



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

Applicant's Response to Deadline 4 Submissions

Deadline 5 - September 2023

EN010127

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APPENDIX 1: RESPONSE FROM INSURANCE BROKERS – AMI SPECIALITY

INTRODUCTION

This document introduces Mallard Pass Solar Farm Ltd's (the Applicant's) response to the documents submitted at Deadline 4 by Interested Parties.

The Applicant has responded to these documents on a thematic tabular basis, and these tables have been submitted in the same document. However, the document is split into four tables based on the responses. In these tables, the Applicant's approach has not been to respond to every Deadline 4 submission. It has instead focussed on responding to key or new points that either haven't been considered in its previous submissions or where it was considered that further information could be provided to add to its previous responses. The submissions have been summarised within the tables below, which identify the parties who have raised the point concerned and set out the Applicant's response to that point.

The thematic tables that have been submitted are as follows:

- Response to the Local Planning Authorities' submissions for non-DCO matters
- Response to the Local Planning Authorities' submissions for DCO matters
- Response to Mallard Pass Action Group's submissions
- Response to Other Interested Parties' submissions

APPLICANT'S RESPONSE TO LOCAL PLANNING AUTHORITIES' DEADLINE 4 SUBMISSIONS (NON-DCO MATTERS)

Parties Raised	Agenda items	Issues Raised	Applicant's Response
<p>[REP-045, REP-046 Rutland County Council</p>	<p>N/A</p>	<p>Rutland made a submission in respect of Community Benefits</p>	<p>The Applicant notes Rutland County Council's (RCC) submission made in respect to Community Benefits [REP4-046] and are in discussions with all the host authorities in regard to this matter, including making an offer of what the funding package might involve.</p> <p>It must be clarified that Community benefits packages are not material considerations in planning decisions. Planning law prevents decision makers from considering contributions that are not necessary to make a development acceptable in planning terms in the planning balance.</p> <p>The RCC submission [REP4-046] conflates planning tests with community benefits, stating that the latter is required and justified to mitigate impacts arising from the Proposed Development. This is incorrect.</p> <p>Mitigation measures required to make the development acceptable in planning terms are identified in the Environmental Statement Chapter 17 Summary of Effects and Mitigation [REP2-010] and Appendix 17.1: Summary of Effects - Mitigation Schedule [APP-105].</p> <p>Further, the Applicant has responded to RCC's Local Impact Report [REP2-048] in the Applicant's Response to Interested Parties' Deadline 2 Submissions [REP3-022 – REP3-036].</p> <p>Community benefits outside of the planning balance are voluntary and a matter to be decided between the community and the developer. There are no existing laws or policies which state that applications for renewable energy development such as solar, should include community benefits packages.</p> <p>Notwithstanding this, as confirmed at ISH1 the Applicant is keen to deliver wider community benefits for communities that host its</p>

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			development and has met with RCC (and the other host authorities) to discuss this.
[REP4-048] South Kesteven District Council	ISH 2 – Agenda item 6.	<p>C1.1 – Could there be a scenario where technological improvements coupled with grid capacity limitations would result in a reduced area of land required for solar PV?</p> <p>If so, how would this be managed in terms of the scheme's final design?</p> <p>C2.5 – Is the appointment of a flood warden secured through the DCO?</p>	<p>The Applicant refers to its Deadline 2 submission in response to the ExA's First Written Questions [REP2-037], at Q1.0.17 and Q1.0.18, in which it sets out its position on the potential impact of technical improvements on the area of land required for solar PV. The Applicant has designed the scheme to maximise the lifetime generation exported through the existing grid connection</p> <p>Section 7.7 of the Statement of Need [APP-202] sets out how the design of the Proposed Development seeks to maximise utilisation of the grid connection capacity available at Ryhall Substation. One of the key benefits of the Proposed Development is that it makes use of existing grid connection capacity which facilitates a connection in 2028. It is with the factors in mind that the detailed design process will be carried out.</p> <p>Any changes to extent of area required for Solar PV, as referred to in the Applicants response to Q1.0.17 and Q1.0.18 will be approved by the relevant LPAs pursuant to Requirement 6 of the draft dDCO.</p> <p>A dedicated flood warden is secured by way of the outline Construction Environment Management Plan [REP4-007]. Please see paragraph 2.6.1(e) and Table 3-7. The delivery of the oCEMP is secured by Requirement 11 of the draft Development Consent Order [REP4-026].</p> <p>Whilst it is acknowledged that the promotion of sustainable transport can be challenging for proposals of this nature whereby the primary transport impacts are associated with construction, through the Travel Plan which is to be secured by way of Requirement on the DCO, the proposals will seek to</p>

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		<p>C3.1 – To what extent is the use of sustainable transport modes likely in the context of the site location and the specialist nature of the construction workforce?</p>	<p>encourage sustainable travel by as much as is practicably possible.</p> <p>The objectives of the oTP [APP-215] align with this approach and are as follows:</p> <ul style="list-style-type: none"> “Reduce the number of single occupancy car trips made to and from the extent of the Order limits; Increase awareness about health, environment and safety benefits of active forms of travel such as walking and cycling; Encourage car sharing and use of the shuttle bus service to and from the Order limits; and Reduce traffic congestion in the vicinity of the Order limits and Local Road Network.” <p>The aims of the oTP [APP-215] do not specifically seek to increase only walking, cycling and public transport (as sustainable modes) but instead seek to reduce single occupancy car trips and promote sustainable incentives, such as the shuttle service and car sharing.</p>
		<p>PE4 – It would be useful to include stand-off distances from solar arrays to PROW and residential properties in this section. It would also be encouraged to include a stand-off distance from solar arrays to local roads, which also have amenity value for recreational users.</p> <p>PE4 – Could this section include design principles that will mitigate noise and lighting impacts on residential properties? Or is that the purpose of the proposed 250m stand-off distance?</p> <p>PE4.4 – What is the approval mechanism for the interpretation boards?</p> <p>PE4.7 – What is the maximum height of CCTV?</p>	<p>Section 4 of the Design and Access Statement [REP2-018] explains the role of the Project Principles and their relationship with the Design Guidance. The Project Principles which have guided the project to date, and were set out within Stage 1 and Stage 2 Consultations, have and will remain a constant for the project. Requirement 6(2) of the dDCO [REP4-027], requires that the detailed design must accord with the Design Guidance and parameters of the authorised development.</p> <p>The standoff distances from PROWs, hedgerows (which form the boundary of the Solar PV Site) are set out within V5.3, V5.5, V5.7, V5.13. The spatial extents of Work 1, as shown on the Work Plans [REP2-004], also take account of these standoff distances.</p>

