noting that the 'scale' of effect is the principal factor in determining magnitude of effect.</p> <p>The assessment of 'sensitivity' for the landscape and visual resources (comprising a judgement of 'value' and 'susceptibility') would not be affected.</p> <p>The oCEMP provides details of mitigation during construction that would be implemented for the entire duration of the construction phase to avoid or reduce construction effects.</p>
Q8.0.3	The Applicant	<p>Table 3.11 of the oCEMP [REP4-007] states that a pre-construction tree survey will be undertaken where construction works are likely to affect trees and that these will be taken into account by the appointed construction contractor.</p>	<p>a) The pre-construction tree survey will be informed by the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) within ES Appendix 15.2. The oCEMP requires that the survey will be undertaken concurrently with the detailed design of the Proposed Development informing the detailed AMS and TPP which will form part of the CEMP(s). Table 3-11 of the oCEMP has been updated at deadline 5 to clarify that the pre-construction tree survey will inform the AMS and</p>

ExQ2	Respondent	Question	Response
		<p>a) Explain how these tree surveys relate to the aforementioned Arboricultural Method Statement and Tree Protection Plan with Table 3-11, including the timings of these. Will these pre-construction tree surveys form part of the detailed CEMP(s) and/or LEMP(s) and does this need to be made clearer within Table 3-11?</p> <p>b) Rather than the findings and recommendations of the pre-construction tree surveys being 'taken into account by the appointed principal construction contractor' should there not be a clearer requirement for the construction works to accord with any stipulated tree protection measures?</p>	<p>TPP which will form part of the detailed CEMP (s). The oLEMP (para 4.2.5) includes cross reference to the AMS within the detailed CEMP(s).</p> <p>b) The oCEMP has been updated to require that the appointed principal construction contractor will accord with the findings and recommendations of the AMS and TPP.</p>
Q8.0.4	The Applicant	<p>In its Deadline 4 submission [REP4-044] Lincolnshire County Council expresses concerns about the impact of extreme climatic conditions (such as dry springs) on the establishment and success of planting/mitigation.</p> <p>Taking account of LCC's submissions, what enhancements could be made to the outline Landscape and Ecology Management Plan [REP4-013] to address these concerns?</p>	<p>The oLEMP has been updated at Deadline 5 to provide further guidance and clarity in relation to this matter, providing additional text on the watering/irrigation of new structure planting to ensure it establishes successfully.</p>
Q8.0.5	<p>The Applicant (a) Lincolnshire County Council (b) Rutland County Council (b) South Kesteven</p>	<p>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.</p>	<p>a) The Design and Access Statement (DAS) sets out the narrative of the design evolution and how it has responded sensitively to the existing environmental context. Section 3.0 of the DAS summarises from the technical studies within the Environmental Statement the existing environmental context of the locality and Order limits.</p> <p>In relation to landscape and visual, the existing landscape character studies produced by Rutland County Council (RCC) and South Kesteven District Council (SKDC) have been central in ensuring the Proposed Development responds</p>

ExQ2	Respondent	Question	Response						
	District Council (b) Mallard Pass Action Group (MPAG) (b)	<p>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.</p> <p>b) Are the Councils and MPAG satisfied that the Design Guidance as suitably drafted to minimise harm to the landscape?</p>	<p>sensitively to its context and mitigating any potential landscape impacts and also contributes positively to aspirations set out within them.</p> <p>The Order limits lie within Clay Woodlands Landscape Character Area within the Rutland Character Assessment (2003) and the Kesteven Uplands Landscape Character Area within the South Kesteven Character Assessment (2007). Objectives for the Clay Woodlands LCA are identified as “To conserve and manage the parks, avenues and other designed landscapes and the historic mosaic of agriculture, parkland and woodland wherever it occurs and, elsewhere, the more open, elevated, mixed arable and pastoral agricultural plateau landscapes, restoring and reinstating distinctive features such as hedgerows, hedgerow trees, copses, spinneys, dry stone walls and woodlands especially where they would filter views of the airfields, military barracks and mineral and related industrial operations. To conserve and enhance and where possible extend the semi-natural habitats of species-rich, calcareous grasslands and typical limestone woodlands and to conserve historic landscape features”.</p> <p>Specifically, the description for the Clay Uplands records “Woodlands are less extensive around the Gwash Valley, where trees are in small copses and where close trimmed hedges alongside large arable fields give a more open feeling to the landscape. This is particularly so in the extreme eastern corner of the County, between Ryhall and Essendine, where the railway line and its tall gantries, high voltage power cables and pylons, and modern housing are intrusive.” The text then goes on to identify the guideline: “to enhance the sustainable management of existing woodlands and to create new woodlands in the less wooded parts around the Gwash Valley, especially where they would create skyline features” Wet woodland planting is proposed in the West Glen area of the Order limits.</p> <p>The Clay Woodlands objectives align with objectives for the Kesteven Uplands which are set out in the table below with reference to the Design Guidance set out within the DAS [updated for Deadline 5]:</p> <table border="1" data-bbox="1077 1182 2089 1425"> <thead> <tr> <th data-bbox="1077 1182 1585 1227">Kesteven Uplands Objective</th> <th data-bbox="1585 1182 2089 1227">Design Guidance Reference</th> </tr> </thead> <tbody> <tr> <td data-bbox="1077 1227 1585 1329"> <ul style="list-style-type: none"> “Protect and improve field boundary condition”. </td> <td data-bbox="1585 1227 2089 1329">C2.1, PL1.1, PL3.1, PL3.18, PL5.1</td> </tr> <tr> <td data-bbox="1077 1329 1585 1425"> <ul style="list-style-type: none"> “Protect existing hedgerow trees.” </td> <td data-bbox="1585 1329 2089 1425">PL1.1, PL3.1, PL3.18, PL4.5, PL4.6, PL5.1, V5.4, V5.7, V5.13</td> </tr> </tbody> </table>	Kesteven Uplands Objective	Design Guidance Reference	<ul style="list-style-type: none"> “Protect and improve field boundary condition”. 	C2.1, PL1.1, PL3.1, PL3.18, PL5.1	<ul style="list-style-type: none"> “Protect existing hedgerow trees.” 	PL1.1, PL3.1, PL3.18, PL4.5, PL4.6, PL5.1, V5.4, V5.7, V5.13
Kesteven Uplands Objective	Design Guidance Reference								
<ul style="list-style-type: none"> “Protect and improve field boundary condition”. 	C2.1, PL1.1, PL3.1, PL3.18, PL5.1								
<ul style="list-style-type: none"> “Protect existing hedgerow trees.” 	PL1.1, PL3.1, PL3.18, PL4.5, PL4.6, PL5.1, V5.4, V5.7, V5.13								

ExQ2	Respondent	Question	Response
			<ul style="list-style-type: none"> • “Plant new hedgerow trees.” CL2.1, PL4.1, PL4.5, PL4.1, PL4.5, PL5.1
			<ul style="list-style-type: none"> • “Maintain important grassland areas.” PL3.19, PL4.1, PL5.1
			<ul style="list-style-type: none"> • “Protect important and distinctive woodland cover.” PL3.1, PL3.18, PL4.5, PL5.1, V5.5
			<ul style="list-style-type: none"> • “Protect historic parkland.” V1.5
			<ul style="list-style-type: none"> • “Protect field trees, particularly in parkland and in large arable fields.” PL1.1, PL3.1, PL3.18, PL5.1
			<ul style="list-style-type: none"> • “Maintain traditional village forms.” V1.4, V1.5, V6.1
			<ul style="list-style-type: none"> • “Use of limestone for new construction in the villages and countryside.” V1.4
			<ul style="list-style-type: none"> • “Use of new planting to minimise the visual impact of major roads and industrial buildings.” PL3.6, PL4.7, PL5.1
			<ul style="list-style-type: none"> • “Pay special attention to sensitive spaces around the edge of historic towns such as Stamford and the villages.” PE4.1, PE4.3, PL5.1, V1.4, V6.1
			<ul style="list-style-type: none"> • “Maintain open areas that extend into the towns and villages.” PL2.1, PL5.1, V1.4, V6.1
			<p>Other relevant studies, such as SKDC’s Green Infrastructure Strategy (undated), Leicester, Leicestershire and Rutland Biodiversity Action Plan (BAP) ‘Space for Nature’ (2016), Lincolnshire’s BAP (2011), and Natural England / Lincolnshire Wildlife Trust’s Grassland Enhancement Guide (TIN 0820, have also informed the</p>