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			<p>There is no lighting proposed within the Solar PV Arrays, as set out in PL3.7, the only lighting within the Proposed Development will be of the Onsite Substation, albeit this won't be permanently lit. Design Guidance PL3.17 has been updated to clarify this.</p> <p>PE4.2 and PE4.3 will guide the location of the Solar Stations in relation to PROWs and residential properties. These stand offs have been considered within the illustrative layouts and within the Noise Assessment. Requirement 16 of the dDCO requires an operational noise assessment to be submitted and approved by the relevant local planning authorities which will need to demonstrate that identified, non-significant, noise levels are attained at PROWs and residential properties.</p> <p>The approval mechanism for the interpretation boards is set out within paragraph 3.1.6 of the oLEMP [REP4-013].</p> <p>The maximum of the CCTV poles is 3.5m as set out within Appendix 5.1 of the ES [REP2-016].</p>
		<p>PL3 – Could this section include height parameters for the solar arrays and associated infrastructure?</p> <p>PL3 – Could this section include more parameters and details of the approach to levels for the substation?</p> <p>PL3 – Could this section include parameters for the general density and arrangement of solar arrays within the development?</p> <p>PL5.2 – How does this work in practice? Especially for areas where there is uncertainty regarding potential archaeology.</p>	<p>PL3 - The maximum height of the Solar Arrays and associated infrastructure is set out within Appendix 5.1 of the ES [REP2-016].</p> <p>PL3 – Requirement 6 of the dDCO requires that the finished ground levels must be submitted and approved by the relevant planning authority. Notwithstanding this, the Design Guidance has been updated within DAS (submitted at Deadline 5) with regards to the development platform levels for the Onsite Substation.</p> <p>PL3 – Appendix 5.1 of the ES has been updated to set out the maximum surface area of PV Modules to be installed within the Order Limits.</p> <p>PL5.2 - Requirement 10 of the dDCO [REP4-027] requires that a written scheme of investigation (WSI) be submitted and approved by the relevant planning authority. In accordance with Requirement 6(2), the detailed detail must accord with the</p>

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			<p>design guidance and any details approved under requirements 10, which would include foundation design which will consider and minimise impacts to buried archaeology. Ongoing archaeological evaluation and assessment under the WSI will allow for identification of any areas where concrete shoes/blocks may be required, and also where preservation in situ is the preferred strategy. These areas will be set out in the detailed CEMP. The CEMP(s) will detail where (in some locations) archaeological works in advance of and during construction will be employed to mitigate the potential effects of construction. This is secured in the Outline WSI [REP4-007].</p>
		<p>V5.2 – Could this be extended to include any fields that are solely grade 3a? V5 – As above, could this section include a stand-off distance from roads? V5.6 – Should this include the minimum depth of cables below the watercourses? V5 – Should this section include detail of the proposed habitat management areas?</p>	<p>V5.2 can not be expanded to include fields that are solely grade 3a, as this would result in insufficient land being available within the Work No1 to deliver circa 350MW. Please also see the Applicant's comments on this matter in its Summary of Oral Case at ISH1 [REP4-040] at item 6(b).</p> <p>The standoff distance from hedgerows (which form the boundary of the Solar PV Site) are set out within V5.7. The spatial extents of Work 1, as shown on the Work Plans [REP2-004], also take account of this standoff distance.</p> <p>Appendix 5.1 of the ES has been updated to include details on minimum depth of cables beneath the West Glen River.</p> <p>PL2.1 sets out design guidance for the Mitigation and Enhancement Areas. Further details on the habitat management areas and the management regime are set out within the oLEMP [REP4-013], which are secured through Requirement 7 of the dDCO [REP4-027].</p>
<p>[REP4-044] Lincolnshire County Council</p>	<p>ISH2 – Environmental Matters, agenda item 4</p>	<p>LCC is generally content with the methodology adopted, having been carried out in line with GLVIA3. However, where there are differences, these have already been highlighted in the LIR and SoCG, as detailed below.</p>	<p>The Applicant notes that LCC are generally content with the LVIA methodology as verified within the independent peer review undertaken by Stantec [Appendix D of REP3-037]. Please also see the Applicant's response to the LIR at [REP3-032].</p>