ExQ2	Respondent	Question	Response
			<p>design response which has sought to contribute positively to wider GI aspirations beyond the immediate Order limits.</p> <p>These aspirations include things such as the strengthening of connections between habitats and creation of new habitats including limestone grassland with calcareous species, woodland, hedgerows and riparian habitat. It is the intention woodland, hedgerows and riparian habitats would remain post decommissioning providing a permanent positive landscape legacy of the Proposed Development. Again, these align with the objectives for the Kesteven Uplands set out in the table below.</p> <p>Additional Design Guidance within the DAS), providing further guidance and controls in relation to a number of aspects including the substation, agricultural access, cable routing and lighting, have been made and are submitted in the updated DAS for Deadline 5.</p> <p>b) Not for the Applicant.</p>

Topic 9.0 Noise and Vibration

ExQ2	Respondent	Question	Response
Q9.0.1	The Applicant	<p>In relation to working hours, Paragraph 2.7.1 of the oCEMP [REP3-011], in setting out the core construction hours, goes onto say that works likely to generate substantial levels of noise, aside from Horizontal Directional Drilling, would be limited to daytime hours of 07:00 to 19:00 during weekdays or Saturday mornings (until 13:00 hours).</p> <p>a) As currently drafted, notwithstanding the basic statement on core construction hours, it could be considered to imply that works unlikely to generate substantial levels of noise may be able to take place outside</p>	<p>a) It is intended that the “core construction hours” would be the time periods where construction activities of all kind) would be allowed to be undertaken. There would then be exceptions as provided in the document. This is clearly set out in section 2.7 of the oCEMP. The oCEMP has been updated at Deadline 5 to make this clearer.</p> <p>b) It is not considered necessary to provide further quantification in this context as this requirement could be reasonably interpreted by a competent contractor. Furthermore, any clarification as required would be established by the contractor through the process of finalising the CEMP and applying to the local authorities for consent under section 61 of the Control of Pollution Act 1974 (as set out in paragraph 2.7.4 of the oCEMP). Notwithstanding this, in response to the ExA's concern, additional wording has been added to section 2.7 of the updated oCEMP to define “works likely to generate substantial levels of noise”.</p>

ExQ2	Respondent	Question	Response
		<p>these hours. Please consider re-drafting this section for clarity or otherwise explain why it is implied that works unlikely to generate substantial levels of noise may take place outside of the core construction hours.</p> <p>b) The Applicant's response to Q9.0.8 provides an explanation of the term 'substantial levels of noise'. As there is no interpretation of 'substantial levels of noise' in the oCEMP [REP3-011], could the Applicant add appropriate interpretation in order to provide clarity for all parties during construction?</p>	
Q9.0.2	The Applicant	<p>Paragraph 5.12.15 of draft NPS EN-1 requires that the project should demonstrate good design, including through the selection of the quietest or most acceptable cost-effective plant available.</p> <p>a) It is understood that the technical specifications of the plant associated with the Proposed Development is not yet determined and noting the measures summarised on page 90 of the Policy Accordance Tables in the Planning Statement [REP4-020]. What measures would be secured by the outline OEMP and DCO to ensure accordance with this part of paragraph 5.12.15 regarding the quietest or most acceptable cost-effective plant available and to ensure that impacts from operational noise are minimised.</p> <p>b) Paragraph 10.9.7 of the ES explains that for the invertors, a 3dB reduction in noise emission levels is considered straightforward to achieve either through selection of quieter plant or through standard</p>	<p>a) Given the low levels of noise predicted even under worst-case assumptions in the assessment presented in the Environmental Statement, and described in previous evidence, it is not considered necessary to add further requirements in addition to those already proposed as part of the current oOEMP [REP4-009] or DCO in relation to selection of plant. The policy requirements are considered satisfied through the use of solar technology which emits low noise levels and the design measures already detailed in previous evidence.</p> <p>The final plant selection will be undertaken on the basis of a wide range of factors, including noise, and in this context, it would not be necessary or appropriate to require selection of the "quietest" equipment available as other factors may be more relevant. For example, the use of string inverter technology was assessed as being likely result in lower noise levels than the use of central inverters, but the choice of taking either technological approach is based on a wide range of factors, of which noise (while important) is only one. Even in the case of central inverters, the worst-case scenario assessed in ES Chapter 10: Noise and Vibration [APP-040], it was shown to be perfectly feasible to achieve suitably low noise levels at neighbouring receptors (see Appendix 10.5). The final selection of equipment will be set out in the operational noise assessment secured as part of Requirement 16 of the draft DCO.</p> <p>In addition, the relevant Design Guidance (PE 4.2 and PE4.3) within the DAS [REP2-018] has been updated to clarify that the distance between any Solar Stations and residential properties or PRowS would increase beyond the</p>

ExQ2	Respondent	Question	Response
		<p>noise attenuation measures for the fan noise likely dominating the noise emission from this plant. In order to seek to demonstrate good design, can more specific drafting be included in the outline OEMP to reflect this paragraph?</p> <p>c) What specific noise mitigation measures are likely to be provided for the onsite Substation?</p>	<p>minimum distance of 250m and 50m, respectively, if reasonably practicable. This would further minimise operational noise levels at residential properties. An updated DAS is being submitted as part of the Applicant's Deadline 5 submissions to provide for this.</p> <p>b) The assessment in the ES Chapter 10 was undertaken on the basis of worst-case assumptions in terms of both location and noise emission for the inverter plant. The mitigation described in Paragraph 10.9.7 of the ES is only relevant in this context, and a general description of potential noise design and engineering mitigation measures is available in the oOEMP [REP4-009]. Depending on the final type and locations of the plant, it may not be relevant, appropriate or necessary to consider a reduction of 3dB through the types of measures described in paragraph 10.9.7. In the case of a string inverter technology choice, for example, these measures would not be necessary or relevant for the reasons set out above in response to a).</p> <p>Nonetheless, the Applicant has considered this request, and has updated the oOEMP at Deadline 5 to state the following: <i>The detailed OEMP will explain how the final electrical plant layout and specification has considered the sound output levels of all mechanical and electrical plant, low frequency and/or tonal components of any sound sources and the noise from inverters and cooling fans.</i></p> <p>c) The acoustic design of the plant at the Onsite Substation will mainly comprise consideration of the noise emission specification for the equipment (based on manufacturer information) including electrical and ancillary cooling plant. If considered necessary, standard engineering measures such as noise attenuators could be employed for some of the cooling equipment, as required. It is noted that the Onsite Substation would be subject to Requirement 16 of the DCO.</p>
Q9.0.3	The Applicant Rutland County Council South Kesteven District Council	Table 3-5 of the outline OEMP [REP4-009] states that cumulative noise rated noise levels Lar, including the applicable character correction, should not exceed 35dB at neighbouring properties as secured by DCO Requirements. For the avoidance of doubt, should this make clear that this noise level should be measured externally rather than internally at residential properties?	No clarification is necessary as the rating levels are described as being determined in line with BS 4142. BS 4142 is very clear in its scope that it applies to externally measured noise levels rather than internal noise levels. Competent practitioners would be expected to be aware of this and that measurement of external noise levels is standard practice in the control of environmental noise.

ExQ2	Respondent	Question	Response
Q9.0.4	The Applicant	<p>Submissions were made by Mallard Pass Action Group at ISH3 regarding the noise impacts of piling during construction [REP4-056].</p> <p>a) What further measures could be proposed to reduce the impacts of piling, including the periods of time per day when piling is carried out in specific locations and/or further restriction on piling on Saturdays?</p> <p>b) What would the effects on the overall construction period of such further restrictions?</p>	<p>a) The assessment in the ES Chapter 10: Noise and Vibration [APP-040] was based on worst-case assumptions assuming percussive piling with tubular stell hydraulic jacking. However, quieter methods are available and may be used by the contractor if suitable and reasonably practicable. This consideration is already secured by the requirement in the oCEMP [REP4-007] to consider Best Practicable Means to minimise noise during construction (oCEMP Table 3-5), which the LPAs will also be able to consider in considering section 61 applications. The Applicant ISH2 Summary [REP4-041] also explains the limited time that piling would take place in locations that would affect residential properties. Furthermore, the Applicant has updated the oCEMP at Deadline 5 to provide that piling within 400 m of residential properties cannot take place on Saturday mornings. It is therefore considered that there is no need to provide any further requirements in this respect. Beyond 400 m, even under worst-case assumptions, percussive piling is predicted to result in levels of less than 55 dB LAeq which corresponds to negligible levels of construction noise according to the methodology set out in Appendix 10.2 of the ES [APP-078].</p> <p>b) The effect of any further restriction on working hours for piling work beyond those prescribed in the oCEMP, which are already more restricted than the standard working hours set out in BS 5228 guidance (as specified in section 2.7 of the oCEMP), would be to extend the duration of the piling period. For example, restricting piling within the Solar PV Site on Saturday mornings, represents a reduction of 6.25% in time available for piling in any given week. To compensate for this either requires additional resources to be deployed to the Site, increasing the amount of piling taking place across the Solar PV Site at any given point in time, or extending the piling duration within the overall construction programme, to account for the hours lost on a Saturday morning. Notwithstanding this, in response to the ExA's concerns, section 2.7 of the updated oCEMP proposes to restrict these works within 400m of residential properties on Saturday mornings.</p>
Q9.0.5	The Applicant Rutland County Council South Kesteven District Council	<p>Table 3-5 of the outline Operational Environmental Management Plan [REP4-009] sets out measures relating to noise and vibration including brief details of monitoring requirements.</p> <p>a) The Applicant is asked to set out in further detail how operational noise levels</p>	<p>a) It is not considered necessary to define in further detail the compliance monitoring requirements: reference is made to the guidance of BS 4142 for such measurements, and this guidance would need to be followed by any suitable competent practitioner (reference to which has now been added to the oOEMP) undertaking these measurements. It is also not possible to specify the remedial measures that would be considered in the event of non-compliance as this would</p>

ExQ2	Respondent	Question	Response
		<p>will be monitored and controlled across the site, including the process that will be followed in the event that noise levels exceed the maximum permitted.</p> <p>b) Do the Local Authorities (including as relevant their Environmental Protection/Health Officers) have any further comments on the measures proposed in the outline OEMP</p>	<p>depend on the nature of any potential issue identified and the particular source of noise identified.</p> <p>To aid in this, however, the Applicant has updated Table 3-5 of the oOEMP at Deadline 5 to provide that a log book of monitoring and remedial actions must be kept, and made available to the LPA on request.</p> <p>b) Not for the Applicant.</p>

Topic 10.0 Socio-economic Effects

ExQ2	Respondent	Question	Response
Q10.0.1	Lincolnshire County Council	Question not for The Applicant	
Q10.0.2	The Applicant	<p>Chapter 14 (Socio-Economics) of the Environmental Statement [APP-044] estimates that 50% of average annual FTEs could be sourced locally during the construction phase. This has been derived from Table 4.3 of the Homes and Community Agency's Additionality Guide. However, it is not clear how this guide has been applied to provide the 50% estimated local employment.</p> <p>Please clarify having regard to local demographics.</p>	<p>Table 4.3 of the Homes and Community Agency's Additionality Guide provides six ready reckoners for the level of leakage of employment ranging from none (implying that all employment goes to people living within the Rutland and South Kesteven study area) to total (implying that no employment goes to people living within the Rutland and South Kesteven study area). The assessment applied the 'high' ready reckoner for leakage of 50%, described in the guidance as "many of the benefits will go to people living outside the area of benefit".</p> <p>To determine the relevant leakage, the assessment combined available data on existing commuting patterns, and professional judgement of the factors affecting the extent to which workers could be sourced locally.</p> <p>Under the National Census 2011 (the most recent public source for data regarding commuting patterns), 70% of jobs within the Rutland and South Kesteven even were taken by residents of the area. This figure was considered</p>

ExQ2	Respondent	Question	Response
			<p>alongside the following factors to estimate the appropriate rate of local employment:</p> <ul style="list-style-type: none"> ▪ The scale of the Rutland and South Kesteven economy and the existing presence of construction businesses and workers. With a total of 3,700 construction workers in the area in 2021 (under data from the Business Register and Employment Survey), the on-site construction employment of up to 150 FTEs would correspond to 4% of the total current workforce in Rutland and South Kesteven. ▪ The location of the site and its access to population centres within Rutland and South Kesteven. With the largest population centres in proximity to the site being Stamford, Market Deeping and Oakham (all within the study area), and Peterborough (outside the study area). ▪ Typical commuting patterns for workers in the construction industry. On average, workers in the construction industry are relatively more mobile and travel further to work. With all other factors being equal, this would imply that a relatively lower amount than 70% of construction jobs within Rutland and South Kesteven would be taken by residents. <p>Following consideration of the above factors, the 50% local employment figure was selected as the most appropriate.</p> <p>It is worth noting that an outline Employment, Skills and Supply Chain Plan [REP2-023] has been submitted with the Application and a detailed plan will be agreed with the relevant planning authorities prior to the commencement of development and is secured by Requirement 17 of the DCO. The detailed plan will be in accordance with the outline plan and will identify opportunities for local residents to take up employment opportunities.</p>
Q10.0.3	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District	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 " <i>In some</i>	<p>a) The Design Guidance, as set out within the DAS submitted at Deadline 5, has been amended to increase the separation between the PROWs and permissive paths where technically possible. It is also noted that the dB estimations are for short portions of PROWs and so only a short portion of an overall journey. The effect therefore needs to be seen in that context.</p> <p>b) Not for the Applicant.</p>

ExQ2	Respondent	Question	Response
	Council Mallard Pass Action Group	<p><i>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".</i></p> <p>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]?</p> <p>b) Do the local authorities or Mallard Pass Action Group have any comments on the new information provided in Appendix C?</p>	
Q10.0.4	Rutland County Council Lincolnshire County Council South Kesteven District Council	Question not for The Applicant	
Q10.0.5	The Applicant Rutland County Council Lincolnshire County	At Issue Specific Hearing 2, the Examining Authority sought opinions on whether on PRow Management Plan should be prepared as envisaged by paragraph 3.10.30 of the draft National Policy Statement (NPS) EN-3 (March 2023)	<p>a) Not for the Applicant.</p> <p>In response to b), a single PRow Management Plan (PRowWMP) would not address the issue identified by the ExA. If this approach were adopted, a separate outline PRowWMP would need to be prepared for each phase of the Proposed Development, which the requirements in the draft DCO would then need to refer to, resulting in the creation of an unnecessary number of additional</p>

ExQ2	Respondent	Question	Response
	Council South Kesteven District Council	<p>[REP4-041]. The Applicant confirmed that such details are already provided in a single table in the outline Construction Environmental Management Plan (oCEMP) [REP3-010]. The local authorities confirmed that they were content for this information to be retained within the CEMP. However, relevant details also appear to be set out in the oOEMP (Table 3-4), outline Decommissioning Environmental Management Plan (oDEMP) (Table 3-10) [REP4-012] and outline Landscape and Ecology Management Plan (oLEMP) [REP3-014].</p> <p>a) In the context of the provisions of draft NPS EN-3, can the local authorities please confirm if they consider the draft management plans provide sufficient detail to inform the management of PRoW?</p> <p>b) In light of the above, can the Applicant please comment further on its position that a PRoW Management Plan is not required as all details are set out in a single table in the oCEMP?</p> <p>c) Do the local authorities have any further comments to make on the requirement for a PRoW Management Plan?</p>	<p>management plans. The Applicant's position remains that the matters that would be covered through a PRoWMP are already addressed through the existing suite of management plans.</p> <p>Paragraph 3.10.30 of revised draft NPS EN-3 provides as follows (emphasis added):</p> <p>Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use is set out in detail in an outline Public Rights of Way Management Plan.</p> <p>Considering this wording, the outline PRoWMP envisaged by this paragraph would likely relate to matters of safety only – it would not be intended to cover other broader issues that may arise in the context of PRoWs (e.g. landscape and visual or health and wellbeing impacts). The matters addressed in the oLEMP would therefore not be covered by a PRoWMP in any event.</p> <p>Clearly, the need to manage the safety of PRoW users is greatest during the construction phase, where PRoWs may need to be temporarily diverted to enable crossing by construction vehicles using construction routes within the Order limits. This is recognised in paragraph 3.10.26 of the draft NPS EN-3. Indeed, nowhere does the NPS state that safety matters relating to PRoWs need to be addressed for any phase of development other than construction.</p> <p>Table 3-10 of the oCEMP expressly recognises the importance of maintaining public safety through the effective management of PRoW during construction so that access is retained to all existing PRoW and they can continue to be used safely. It includes precisely the type of mitigation measures that could be expected to be included in a PRoWMP, including (for example) clear marking and signage for temporary diversions, agreement with local authorities, manned controls at each crossing point, and maximising visibility.</p> <p>Table 3-10 of the oCEMP therefore provides for all matters that would be addressed through a standalone outline PRoWMP as envisaged by paragraph 3.10.30 of revised draft NPS EN-3.</p> <p>Table 3-4 of the oOEMP notes that all existing PRoW will be unaffected during the operational phase. In the event that temporary diversions or closures are required during operation (for example to facilitate maintenance), Table 3-4 requires that any such measures are approved by the local planning authority.</p>