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	Landscape and visual effects.	<p>LCC agree that whilst the majority of the impacts will be apparent from within the 2km study area, there could be impacts outside of this zone, and the assumption in the LVIA that the effect would diminish quickly beyond the 2km study area needs to be confirmed from site assessments and additional viewpoints - even if just to discount. Although the LVIA is not flawed by the restriction of a 2km consideration (as there are no important receptors omitted from consideration) for transparency and robustness, consideration beyond the 2km zone would have been useful, so it does weaken the arguments presented.</p>	<p>The Applicant acknowledges there may be locations beyond 2km LVIA study area where the Proposed Development is visible but as discussed at ISH2 [REP4-041] the fact there may be a view does not automatically equate to an impact and it's neither practical nor necessary to assess every potential view that may be possible.</p> <p>It is the Applicant's opinion, and that taken by other LVIA's and found acceptable for DCO solar developments (Longfield, Cleve Hill, Little Crow) that at a distance of 2km and beyond the level of change to a view is unlikely to result in any perceptible change to the amenity of that view.</p> <p>The Applicant notes a consultation response was received from AAH consultants on behalf of LCC on 5th May 2022 (TMO1) [AS-001] requesting the inclusion of a number of additional viewpoints. These viewpoints were subsequently included within the LVIA chapter as representative or illustrative viewpoints. No additional viewpoints were requested beyond the 2km study area by LCC at this stage in the process. It was therefore considered that a 2km study area was an appropriate and sufficient area to cover the likely significant effects within the LVIA.</p>
		<p>Concern the term significant is not used consistently across all topics/sections of the ES. Within other chapters of the ES, Moderate is classed as 'significant' but in the LVIA, only Major and Moderate-Major are only considered as significant.</p>	<p>The Applicant refers to the response previously provided in [REP3-032] and orally at ISH2 [REP4-41] which notes in summary:</p> <ul style="list-style-type: none"> • The threshold for significance will vary from topic-to-topic depending on different criteria of relevance to the particular chapter within the ES. • GLVIA3 states, at paragraph 3.32, there are <i>"no hard and fast rules about what effects should be deemed significant but LVIA's should always distinguish clearly between what are considered significant and non-</i>

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			<p><i>significant effects</i>". It is a matter for the assessor to assign the level of significance.</p> <ul style="list-style-type: none"> The independent review of the ES undertaken by Stantec did not raise any concern regarding the content, the robustness of the LVIA methodology, or the results of the assessment set out [APP-055]. <p>The significance thresholds applied within the Applicant's LVIA methodology [APP-055] have been applied and deemed acceptable for numerous NSIP / DCO applications including the EDF Sizewell C Nuclear Power Station DCO and sub DCO solar projects that have been scrutinised at appeal including Hilfield, Bramley and Bramford.</p>
		<p>Whilst the selection of the viewpoints was discussed with LCC during the pre-application consultation stage, these were generalised locations and exact positions not agreed upon.</p> <p>LCC has concerns that, in some instances, a more representative view could be obtained in close proximity to that of the selected view (e.g., in some instances, views are dominated by hedgerows when a few meters away, a wider, more representative view would be possible). This is more about finer grain detail but, in some cases, could result in more significant impacts than identified. The impacts would be less dominated by hedgerows.</p> <p>Some of the images used in the assessment are of less than ideal quality with dark views rendering it hard to ascertain the finer grain information.</p>	<p>The Applicant notes the locations identified by AAH on behalf of LCC included a map with specific detailed locations as well as location text, all of which were added to the LVIA. This map was enclosed with the AHH Technical Memorandum (AHH TMO1) on 5th May 2022 [AS-001].</p> <p>Furthermore, all viewpoints used within the LVIA (illustrative, representative and photomontages) were 'micro-sited' during the site visits and subsequently many are located at field gateways or where breaks in vegetation occur.</p> <p>The micro-siting adjustment of the selected viewpoints would not result in any greater impacts being concluding from that already identified within the LVIA.</p> <p>The photography used within the representative and illustrative viewpoints for the LVIA were taken in winter and represent the worst-case scenario views, i.e., where there is no foliage or leaf coverage on the existing vegetation. They are reflective of typical winter visual conditions.</p> <p>As explained during ISH2 and within Appendix D of REP4-002, the photomontages (along with other supporting material) are to provide a visual representation to aid the understanding of the</p>

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			<p>measures set out within the Design Guidance, Parameters and oLEMP.</p> <p>The photomontages are not the only tool used to inform the LVIA, which included site visits (which will be undertaken by the ExA and Interested Parties throughout Examination too) and professional judgement.</p>
		<p>LCC is generally happy with the assumed growth rate applied but do have concerns about the impact of extreme climatic conditions such as really dry springs, etc, which could impact upon the establishment and success of planting/mitigation.</p> <p>The Outline Landscape and Ecology Management Plan could be more detailed at this stage setting out a more robust set of targets and tasks supplemented by a methodology for reviewing progress. Even if it is not proposed to include specific plant species at this stage, an idea of provenance and mixes rather than just areas of planting would be helpful. Also, refer to SoCG (Deadline 4 version)</p>	<p>The oLEMP sets out a framework for management of planting and requires annual monitoring of planting to ensure it takes successfully and establishes and performs the functions intended. The oLEMP has been updated for Deadline 5.</p> <p>Should consent be granted, detailed LEMPs will be submitted for approval with RCC and SKDC pursuant to Requirement 7 of the dDCO [REP4-026]. Design Guidance (PL4.1 & PL4.5) within the DAS [REP2-018] provides guidance on the specification for new planting. The design guidance and detailed LEMPs would be enforceable by the LPA's once approved and would include specific requirements for monitoring and review. This would also include the details of planting species, specifications and provenance.</p>
		<p>LCC supports the principle of replacing historic hedgerows as part of the project but good design should ensure any proposed landscaping augments the existing landscape rather than always simply providing screening. Therefore, screening a development is not always the best way to go, and planting should be used to augment the area.</p>	<p>The Applicant agrees that a nuanced approach to landscaping is required and that simply providing screening is not always the most appropriate design solution.</p> <p>This nuance is reflected within the proposed Green Infrastructure Strategy Plan contained within the oLEMP [updated for Deadline 5], which itself is informed by relevant guidance within the published Landscape Character Assessments (LCA's) and Green Infrastructure Studies.</p> <p>The proposed Green Infrastructure Strategy provides a holistic approach to the design which seeks to augment and support the</p>