ExQ2	Respondent	Question	Response
			As for decommissioning, Table 3-10 of the oDEMP provides for appropriate and clearly signed alternative routes to be put in place where PRowS are required to be temporarily diverted, including monitoring requirements.
Q10.0.6	Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group	Question not for The Applicant	
Q10.0.7	Rutland County Council South Kesteven District Council	Question not for The Applicant	
Q10.0.8	The Applicant	In response to a question from the Examining Authority at Issue Specific Hearing 2 regarding the extent to which non-significant effects had been considered, the Applicant stated that they had been considered and made reference to Chapter 16 of the ES Interactions of Effects and Summary of Cumulative Effects [APP-046]. The Examination Authority then asked how in combination effects that may relate to health and well-being had been considered. The Applicant suggested that they had been considered but later in the hearing its was	ES Chapter 16: Interactions of Effects and Summary of Cumulative Effects [APP-046] considered the potential for the impacts to result in a significant in-combination effect in relation to health and well-being. In the context of the scale of the impacts (significant and non-significant) assessed in the other technical assessments, Chapter 16 did not consider it feasible for significant effects to occur on health and well-being. As a result, no detailed assessment of this effect was presented in the chapter. The Applicant considers the following topics and impacts to be relevant for the consideration of the potential effects on health outcomes: <ul style="list-style-type: none"> ▪ Recreation and amenity – these impacts are addressed in ES Chapter 6: Landscape and Visual [APP-036]. This chapter explains the extent of

ExQ2	Respondent	Question	Response
		<p>stated that <i>“There are a number of different determinants of health. They can only combine together to have a significant adverse effect if we believe there are going to be very significant adverse effects to all those determinants.”</i> [EV-044].</p> <p>Please can the Applicant clarify the extent to which non-significant effects have been considered in-combination in relation to health and well-being?</p>	<p>large-scale visual effects as follows: “The extent of Large scale visual effects, where the Proposed Development would form a major alteration to key elements, features, qualities and characteristics of the view such that the baseline will be fundamentally changed, would generally be limited to locations within or immediately surrounding the Solar PV Site and Onsite Substation.” In this way, some significant adverse impacts are identified within the hyper-locality of the site. Additionally, some non-significant adverse effects are identified for users of adjacent road routes, PRoW intersecting the Order Limits, and the adjacent footpaths of E170, E171, Carl/1/1 and Carl/942/1.</p> <ul style="list-style-type: none"> ▪ The impact of changes in traffic and travel access – these impacts are addressed in ES Chapter 9: Highways and Access [APP-039] with a negligible effect significance identified for all effects. ▪ The impact of changes in noise and vibration – these impacts are addressed in ES Chapter 10: Noise and Vibration [APP-040] with some non-significant adverse effects identified for nearby dwellings and PRoW users during all phases. The scale of these impacts would be largest for adjacent dwellings during the drilling stage of construction activity. ▪ The impact of climate change – these impacts are addressed in ES Chapter 13: Climate Change [APP-043] and concludes that non-significant beneficial impacts will arise (with the cumulative assessment identifying significant beneficial impacts). ▪ The impact of employment generation – these impacts are addressed in ES Chapter 14 Socio-Economics [APP-044], which concludes that non-significant beneficial impacts will arise. <p>These technical assessments identify that there are likely to be some adverse impacts resulting from the Proposed Development. From the perspective of any health and well-being impacts, any in-combination impacts would be felt most strongly by residents living in close proximity to the Order limits and experiencing the adverse impacts identified in the assessments on recreation and amenity and noise and vibration.</p> <p>Such impacts in the operational phase need to be seen in context, however:</p> <ul style="list-style-type: none"> ▪ the impacts to PRoW users are for a short part of an overall journey, particularly in noise terms, with the maximum assessed of 50dB being

ExQ2	Respondent	Question	Response
			<p>similar to a quiet conversation, a quiet suburb, a quiet office, or a quiet refrigerator, a level of noise that easily occur when walking along a PRow and passing people coming the opposite direction. It is also noted that the visual impacts will reduce over time as mitigation planting grows; and</p> <ul style="list-style-type: none"> at residential properties, visual impacts are localised, and the impacts from noise should be seen in the context of the tables in Appendix 10.5 of the ES, which reports the highest number of impact, before mitigation (which would reduce the figures), as 36dB, and for the vast majority of properties as being 30dB or under, below the 35dB figure given by BS 8233: 2014 as being appropriate for resting conditions within living rooms and bedrooms. As further set out in that Appendix, the Proposed Development is unlikely to be operating at noise, as it will be unable to produce electricity at that time, so there would be no health impacts at the time where quiet is most needed. <p>As such, the combination of insignificant impacts on health and wellbeing should be seen as small.</p> <p>Furthermore, given the scale of the significant and non-significant impacts concluded in these assessments, these impacts would not result in any significant in-combination effects on health and well-being at any reasonable receptor population level.</p>

Topic 11.0 Transportation and Traffic

ExQ2	Respondent	Question	Response
Q11.0.1	The Applicant Rutland County Council Lincolnshire County Council South Kesteven	Paragraph 1.1.4 of the of the outline Construction Traffic Management Plan (oCTMP) [REP4-016] states <i>"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</i>	<p>The Applicant considers it is not necessary to amend paragraph 1.1.4 of the oCTMP.</p> <p>Requirement 5 of the draft DCO provides that the approval of any amendments to any of the 'Approved Documents, Plans, Details or Schemes' for the Proposed Development cannot be given unless it has been demonstrated to the satisfaction of the relevant planning authority/ies that the change "is unlikely to give rise to</p>

ExQ2	Respondent	Question	Response
	District Council Mallard Pass Action Group	<p><i>modifications and necessary interventions can be made following further information and advice from consultees.</i></p> <p>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?</p>	<p>any materially new or materially different environmental effects from those assessed in the environmental statement.”</p> <p>The oCTMP is one of the ‘Approved Documents, Plans, Details or Schemes’ referred to in Requirement 5, being one of the documents listed in Schedule 13 of the draft DCO for certification. This requirement therefore applies to any subsequent amendments to the oCTMP, such that an amendment to paragraph 1.1.4 is not required.</p>
Q11.0.2	Rutland County Council Mallard Pass Action Group	Question not for The Applicant	
Q11.0.3	The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council Mallard Pass Action Group	<p>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 <i>“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.”</i></p> <p>a) 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?</p> <p>b) Should the areas prohibited for parking be clearly identified on a plan?</p> <p>c) Do the local authorities and Mallard Pass Action Group have any comments to make</p>	<p>a) Parking at the primary compound and within the Order limits will be managed by the principal contractor and pre-booked by staff to ensure that there is sufficient space for the required number of vehicles expected each day, which will be coordinated alongside the use of the shuttle bus to ensure there is always sufficient parking capacity internally within the Order limits.</p> <p>b) A plan of the areas where parking is prohibited is not considered to be required as parking will only be allowed within the extent of the Order limits, either in the primary compound, secondary compounds or temporary areas that are specifically identified within the extent of the Order limits for parking to take place, which would be subject to phasing and outlined in more detail within the detailed CTMP.</p> <p>Parking will not be allowed on any of the verges or outside of the areas designated for car parking, which will be monitored by the principal contractor. The oCTMP has been amended to summarise the areas where parking will be allowed within the Order limits.</p> <p>The oCTMP has also been amended to clarify the approach to parking and to identify that further details will be provided within the detailed CTMP, once detailed plans for each construction compound area and the internal layout are provided.</p>