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			<p>existing landscape framework. The GI strategy provides strategic connections between key habitats, reinstates hedgerows previously lost through arable intensification, and promotes permissive paths within previously inaccessible areas of the locality. The approach for the proposed Green Infrastructure Strategy goes beyond mitigation and will deliver positive enhancements and a legacy of environmental improvement, which responds to the management measures identified for the Landscape Character Areas as outlined within section 3.9 of the DAS [updated for Deadline 5]. This has been further supplemented and informed by a review of the key Green Infrastructure aspirations for the area as described within Section 5 of the DAS.</p>
<p>[REP4-044] Lincolnshire County Council</p>	<p>ISH2 Action Point Response – Number 6</p>	<p>The DAS is theory-heavy, although the intentions are adequate both in regards to protecting the existing landscape structure and addressing mitigation. More detail should be provided at this stage to show how the goals and objectives will work. The indicative cross-sections within the DAS are useful, but at this stage, they would have been more useful if supported by a detailed landscape masterplan. Representations have been made by others highlighting the potential impact of mitigation planting and the risk of creating an oppressive environment for PRoW users, and the detail at this stage is too vague to satisfy these concerns fully/</p> <p>The submission mentions aspects such as bird and bat boxes, and (as referenced in the LIR) LCC feels that the numbers are too limited given the scale of the development. It would be useful to engage in consultation to develop the</p>	<p>The Design and Access Statement [REP2-018] sets out the framework of good design that has underpinned the Proposed Development and also sets further controls in the form of Design Guidance to ensure good design outcomes are delivered on the ground. The 'line of site' between theory and practical delivery is clearly set out within the 'design cascade' on page 33.</p> <p>The DAS [updated for Deadline 5] includes illustrative sections across PRoW and additional Photomontage F [REP2-038] has been submitted providing an indication of the change to visual amenity of PRoW likely to occur. Potential impacts to recreational amenity are assessed in detail within the Amenity and Recreation Assessment [APP-058].</p> <p>It is not possible at this stage to produce a detailed landscape masterplan as the detailed design is not fixed and a number of technical engineering solutions could be utilised, each with a potentially different landscape design response. The outline LEMP [updated for Deadline 5] has therefore focussed on ensuring that outcomes are secured.</p> <p>The Applicant notes LCC's view at ISH2 – Point Response Number 23 that 'The 15m is a good distance to prevent mitigation planting from enclosing routes too oppressively'.</p>

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		<p>objectives into real interventions to address fears of oppressive mitigation.</p> <p>We think the construction impacts on vegetation loss have been underestimated, and the reinstatement of these areas would be important.</p>	<p>The Applicant has consulted with the Local Wildlife Trust and the approach to mitigation and enhancement measures has been agreed as evidenced through the Statement of Common Ground [REP4-034].</p> <p>The detailed LEMP(s) pursuant to Requirement 7 of the dDCO [REP4-026], which would be agreed with LCC and SKDC, would provide specific details on the number, location and suitable monitoring of any hibernacula proposed as part of the Proposed Development.</p> <p>The construction impacts on vegetation removal have been assessed in detail within the Arboricultural Impact Assessment [APP-103] which in turn has informed other technical assessments such as the LVIA and Ecology chapters of the Environmental Statement.</p>
[REP4-044] Lincolnshire County Council	ISH2 Action Point Response – Number 23	<p>The 15m setback is a good distance to prevent mitigation planting from enclosing routes too oppressively. However, as mentioned previously, this would depend a lot on the type of species used and the overall quality of the design. At this stage, the detail of planting is too vague in terms of species mixes and accurate location, etc. More detail is required to enable an accurate judgement of impact. Framed views across the landscape should also be encouraged rather than continuous hedges of the same height and in straight lines.</p>	<p>The Applicant agrees that a detailed design response across the Proposed Development is needed but this can only be practically and meaningfully undertaken when a fixed design is confirmed.</p> <p>The Design and Access Statement [updated for Deadline 5] sets out the framework of good design that has underpinned the Proposed Development and also sets further controls in the form of Design Guidance to ensure good design outcomes at the detailed design stage are delivered on the ground. Specifically Design Guidance (PL4.1 & PL4.5) within the DAS provides guidance on the specification for new planting. The oLEMP [updated for Deadline 5], with detailed LEMP(s) to follow, provides a further framework of control and certainty for ensuring the principles, location, and function of any proposed planting successfully performs its intention. The oLEMP has been updated at Deadline 5 to specifically provide for engagement with the LPAs and the community on the planting proposals in these areas prior to LEMP submission (ultimately noting that the design will not change the conclusions of the</p>

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			assessment presented). Please also see the response to MPAG on 'Mitigation as Harm' below.
[REP-044] Lincolnshire County Council	Appendix A - Written summary for Cultural Heritage section from Jan Allen, Historic Environment Officer (<i>Lincolnshire County Council</i>)	LCC reiterates their position regarding the need for adequate trial trenching. LCC acknowledges that there is no guidance that sets out a prescribed percentage sample of trenching, highlighting sections of Chartered Institute of Archaeologists (CifA) Standard and Guidance documents. LCC also highlights the different percentage samples employed on other DCO / NSIP schemes in Lincolnshire. LCC recognises the trenching completed has been 'very useful' in some of the areas. LCC notes that the strategy adopted by the Applicant (limited / targeted trenching) defers their risk to the post-consent phase,	<p>The Applicants position on the adequacy of the trenching completed to date has been presented within the responses to the ExA's Questions [REP2-037] and its submissions at ISH2 REP4-041]. In summary, the Applicant has targeted trial trenching in the areas likely to contain potential buried archaeological remains and also in other areas to test the validity of the geophysical and desk-based assessments. The Applicant is confident that the approach taken to date and the mitigation options available during the detailed design and construction phases will allow for the safeguarding of archaeological interest in accordance with policy, guidance and good practice.</p> <p>Further to the matter of guidance and best practice. Mr Sutton, advising the Applicant on matters of buried archaeological remains, has been directly involved in drafting the recently revised and updated CifA Standard and Guidance for Archaeological Evaluation. This guidance document deals with the practice of archaeological trial trenching. At no point during the redrafting, or during the industry consultations on the emerging draft, were 'standard percentage samples' discussed as best practice. A standard percentage sample is not and has never been industry good practice.</p> <p>The Applicant notes LCC concern regarding 'risk management'. The Applicant is entirely comfortable with accepting the risks associated with potential discoveries of as yet unknown buried archaeological remains. The Applicant is entirely confident that the suite of mitigation measures available will allow them to manage the risk, i.e. minimise and avoid adverse impacts.</p> <p>The approach to risk management is set out in the CEMP and in the Outline WSI submitted at Deadline 5 which has been engaged with the LPAs prior to this deadline.</p>