ExQ2	Respondent	Question	Response
		<p>on the Applicant's response and amendments to the oCTMP on this issue?</p>	
<p>Q11.0.4</p>	<p>The Applicant Rutland County Council Lincolnshire County Council National Highways</p>	<p>The methodology for the assessment of effects in Chapter 9 of the Environmental Statement (ES) (Highways and Access) [APP3-039] is based on the 'Guidelines for the Environmental Assessment of Road Traffic' (GEART), produced by the Institute of Environmental Assessment (IEA) (now the Institute of Environmental Management and Assessment (IEMA)) 1993). It is noted that the IEMA published a new guidance document entitled Environmental Assessment of Traffic and Movement in July 2023.</p> <p>What implications does the new guidance have for the assessment of effects for the Proposed Development?</p>	<p>The latest IEMA guidance 'Environmental Assessment of Traffic and Movement' dated July 2023 aligns with the principles of the GEART 1993 guidance and considers the following highways/access effects, which are replicated below alongside the corresponding effects already assessed in ES Chapter 9 [APP-039]:</p> <ul style="list-style-type: none"> ▪ Severance of communities (assessed as severance, including both non-motorised and motorised users); ▪ Road vehicle and passenger delay (assessed as driver/vehicle delay); ▪ Non-motorised user delay (assessed as pedestrian delay, although the assessment also included reference to cyclists and horse riders); ▪ Non-motorised user amenity (assessed as pedestrian and cyclist amenity); ▪ Fear and intimidation (assessed as Fear and Intimidation); ▪ Road user and pedestrian safety (assessed as Accidents and Road Safety, of vehicles and pedestrians); and ▪ Hazardous/large loads (referred to as Hazardous loads, although scoped out of the assessment with reference to large loads/abnormal loads already included within the oCTMP [REP4-016]). <p>The latest IEMA 2023 guidance allows for the same methodology and assessment parameters as previously referred to within the GEART 1993 guidance, including the future assessment years and methodologies for cumulative assessments.</p> <p>As demonstrated by the above, ES Chapter 9 [APP-039] has already assessed and considered in detail all relevant effects of the Proposed Development as would be required under the latest IEMA guidance, with the assessment concluding that the effects were non-significant across the majority of the road network. Where significant effects were potentially identified, mitigation is provided such as in the case of Uffington Lane, where widening improvements and passing places are proposed.</p>

ExQ2	Respondent	Question	Response
			<p>On that basis, it is considered that the conclusions of ES Chapter 9 [APP-039], which was prepared using the GEART (1993) guidance, would still be applicable and consistent with those that would be reached using the latest IEMA 2023 guidance.</p>
Q11.0.5	The Applicant Rutland County Council Environment Agency	<p>Chapter 15 of the ES (Other Environmental Topics) [APP4-045] considers the possible effects and implications of the three Upper Tier Control of Major Accident Hazard (COMAH) sites located within Essendine Industrial Estate.</p> <p>a) How will access (including for the emergency services) be maintained to the industrial estate during works in the event that cabling is routed along Bourne Road? b) Do Rutland County Council and the Environment Agency have any comments to make on this issue</p>	<p>a) The traffic management measures along the A1621 Bourne Road to facilitate the cabling works will be outlined within the detailed CTMP which must be approved before the works take place, which is secured by way of article 15 and Requirement 13 of the draft DCO. All traffic management will be planned to ensure that suitable vehicle access is maintained to the Essendine Industrial Estate.</p> <p>It is also noted that Article 15 of the draft DCO also requires that, before exercising powers of traffic regulation, the undertaker (the Applicant) must give at least 4 weeks' notice to the police and traffic authority in whose area the road is situated.</p> <p>b) Not for the Applicant.</p>
Q11.0.6	The Applicant National Highways	<p>In relation to cumulative effects, paragraph 9.10.1 of the ES (Highways & Access) states that <i>"From a Highways and Access perspective, there are no relevant existing or approved developments to consider in relation to the cumulative effects from the Proposed Development due to the limited overlap in construction programme and construction vehicle routing. In any event, the traffic associated with these cumulative developments are accounted for within the TEMPRO growth factors and assessment undertaken in the Base 2026 model."</i></p> <p>a) Can the Applicant confirm if the A47 Wansford to Sutton scheme granted consent by the Secretary of State in February 2023 has been taken into account?</p>	<p>a) The proposed A47 National Highways works between Wansford and Sutton are not considered to have any material impact on the assessment of cumulative effects presented within the ES Chapter 9 [APP-039] as the works take place on the A47, which is located a significant distance away from where construction vehicles for the Proposed Development will access/egress the Strategic Road Network (SRN) – (from the A1) meaning that, even if there was overlap between the construction programmes of both schemes (which is considered unlikely), any interaction between construction vehicles would be limited.</p> <p>In any case, the impact of construction/operational traffic from the Proposed Development has been confirmed by National Highways as non-significant as it falls below the agreed threshold of 30 two-way vehicles during the AM/PM peak hour [APP-073].</p> <p>b) and c) Not for the Applicant.</p>

ExQ2	Respondent	Question	Response
		<p>b) Can National Highways provide an indication of the construction programme for the A47 Wansford to Sutton scheme?</p> <p>c) It is noted that National Highways has not made specific comments regarding the interaction between the two projects, please can it confirm if it considers if there are any implications during the construction or operational phase of the Proposed Development for the A47 Wansford to Sutton scheme?</p>	
Q11.0.7	The Applicant Rutland County Council	<p>Paragraph 4.9.1 of the oCTMP [REP4-016] has been updated at Deadline 4 to confirm that all of the access points within the Order limits will incorporate a wheel washing system with rumble grids to dislodge dust and mud to all vehicles leaving the Order limits "where reasonably practicable." The Applicant's response to the Examining Authority's First Written Question Q2.0.2 [REP2-037] stated that alternatives such as manual washing would be provided where wheel washing systems could not be applied but this commitment is not expressed in the updated oCTMP. Rutland County Council's Local Impact Report [REP2-048] called for more detail to be provided regarding the system to be used and requested that "thru jetted" systems were used. The Applicant's response at Deadline 3 [REP3-034] indicates that the method of wheel washing proposed aligns with industry standards and is widely accepted practice although the oCTMP does not specify the method in detail.</p>	<p>a) The oCTMP and oCEMP has been updated to require that where jetted wheel wash systems cannot be practicably implemented alternatives such as manual washing would be utilised.</p> <p>b) The oCTMP and oCEMP has been updated to require that all of the construction compound access points will incorporate fully jetted drive-thru wheel wash systems with rumble grids and hard standing between the wheel wash facilities and the public highway for the duration of construction works for an area/phase of works</p> <p>c) Not for the Applicant.</p>