APPLICANT'S RESPONSE TO LOCAL PLANNING AUTHORITIES' DEADLINE 4 SUBMISSIONS (FOR DCO MATTERS)

DCO Reference	RCC	LCC	SKDC	Applicant's Response
Article 2 – Maintain	<p>“maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct, <u>replacement including replacement of large sections of solar panels,</u> replace the whole of, the authorised development <u>to the extent that such works do not give rise to any material new or different environmental effects than those identified in the environmental statement</u> and “maintenance” and “maintaining” are to be construed accordingly</p>	<p>“maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development <u>to the extent that such works do not give rise to any material new or different environmental effects than those identified in the environmental statement</u> and “maintenance” and “maintaining” are to be construed accordingly</p>	<p>Article 2 – Interpretation - ‘Maintain’ – does this allow wholesale replacement of solar panels? If so, how are the potential construction management impacts of that phase controlled?</p>	<p>The dDCO [REP4-027] was updated at Deadline 4 to specify that maintenance does not include the removal, reconstruction or replacement of the whole of Work No. 1, rather than the authorised development as a whole, to provide further clarity. However, the Applicant does not agree with the addition of “<i>replacement of large section of solar panels</i>” as this wording is too imprecise for inclusion within the DCO (e.g. who would define what is large?).</p> <p>Whilst the requested wording regarding the environmental effects identified in the ES is provided in Article 5(3) and the definition of ‘maintain’ flows from Article 5, the Applicant has amended the dDCO (Rev 5) submitted at Deadline 5 to amend the definition of ‘maintain’ to include that the extent of the works must not give rise to any material new or materially different environmental effects than those identified within the ES, as requested by RCC and LCC.</p>
Article 5 – Power to maintain authorised development	<p>Contents noted, however the LHA would be concerned about the impact of wholesale replacement (which is highly likely given no defined end date), which could be significant and not dissimilar to the initial construction.</p> <p>Furthermore, the word 'maintain' in the Interpretation section specifically excludes</p>	-	-	<p>As above. In addition, the Outline Operational Management Plan submitted at Deadline 4 [REP4-009] provides that the Applicant will provide notification of planned maintenance activities to SKDC and RCC for the forthcoming year on an annual basis. At the same time, the Applicant will be required to confirm that the planned maintenance activities will not give rise to any new or materially different environmental effects than those identified in the ES.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>the reconstruction or replacement of the whole authorised development, which could be all but one panel.</p>			<p>This is detailed further in the Summary of the Applicant's Oral Submissions at ISH3 (under agenda item 4) [REP4-040].</p> <p>The Outline OEMP (Rev 3) submitted at Deadline 5 has been updated to provide that alongside the maintenance schedule, any supporting environmental and traffic information will be provided to evidence that there are no materially new or materially different environmental effects arising from any planned maintenance activities. 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 HGV 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). 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 ($48 * 10\% = 5$).</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
				<p>The text has also been updated to be specific about the part of the Environmental Statement that such information will have to show it is consistent with – being section 5.17 in Chapter 5.</p> <p>The Applicant does not agree that the maintenance schedule will need to be approved by the relevant planning authorities, particularly as maintenance repairs are required where the solar farm is not efficiently generating energy and this should not be delayed by requiring LPA approval. In any event, where the Applicant does not comply and the works are likely to give rise to materially new or different effects than those assessed in the environmental statement, this is a breach of the provisions in the DCO and the relevant planning authority can enforce as necessary.</p>
<p>Article 6 – Application and modification of statutory provisions</p>	<p>Contents noted, however the LHA request that all off-site highway works under Section 278 of the Highways Act 1980 are similarly excluded from this dDCO to ensure all works are completed to an acceptable standard and the Council's fees for carrying out such are covered.</p> <p>Likewise, all Streetwork applications for road space bookings, temporary traffic management and Section 50 licences for utility works should be excluded from the dDCO to ensure that the works are suitable and can be</p>	-	-	<p>It is first important to note that the position in DCOs is different from the 'standard' highways position seen in TCPA applications, with approvals made pursuant to the provisions of the articles in the DCO, not to those legislative regimes. The DCO ensures that the Applicant is authorised to carry out the works, separately from the provisions of the Highways Act 1980 and New Roads and Street Works Act 1991.</p> <p>As such the Applicant will not amend the dDCO to exclude all off-site highway works under Section 278 of the Highways Act 1980 or other streetwork applications. This is a widely precedented approach and has been approved by the Secretary of State in a range of DCOs and reflects the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	programmed in by the Streetworks Team to avoid any conflict with other work on the highway network.			However, the Applicant has now begun discussions with RCC (and with LCC) on entering into an Agreement with them to deal with the processes associated with the details of the planned highways works, similar to what would be expected under a section 278 Agreement. Article 14 of the dDCO (Rev 5) provides that the street authority and the Applicant can enter into the relevant agreements, including Section 278 Agreements.
Article 8 – Street works	<p>As mentioned above, the LHA are concerned about the dDCO allowing any streetworks to take place without the above-mentioned processes followed. The level of detail required is not contained within the application, so an assessment on the acceptability and scheduling cannot be made at this time.</p> <p>Furthermore, any street works would require Rutland and Lincs to assess road booking to ensure these works are carried out at a suitable time and do not conflict with other work on the network.</p>	-	-	<p>As above.</p> <p>It is also noted that the Outline Construction Traffic Management Plan [REP4-015] provides that a delivery management and booking system will be used to ensure deliveries to the Order limits will be spread across the day. The booking schedule will also form part of and inform the monitoring process of the final CTMP, which is secured by Requirement 13 of Schedule 2 of the dDCO (Rev 5) and approved by the local planning authority in consultation with the local highway authority.</p>
Article 9 – Power to alter layout etc of streets	This part appears to remove the requirement to enter a Section 278 Agreement under the Highways Act 1980, for any temporary or permanent highway works,	-	-	As above. As the LHAs are protected through the well precedented provisions through the DCO, the Applicant should not be <u>required</u> to enter into a section 278 Agreement, but it has in any event opened discussions with the LHAs to discuss further protections within an Agreement.

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>which is not acceptable to the LHA. There is insufficient information and detail within this application that would allow the LHA to accept highway works without further detail, under Section 278 of the Highways Act 1980. A provision must be included within the dDCO to ensure the applicant submits an application under Section 278 of the Highways Act 1980 to allow the LHA to technically review the detail and inspect the highway works throughout. Furthermore, the LHA must have the ability to require remedial works where necessary and charge a fee to cover the associated costs of the application/s.</p>			<p>The dDCO (Rev 5) submitted at Deadline 5 has also been updated to provide that the consent of the relevant highway authority pursuant to this article, article 10 and article 13 would not affect the provisions set out in an Agreement between the Applicant and the authority.</p>
<p>Article 10 – Construction and maintenance of altered streets</p>	<p>Noted that there is provision for the works to be completed to the 'reasonable satisfaction' of the street authority, but it does not stipulate how the street authority will ensure this. Any works within the existing public highway will require technical review, vetting, site inspections and some form of certification process and the authority will require a fee to</p>	-	-	<p>As above. This detail will be considered when negotiating the side Agreement between the parties.</p> <p>The Applicant does not agree with the removal of “reasonable” as this is standard wording that has been approved by the Secretary of State in a range of DCOs, including Longfield Solar Farm Order 2023.</p> <p>The Outline CTMP [REP4-015] provides that measures will be agreed and delivered prior to the commencement of construction works with the</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>cover the costs. How will this provision be made?</p> <p>Article 10 (1) - The LHA note the provision for 12 months maintenance, but there is no provision for pre-maintenance or pre-adoption inspections or to allow the LHA to require any remedials if the work carried out does not meet the required standard.</p> <p>Article 10 - The wording 'reasonable satisfaction' is used throughout. The LHA respectfully request the removal of the word 'reasonable' on the basis that this is vague and open to significant interpretation or mis-interpretation and ultimately disagreement between the applicant and the LHA.</p> <p>There also doesn't appear to be any timeframe for the delivery for when the off-site highway works must be completed by. The off-site highway works must be completed prior to commencement of development to ensure the</p>			<p>relevant planning authorities and in consultation with the relevant highway authorities. This is secured by Requirement 13 of Schedule 2 of the dDCO (Rev 5) and so does not need to be set out elsewhere in the DCO.</p> <p>As a general point, the Applicant would encourage the LPAs to consider the CTMP and the DCO together, and if there are any other changes that the LPAs/LHAs feel may need to be made to the oCTMP rather than the DCO, which the Applicant can consider.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>highways are suitable to take the proposed construction vehicles. Article 10 should include this and an additional requirement should also be added to Schedule 2.</p>			
<p>Article 11 – Temporary stopping up of and permitting vehicular use on public rights of way</p>	<p>No provision for consultation with authorities, parish councils, affected residents. No schedule and no notice periods for advertising.</p>	-	-	<p>The Outline CTMP [REP4-015] provides that discussions on the requirement and scope of any temporary traffic management procedures are ongoing and will be agreed with the relevant local traffic authority prior to commencement of construction. This is secured by Requirement 13 of Schedule 2 of the dDCO (Rev 5) and provides certainty on the management of temporary traffic.</p> <p>As detailed in the Summary of the Applicant's Oral Submissions at CAH1 [REP4-042], the Outline CEMP [REP4-007] provides that access to private residential properties and the children's play area will be maintained at all times.</p> <p>To address concerns raised by Interested Parties regarding the temporary closure of permissive paths, the Applicant updated the Outline OEMP [REP4-009] to provide that temporary closures could only occur with approval from the relevant planning authority.</p>
<p>Article 12 – Claimed public right of way</p>	<p>Only mention LCC, no reference to RCC</p>	-	-	<p>Article 12 only refers to the County of Lincolnshire as it seeks to deal with a claimed public right of way that is the subject of a Definitive Map Modification Order application to Lincolnshire County Council. As shown in the Claimed Public Rights of Way Plan [APP-016] this does not affect any claimed public rights of way within RCC.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
Article 13 – Access to works	Whilst reference is made to approval with relevant planning authority after consultation with the highway authority, this does not appear to allow for a formal review under S278 of the Highways Act 1980 as would be the normal requirement, together with associated fees.	-	-	See above regarding Section 278 Agreements.
Article 14 – Agreements with street authorities	<p>Article 14 (1) - Is this essentially allowing a Section 278 application? If this is the case, the LHA are concerned with the word 'may' and respectfully request that this is changed to 'must'. In the event this is changed, many of the other comments made by the LHA in relation to the lack of any provision for a formal Section 278 application will be resolved.</p> <p>Article 14 (2) - This option would not be considered by Rutland County Council as the authority do not have the capacity or the desire to carry out these works. Should Lincolnshire County Council be of the same opinion, this Article could be removed in entirety.</p>	-	-	<p>See above regarding Section 278 Agreements.</p> <p>Article 14(2) would only apply where an agreement, entered into with the street authority, provides the street authority with the requirement to undertake the works. This requirement would not fall on the street authority without their prior approval.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
Article 16 – Discharge of water	This Article does not have any provision for ensuring surface water does not enter the public highway over land, for instance over the newly hardsurfaced areas such as the new vehicular accesses. Whilst it is acknowledged this element would be covered under the Highways Act 1980, could an informative be added reminding the applicant of this requirement.	-	-	The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide a provision for ensuring surface water does not enter the public highway over land.
Schedule 1 – Paragraph 1	Para 1 Like many other documents 'mounting structure' refers to both piles and concrete foundations as a form of fixing the frames. As mentioned within the last hearing, should concrete foundations be used, these would have a significant impact on how surface water drainage acts and should be considered and modelled in greater detail before a decision is made.	-	-	Please see the Summary of the Applicant's Oral Submissions at ISH2 [REP4-041] at agenda item 8.
Schedule 1 – Work No. 6	There is no mention of the off-site highway improvement works, specifically junction improvement/widening works x 3 and passing bays along Uffington Lane. Is this	-	-	Work No. 6 covers highway improvement works, with Work No. 6(a) covering the creation of accesses from the public highway and Work No. 6(e) covering works for making and maintaining passing places.