ExQ2	Respondent	Question	Response
		<p>a) Should the oCTMP be revised to confirm that alternative means of wheel washing will be provided when the primary system cannot be implemented?</p> <p>b) Should the oCTMP provide additional details regarding the method of wheel washing?</p> <p>c) Can Rutland County Council confirm if the system requested is commonly applied in Rutland?</p>	
Q11.0.8	The Applicant Rutland County Council	<p>The draft Statement of Common Ground [REP4-036] between the Applicant and Rutland County Council highlights that construction impacts in relation to highways and access are still under discussion. The commentary indicates that this solely relates to the wheel wash issues highlighted in the question above. However, Rutland County Council's Local Impact Report identified further construction traffic related matters, including the need for additional plans of the construction compounds to demonstrate that delivery vehicles can manoeuvre safely. Can the Applicant and Rutland County Council provide an update on any progress made to address the outstanding construction traffic concerns raised in the Local Impact Report?</p>	<p>It has been agreed with RCC that detailed plans of the construction compounds which demonstrate safe manoeuvring for vehicles will be provided within the detailed CTMP once the layout of the construction compound has been confirmed by the appointed principal contractor.</p> <p>The oCTMP has been updated to include a commitment that plans of vehicle tracking in and out of the construction compounds will be provided within the detailed CTMP. This is secured by way of Requirement 13 of the draft DCO (which requires the detailed CTMP to be substantially in accordance with the oCTMP), to demonstrate safe movement for all vehicles within the extent of the Order limits.</p> <p>In summary, the parties agree that the items raised in RCC's Local Impact Report [REP2-048] are suitably mitigated by measures identified in the outline Construction Traffic Management Plan (oCTMP), with the arrangements secured by way of Requirement 13 in the DCO.</p> <p>The Statement of Common Ground between the Applicant and Rutland County Council has been updated to reflect this position.</p>
Q11.0.9	The Applicant Rutland County Council Lincolnshire County Council South Kesteven	<p>The Applicant's response to the Examining Authority's First Written Question Q 11.0.4 states that <i>"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</i></p>	<p>a) In the context of any maintenance works for the Proposed Development, the nature of the proposals is such that any maintenance works would be the delivery of new parts or an operative visiting the site to undertake repairs/alterations, however this would only take place on an ad-hoc basis when the works are required, being much less severe in highways and access terms than what has already been assessed for the construction phase in ES Chapter 9 [APP-039].</p>

ExQ2	Respondent	Question	Response
	District Council	<p><i>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."</i></p> <p>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?</p> <p>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)?</p>	<p>The detailed internal layout of the Solar PV site will include areas for internal maintenance vehicle access to ensure that all maintenance vehicles can be retained within the extent of the Order limits when undertaking maintenance works.</p> <p>The majority of the vehicle trips during the construction phase are likely to be associated with the delivery of PV panels, which will arrive on the back of the HGVs and be unloaded ready for installation in the relevant locations.</p> <p>However, the methodology for the assessment of construction traffic presented in Table 2-1 of the oCTMP [REP4-016] provided robust assumptions and assumed there was an overlap in the respective peaks of both LGVs and HGVs, as well as assuming no construction phasing across the Order limits – which is likely to have overestimated the total number of construction vehicles across the programme. Even with these robust assumptions and assuming a maximum of 159 daily two-way trips, the assessment presented within ES Chapter 9 [APP-039] concluded that the effects across the majority of the road network were non-significant.</p> <p>b) As noted in response to SWQ 5.0.1, large scale replacement is not intended. However, in response to this question, it is likely this would be a smaller number of vehicles delivering parts or undertaking repairs each day rather than requiring a significant number of HGVs/LGVs. Reference is made to the threshold of 30 two-way vehicle trips during the respective AM/PM peak hour used by National Highways, RCC and LCC [APP-073]. Any vehicle flows associated with large scale maintenance are likely to be well within these parameters and likely much less than 30 two-way trips per day.</p> <p>In addition, the robust assumptions made for the assessment of the construction phase (which concluded non-significant effects) mean that any trips for operational maintenance works are likely to be well within the parameters assessed during construction phase and would still lead to non-significant effects.</p> <p>Please see further the Applicant's proposed controls on this set out in the response to SWQ 5.0.1.</p>
Q11.0.10	The Applicant Rutland County Council Lincolnshire	Written representations from the Mallard Pass Action Group [REP2-090] and Greatford Parish Council [REP2-061] expressed concern regarding traffic management measures to address	<p>a) Not for the Applicant.</p> <p>b) The oCTMP [REP4-016] already details some of the interim mitigation measures in the rare event that one of the access routes to the SRN is closed in paragraph 3.2.4, which includes the use of tidal deliveries and 'platooning' - holding inbound/outbound deliveries for as long as possible within the Order limits</p>

ExQ2	Respondent	Question	Response
	County Council South Kesteven District Council	<p>roadworks or closures on the A6121 from Carlby through Essendine, including alternative routes that rivers may take to avoid delays. The Applicant's response at Deadline 3 [REP3-034] highlights sensitivity testing within ES Chapter 9 [APP-039] to assess the impact of road closures on Uffington Lane are deemed non-significant. Minor delays associated with traffic signals in place during cabling on the A1621 are acknowledged. It is understood that further details on alternative routes in the event of full closures of HGV access routes may be provided in the final CTMP.</p> <p>a) Do the local authorities have any comments to make on the concerns and the Applicant's response?</p> <p>b) Should the oCTMP provide some detail on the potential measures to manage the situation should part of the HGV access route be fully closed?</p>	<p>so they can leave in one go to reduce the likelihood of any two-way conflicts. This demonstrates that any impacts could be mitigated.</p> <p>The impacts of traffic any traffic management measures on the A6121 and details of mitigation measures, if they are necessary, such as the above, would be able to be considered by the LPAs in approval of the detailed CTMPs.</p>
Q11.0.11	The Applicant Rutland County Council	<p>Can the Applicant and Rutland County Council comment on the concerns raised by the Mallard Pass Action Group during Compulsory Acquisition Hearing 1 [EV-024] in relation to the safety of pedestrians crossing the A6121 in Essendine during any potential cabling works?</p>	<p>It is acknowledged that there are no existing controlled pedestrian crossings in Essendine to assist with pedestrians crossing from the northern footway to the southern footway. However, with the addition of the traffic management that may be implemented along the A1621 in Essendine to facilitate cabling works (presented on the Traffic Regulation Measures - Temporary Measures [AS-008] plan), it is considered that the presence of temporary traffic signals would make it easier for pedestrians to cross the A1621. This is because more traffic would be slowed down and stopped, which in turn would provide a larger window for pedestrians to cross.</p>

Topic 12.0 Water Environment

ExQ2	Respondent	Question	Response
Q12.0.1	Environment Agency Rutland County Council Lincolnshire County Council South Kesteven District Council	Question not for The Applicant	
Q12.0.2	Rutland County Council Lincolnshire County Council Black Sluice Internal Drainage Board	Question not for The Applicant	
Q12.0.3	The Applicant Rutland County Council Lincolnshire County Council South Kesteven District Council	The outline Surface Water Drainage Strategy (oSWDS) [APP-087] states that the <i>“localised flat topography within parcels of the Proposed Development is generally flat meaning rainfall will not drain quickly down slope...”</i> . 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	<p>a) The 2D surface water model presented in Section 3.1 of Appendix 11.6: Outline Surface Water Drainage Strategy (oSWDS) [APP-087] is intended to demonstrate the effectiveness of proposed vegetation management and uses a grid resolution of 4 m. As such, localised channelling at substantially less than this resolution would not be picked up by the model.</p> <p>A scenario where bare earth is present is only likely if substantial areas of grassland have not established before construction or there is widespread damage by overgrazing, which are both unlikely scenarios as set out in the response to point b) below.</p>

ExQ2	Respondent	Question	Response
	<p>Mallard Pass Action Group Greatford Parish Council Black Sluice Internal Drainage Board</p>	<p>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 <i>"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."</i></p> <p>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?</p> <p>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?</p> <p>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?</p> <p>d) Is additional modelling required to take account of topography and infiltration across and adjacent to the Order limits?</p>	<p>Whilst the model does not model a bare earth scenario, it is noted in the oSWDS that research in the United States by Cook & McCuen outlines that solar panels do not have a significant effect on runoff volumes or peak flows however where ground beneath panels is bare there may be an increase in peak discharge. Under this scenario there would be increased run-off rates to the hydrological network, including the West Glen River. The oSWDS goes on to state, however, that the baseline superficial geology cover is predominately clay soils overlain by a mix of superficial soils which are tilled or left as stubble for large parts of the year (i.e. analogous with bare ground scenario) which is likely to limit infiltration and promote surface water runoff leading to a rapid transfer of surface water to the surrounding hydrological network. As such, the scenario where bare earth could be present is unlikely to be greater in extent than the current state of the land within the Order Limits, and therefore the effect of bare earth during the construction phase is unlikely to contribute run-off at greater rates than the baseline agricultural situation.</p> <p>b) In the unlikely event that the proposed grass mix has not established in certain areas (and measures in this regard are set out in the oSMP) before the construction phase then measures outlined in oWMP will be implemented. Paragraph 2.5.4 outlines that the Construction Contractor would be responsible for the management of all surface water runoff, including the detailed design and management of a drainage scheme compliant with SuDS principles and this would be set out in the WMP that is approved pursuant to Requirement 9. This may include settlement lagoons and retention ponds, incorporating natural or assisted attenuation in area identified to be at higher risk of elevated surface water run-off rates. Regarding grazing damage, the Applicant has control over how livestock are managed as the vegetation sward establishes meaning the potential for damage to occur is unlikely. Should damage to the grass occur then the resulting ground is still likely to slow surface water run-off rates compared to the current land use, which is annually tilled arable fields. The addition of grass buffer strips on the perimeter of the Order limits, as outlined in the Design Guidance with the DAS and Green Infrastructure Strategy contained within the oLEMP (both submitted at Deadline 5) will further act to slow flows, even if some of the grassland within the PV array area has not fully established or is damaged by grazing.</p> <p>The Applicant has also updated the outline Water Management Plan to require that the detailed WMPs will need to explain the position at the time of discharge in</p>