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	because it is covered by further Schedules?			
Schedule 2 – Requirement 3	(2) The scheme submitted pursuant to sub-paragraph (1) must include a timetable for the construction of the phase or phases of the authorised development <u>and a plan identifying the phasing areas</u>	-	-	The dDCO (Rev 5) submitted at Deadline 5 has been updated accordingly.
Schedule 2 – Requirement 6	<p>The sub-list does not include the detailed design any of the off-site highway works.</p> <p>In respect of detailed design of the off-site highway works, would this be akin to the level of detail required for a Section 278 application under the Highways Act 1980. And, if so, how will the LHA be reimbursed for the associated fee if a separate Section 278 application is not required (as currently indicated within this dDCO)?</p> <p>sub-list (g) - It is not clear what the level of parking will need to be at this stage. Various documents refer to 150 car parking spaces on the principal site, but there is also reference made to potentially 400 staff at any one time,</p>	-	-	<p>See above regarding Section 278 Agreements</p> <p>The Outline Construction Traffic Management Plan [REP4-015] submitted at Deadline 4 has been clarified to confirm that the construction of the Proposed Development will require an average of 100-150 staff to be across the Order limits at one time, with potential for up to a maximum of 400 staff. It notes that further temporary car park arrangements will be confirmed in later iterations of the CTMP once the principal contractor is appointed.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>which is likely to require far more parking than 150 spaces on the principal site. Furthermore, there will need to be sufficient parking on all secondary sites too, although due to a lack of information it is not clear at this stage what that level of parking will need to be. The LHA are of the view that once a phasing plan/programme of works is submitted and approved, this will help identify the level of parking required throughout the lifetime of the construction phase.</p>			
<p>Schedule 2 – Requirement 7</p>	<p>(f) minimum 60% biodiversity net gain</p>	<p>(1) Add LCC as a consultee (f) minimum 60% biodiversity net gain</p>	<p>(f) minimum 60% biodiversity net gain</p>	<p>The dDCO [REP4-027] submitted at Deadline 4 amended the minimum biodiversity net gain from 10% to 65%. The Applicant has updated the dDCO (Rev 5) submitted at Deadline 5 to clarify that this relates to biodiversity net gain for habitat units.</p> <p>The dDCO (Rev 5) submitted at Deadline 5 has been updated to specify that the 65% biodiversity net gain relates to habitat units and that a minimum biodiversity net gain of 36% applies to hedgerow units.</p> <p>The dDCO (Rev 5) submitted at Deadline 5 has been updated to add LCC as a consultee in Requirement 7.</p>
<p>Schedule 2 – Requirement 8</p>	<p>-</p>	<p>(1) Add LCC as a consultee</p>	<p>-</p>	<p>The dDCO (Rev 5) submitted at Deadline 5 has been updated to add LCC as a consultee in Requirement 8.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
		(2) Add LCC as a consultee		
<p>Schedule 2 – Requirement 10</p>	<p>10.—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase may start, until a Written Scheme of Investigation for that phase has been submitted to and approved in writing by <u>Lincolnshire County Council</u> where the phase falls within the administrative area of the District of South Kesteven, or where the phase falls within the administrative area of both the District of South Kesteven and the County of Rutland, <u>Rutland County Council and Lincolnshire County Council</u>, such approval to be in consultation with Historic England.</p> <p><u>(2) The approved scheme must— (a) identify areas where archaeological work is required; and (b) the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.</u></p> <p><u>(3) Pre-construction archaeological investigations</u></p>	<p>10.—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising the intrusive archaeological surveys may start, until a Written Scheme of Investigation for that phase has been submitted to and approved in writing by the Lincolnshire County Council <u>relevant planning authority for that phase</u>—or, where the phase falls within the administrative area of both the District of South Kesteven, <u>or where the phase falls within the administrative area of both the District of South Kesteven and the County of Rutland, Rutland County Council and Lincolnshire County Council both—relevant planning—authorities</u>, such approval to be in consultation with Historic England.</p>	<p>Defer to LCC comments on archaeology</p>	<p>The Outline Written Scheme of Investigation (Rev 0) has been submitted at Deadline 5 and the dDCO (Rev 5) has been updated to provide that the authorised development must be carried out in accordance with the WSI.</p> <p>The WSI itself sets out the processes by which the various authorities will be involved in the development of the detailed archaeological mitigation measures.</p> <p>The Applicant requested comments on this document ahead of its submission at Deadline 5.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p><u>and pre-commencement material operations which involve intrusive ground works may take place only in accordance with a approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority.</u></p>	<p>(2) The approved scheme must— (a) identify areas where archaeological work is required; and (b) the measures to be taken to protect, record or preserve any significant archaeological remains that may be found (i.e. preservation in situ, preservation by record or mix of these elements). (3) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with a approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority.</p> <p>(2) Any archaeological surveys carried out in relation to any phase of the authorised development must be carried out in accordance</p>		