ExQ2	Respondent	Question	Response
			<p>respect of the grass cover on site and the measures that are being put in place (if required) to deal with that position.</p> <p>c) It is reported in Appendix E (Section 9.7 Slope and Runoff of Schwyter & Vaughan) that the amount of soil erosion is directly related to the amount of surface water run-off, which depends on the water infiltration rate and the percentage of the slope. The steeper the slope and the less rapid the water infiltration rate, the more rapid the water run-off rate for a given soil.</p> <p>It is noted that most soils will generate slow surface water run-off on slopes between 0 to 2 %.</p> <p>Most soils will generate rapid surface water run-off on slopes greater than 6 %</p> <p>90 % of the PV array area is located on land with slopes of 2 % or less and only 2.5 % of the PV array area is located on slopes of greater than 6 %.</p> <p>Gradient vector analysis of the topography within the Order Limits shows that surface water flow direction is very rarely orientated north-south or east-west form more than a few metres, meaning the alignment of PV arrays is unlikely to concentrate flows downhill, especially taking the shallow slopes on which the majority of the PV arrays are located on.</p> <p>d) The general premise of the modelling is that if vegetation cover is changed to increase the roughness of the surface, then the friction change will retain surface water for longer, regardless of slope. Furthermore, the majority of modelled area has slopes of less than 2 % meaning it is representative of the wider PV array area within the Order Limits and does not require additional areas to be modelled.</p>
Q12.0.4	Lincolnshire County Council	Question not for The Applicant	
Q12.0.5	The Applicant Anglian Water	It is noted from the latest Statement of Common Ground [REP4-032] that both parties agree that Anglian Water's proposed works to the West Glen River and the Proposed Development are "mutually compatible" but that the project is still at the outline design stage.	Further to finalising the SoCG with Anglian Water, the Applicant has corresponded with Anglian Water's design consultants implementing the proposed improvement works at the section of the West Glen River within the Order limits. They have confirmed that design proposals remain in outline, but the intention is to deliver improvement works within the existing channel. It is still the intention for Anglian Water to deliver the improvement works by December 2024. Anglian Water has consulted with the landowners who are comfortable with this approach. Anglian Water's proposals remain compatible with the Applicant's

ExQ2	Respondent	Question	Response
		<p>As far as possible, please provide details of Anglian Water's project, including reference to interaction with the Green Infrastructure Strategy for the Proposed Development [APP-173].</p>	<p>Green Infrastructure Strategy for the Proposed Development [APP-173], which will respond to the implemented improvement scheme on the ground at the time.</p> <p>It should be noted that the Applicant is not proposing any works, including Green Infrastructure, within the 'existing channel'.</p>
Q12.0.6	<p>The Applicant Rutland County Council Lincolnshire County Council</p>	<p>Paragraph 81 of Rutland County Council's Local Impact Report [REP2-048] identifies concerns regarding flood prevention measures during construction when works to implement any consent would also affect surface water drainage in ways that differ from those predicted once the development is complete. The possibility of less infiltration arising from the stripping back of land is cited as an issue that has been experienced on other sites in the County recently. The Applicant's response at Deadline 3 [REP3-035] refers to drainage features included in the oWMP [APP-214] to be employed during construction.</p> <p>a) Can Rutland County Council provide further details of the issues experienced elsewhere, including any similarities with the Proposed Development and what measures may need to be put in place to avoid or manage such a situation should it arise?</p> <p>b) Do Rutland County Council have any comment to make on the Applicant's response?</p> <p>c) Can the Applicant please comment specifically on the scope for the stripping back of land to reduce infiltration rates?</p> <p>d) Do Lincolnshire County Council have any comments?</p>	<p>a) Not for the Applicant</p> <p>b) Not for the Applicant</p> <p>c) As outlined in the oSMP, areas for temporary works, including any construction compound or access track if required, will be stripped to a depth of approximately 10 to 15 cm. The area will then be covered with suitable permeable matting to prevent stones from mixing with the soil. Stone will then be laid on the matting to create the temporary working area. As outlined in Section 3.3 of the oSWDS, permeable crushed aggregate (e.g., Type 2 aggregate) will be used for any new access tracks, which will allow surface water to percolate through the access tracks and release into the soils.</p> <p>As such, in areas where graded aggregate will be installed there will be an improvement in the overall ability to slow the conveyance of surface water due to superficial deposit regrading during the construction phase and the introduction of stone aggregate with voids as opposed to the baseline superficial cover of clay-based strata.</p> <p>d) Not for the Applicant</p>

ExQ2	Respondent	Question	Response
Q12.0.7	The Applicant Rutland County Council Lincolnshire County Council	<p>Rutland County Council expressed concerns regarding the implications of concrete bases used to secure the installation of panels on surface water run-off and drainage [REP2-048]. At Deadline 3 [REP3-035], the Applicant responded by stating that concrete blocks or shoes would potentially be used where necessary to project archaeology and that they would be highly unlikely to have a measurable impact on infiltration. Table 3-3 of the outline Construction Environmental Environment Plan (oCEMP) [REP3-011] states that ongoing archaeological evaluation and assessment under the Written Scheme of Investigation will help to identify where concrete bases will be required.</p> <p>a) Given the uncertainty over the extent of future archaeological finds, should further modelling be undertaken to consider the possible implications of a worst-case scenario?</p> <p>b) Do Rutland County Council or Lincolnshire County Council have any comments on the Applicant's response to date?</p>	<p>a) Should concrete feet be required in areas of archaeological potential i.e. the racking system is not driven into the ground, then these areas will be localised, very small in surface area and highly unlikely to have a measurable impact on the infiltration potential of the Order limits and therefore does not require validation through modelling.</p> <p>Whilst an increase in surface water run-off rates is unlikely, the outline surface water drainage strategy has been updated to include the provision for the installation of small earth berms or embankments on the upslope of the of the PV arrays requiring concrete footings to increase the infiltration potential and slow runoff in these areas if the detailed design requires it. The locations and dimensions of berms will be confirmed in the detailed surface water drainage strategy once the requirement for concrete footings (and thus the need for any berm or embankment) has been established.</p> <p>b) Not for the Applicant.</p>
Q12.0.8	The Applicant Rutland County Council Lincolnshire County Council	<p>The potential for land drains to be broken across the Order limits and associated implications if they are not reinstated as part of decommissioning is highlighted as an issue by Rutland County Council [REP2-047]. The Applicant's response at Deadline 3 [REP3-035] refers to Table 3-7 of the oCEMP [REP3-011] which states <i>that "if during the construction of any of the infrastructure, there is any interruption to</i></p>	<p>a) The provisions within the oOEMP [REP4-010] for inspection and maintenance will apply to all land drains (existing and new) with the Solar PV Area. The oOEMP has been updated accordingly. A revised version of the oOEMP has been submitted at Deadline 5 to make this clear.</p> <p>b) Table 3-7 in the oDEMP has been updated to require that any damage to agricultural drains that has occurred during the operation or decommissioning of the Proposed Development will be repaired in accordance with BRE 365. A revised version of the oDEMP has been submitted at Deadline 5 to make this clear.</p>

ExQ2	Respondent	Question	Response
		<p><i>existing land drainage, then new sections of drainage will be constructed</i>". It is also noted from Table 3-7 of the outline Operational Environmental Management Plan (oOEMP) [REP4-010] that <i>"Regular inspection and maintenance of the drainage systems, SuDS and culverts will take place throughout the operational phase"</i>. Paragraph 2.1.2 of the outline Decommissioning Environmental Management Plan (oDEMP) [REP4-012] states that <i>"Any damage to agricultural drains that has occurred during the operation of the Proposed Development will be repaired"</i> although it is not clear from Table 3-7 where this commitment is addressed.</p> <p>a) Can the Applicant confirm if the provisions within the oOEMP for inspection and maintenance will apply to any existing land drains?</p> <p>b) Should Table 3-7 of the oDEMP be updated to specifically commit to the repair of agricultural drains?</p> <p>c) Do Rutland County Council have any specific recommendations as to how their concerns should be rectified?</p> <p>d) Do Lincolnshire County Council have any comments on this issue?</p>	<p>c) and d) Not for the Applicant.</p>
Q12.0.9	The Applicant	<p>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 <i>"Other measures established to manage potential surface</i></p>	<p>a) The Construction Contractor will be responsible for the management and implementation of all surface water runoff, including the detailed design and management of a drainage scheme compliant with SuDS principles. Monitoring of the effectiveness of these measures will be undertaken by the Environmental Manager for the site, who will have responsibility for the overall management of environmental aspects onsite, ensuring environmental legislation and best practices are complied with, and environmental mitigation and monitoring</p>

ExQ2	Respondent	Question	Response
		<p><i>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.</i>" The outline Soil Management Plan (oSMP) has been updated at Deadline 4 to include details on swales and scrapes. Paragraph 9.7 states that <i>"There may be a need for localised and small scrapes/swales to collect water run-off"</i> [REP4-017].</p> <p>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?</p> <p>b) Have swales and scrapes been considered in the modelling provided in the oSWDS?</p>	<p>measures identified are implemented. This is secured through the Outline Operational Environmental Management Plan [APP-208].</p> <p>The retention of swales for the lifetime of the Development will be considered in areas where specific risks are identified, such as those downslope of areas in excess of 6 % slope.</p> <p>The SWDS will be developed at the detailed design stage and reflect the final layout and configuration of the Proposed Development, including the location of any swales and scrapes. This reflected in the dDCO Requirements. Pursuant to Requirement 9 of the dDCO, details of the SWDS must be submitted and approved by the relevant planning authority, prior to the commencement of any phase of construction. It should also be noted that the detailed design submitted, pursuant to Requirement 6 of the dDCO, must accord with the details approved under Requirement 9.</p> <p>b) Swales and scrapes have not been included within the 2D surface water modelling as their location and dimensions will be confirmed by the Construction Contractor and will require approval from the EA, as secured through the oWMP and outline Construction Environmental Management Plan (oCEMP) [APP-207].</p> <p>Swales and scrapes will provide a positive effect on retaining surface water onsite and the general principle of this does not require quantification through modelling, as their effectiveness has been well established in construction best practice on large scale renewable energy sites.</p>

Topic 13.0 Other Matters/Issues

ExQ2	Respondent	Question	Response
Q13.0.1	The Applicant Rutland County Council South Kesteven District	<p>The Applicant has confirmed its commitment [APP4-042] to setting up a community liaison group with further engaged proposed to take this forward.</p> <p>a) Please provide an update on the proposals for the formation of a community</p>	<p>a) Further to the commitment outlined in Applicant's post hearing submission [APP4-042], the Applicant has developed a Terms of Reference for the CLG which includes a list of attendees. This has been submitted as an Appendix to the updated oCEMP submitted at Deadline 5. In the build up to Deadline 5, the Applicant has sought comment from MPAG and the host authorities on the list of attendees, but welcomes any further comment now it has been submitted.</p>

ExQ2	Respondent	Question	Response
	Council Mallard Pass Action Group	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]?	b) The Applicant has discussed attendance for the CLG with MPAG and the host authorities and invites further comments on the draft ToR, with a view to having an agreed position by the end of the examination. The Applicant has amended the oCEMP to require the CLG to be set up in accordance with the ToR. On this basis, there is no need to have a separate requirement for approval of the ToR as they will have already been defined. The implementation is secured by the updates to the oCEMP. The Applicant is aware that Longfield has a Requirement for this, but this is because that project did not make as much progress by the end of Examination as is intended for Mallard Pass.
Q13.0.2	Lincolnshire County Council South Kesteven District Council	Question not for The Applicant	

Topic 13.1 Outline Management Plans

ExQ2	Respondent	Question	Response
13.1.1	The Applicant Lincolnshire County Council Rutland County Council South Kesteven District Council	Paragraph 3.1.3 of the oCEMP [RE4-007], oOEMP [REP4-009] and the oDEMP [REP4-011] explains that nothing in the respective management plans would prevent the modification or omission of the control measures set out in relevant tables. It goes onto say that this will be confirmed (including confirming that the absence or change to such control measures would <i>not lead to any materially new or materially different significant effects</i>) at the time of	a) The oCEMP, oOEMP and oDEMP state that nothing would prevent the modification or omission of control measures “where the construction methodology means that the measures can be so modified or omitted”. The Applicant considers this is appropriate, as it provides a necessary degree of flexibility while ensuring that any potential modification to, or omission of, the measures set out in the outline management plans could only occur if the same (or at least not a materially different) outcome can be achieved by an alternative methodology. While the effect of paragraph 3.1.3 is essentially the same as that of the wording in the dDCO requiring the detailed management plans to be “substantially in accordance” with the outline management plans, it is considered that this wording is useful to include in the outline management plans themselves

ExQ2	Respondent	Question	Response
		<p>submission of the relevant detailed plan. This wording (in italics above) is different from the equivalent wording used in the dDCO [REP-027] which does not include the term significant.</p> <p>a) Is it appropriate to include wording that allows the modification or omission of the relevant control measures in each of the outline management plans? Is this not covered in any case by the provision in the dDCO including that the detailed plans need to be substantially in accordance with the outline management plans?</p> <p>b) Does the relevant wording in the outline management plans need to be amended to reflect the equivalent wording in the dDCO to ensure that any variation to the measures in the oCEMP do not result in any new effects not assessed in the ES? If not please explain why not</p>	<p>as well as the dDCO and to ensure that there is no doubt in the position when the detailed CEMPs are brought forward and checked back against the outline CEMP.</p> <p>b) The wording in the oCEMP, oOEMP and oDEMP has been amended to align with the wording in the dDCO. Updated versions of these outline management plans will be submitted at Deadline 5.</p>
13.1.2	The Applicant Rutland County Council South Kesteven District Council Mallard Pass Action Group	<p>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.</p> <p>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?</p> <p>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.</p>	<p>a) The Applicant has considered this and the construction working hours for a Saturday have been amended within the oCEMP (submitted at Deadline 5) to 9am to 6pm in order to provide more of a respite on Saturday mornings and early evenings.</p> <p>b) The Applicant has amended the working hours on a Saturday to be between 09:00 and 18:00. In addition, the Applicant has also placed a further restriction on piling so that no piling can take place within 400m of a residential property on a Saturday.</p>

ExQ2	Respondent	Question	Response
13.1.3	The Applicant	<p>The Applicant's response to REP2-219 provided at REP3-031 states that <i>"The usual annual cleaning of solar PV arrays involves clean water with no chemicals. This is set out in the updated CEMP submitted at Deadline 3."</i></p> <p>a) Please specify where in the oCEMP this is detailed.</p> <p>b) Should the oOEMP also make such provisions given that cleaning of the PV arrays will be undertaken during the operational phase?</p>	<p>a) This update was not made, in error, at Deadline 3, this update should have been made to the oOEMP and not the oCEMP.</p> <p>b) The oOEMP (Table 3.7) has been updated accordingly and will be submitted at Deadline 5.</p>
13.1.4	Lincolnshire County Council Rutland County Council South Kesteven District Council Other Interested Parties	Question not for The Applicant	