DCO Reference	RCC	LCC	SKDC	Applicant's Response
		with the approved written scheme of investigation for that phase.		
Schedule 2 – Requirement 11	-	(1) Add LCC as a consultee	-	The dDCO (Rev 5) submitted at Deadline 5 has been updated to add LCC as a consultee in Requirement 11.
Schedule 2 – Requirement 12	-	(1) Add LCC as a consultee	-	The dDCO (Rev 5) submitted at Deadline 5 has been updated to add LCC as a consultee in Requirement 12.
Schedule 2 – Requirement 13	Requirement noted. The LHA note that the current Construction Management Plan (oCMP) is an outline document and expect an updated and fully detailed version to be submitted for approval by the Local Planning Authority. Is this understanding correct? In terms of the details within the current oCMP, the LHA are not satisfied that the current description of the wheelwash is adequate and request that the oCMP be updated to show a fully jetted drive-thru wheelwash system and a traffic management system forcing all outbound vehicles to pass through said wheelwash facility. There is no mention of any wheelwash facilities on any of the secondary compounds, which	-	-	The Council's understanding is correct - a detailed Construction Traffic Management Plan will be submitted to the relevant planning authorities for approval prior to commencement of any phase, as secured in Requirement 13 of Schedule 2 of the dDCO (Rev 5). The oCEMP & oDEMP have been updated at Deadline 5 to provide for wheel washes at each compound, as requested.

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>the LHA object to. Due to the nature of these developments on agricultural land and the types of vehicles that will be entering and exiting the sites, it is considered essential by the LHA that all accesses to all compounds have a wheelwash facility. A fully jetted drive-thru style wheelwash must be installed on all secondary compounds together with hard standing between the wheelwash facilities and the public highway for the duration of construction work on that area/phase of works.</p> <p>Wheelwash provision will also be required for decommissioning and any wholesale replacement on the site.</p>			
<p>Schedule 2 – Requirement 18</p>	<p>Add new (1) <u>Decommissioning of the authorised development must commence no later than 40 years following the date of final commissioning of the authorised development.</u></p> <p>The decommissioning stage will require a full Transport Assessment based on the</p>	<p>18.—(1) <u>Decommissioning of the authorised development must commence no later than 40 years following the date of final commissioning of the authorised development.</u> (2) Within 12 months (or such longer period of time that may be agreed</p>	<p>Suggested amendment to ensure decommissioning commences no later than 40 years following the date of final commissioning.</p> <p>Is there provision for decommissioning if the</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.</p> <p>The dDCO (Rev 5) submitted at Deadline 5 has been updated to add LCC as a consultee in Requirement 18.</p> <p>The Applicant notes that the Outline DEMP [REP4-011] provides that a Decommissioning Traffic</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>current highway network at that time. Could this provision be included within Requirement 18?</p>	<p>with the relevant planning authority) of the date that the undertaker decides to decommission any part of the authorised development the undertaker must submit to the relevant planning authority for that part (or both relevant planning authorities where that part falls within the administrative areas of both the District of South Kesteven and the County of Rutland) for approval, in consultation with the Environment Agency, a decommissioning environmental management plan for that part. a decommissioning environmental management plan for approval which must include a decommissioning traffic management plan and site waste management plan, in consultation with the Environment Agency and Lincolnshire County Council. (3) Where the undertaker decides to decommission</p>	<p>scheme ceases to be operational?</p>	<p>Management Plan must be prepared as part of the DEMP prior to the commencement of decommissioning of the Proposed Development, which must be agreed with the relevant local planning authority in consultation with the relevant highway authority. This is secured by Requirement 18 of Schedule 2 of the dDCO (Rev 5).</p> <p>LCC's suggested Requirement 18(3) drafting is already provided within Requirement 18(2) in the dDCO (Rev 5) and has therefore not been amended further.</p> <p>LCC's suggested Requirement 18(4) to (7) drafting reflect the wording already contained within Requirement 18 in the dDCO (Rev 5) and have therefore not been amended further.</p> <p>Further to discussions with the relevant planning authorities, the Outline OEMP (Rev 3) has been updated at Deadline 5 to provide that the LPAs will be informed of when the development has stopped generating electricity and a process and timeframe by which decommissioning works must be brought forward (and be subject to approval of a related DEMP), all of which will be included within the detailed OEMP.</p> <p>In relation to funding for decommissioning, please refer to the Applicant's Responses to Interested Parties' Deadline 2 Submissions – Other Matters [REP3-036] and SWQ 1.0.11.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
		<p>a part of the authorised development that falls within the administrative areas of multiple planning authorities, the decommissioning environmental management plan must be submitted to each relevant planning authority and the approval of all relevant planning authorities is required for the purposes of this paragraph.</p> <p>(4) The decommissioning environmental management plan must be substantially in accordance with the framework decommissioning environmental management plan.</p> <p>(5) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning environmental management plan submitted in relation to those works.</p> <p>(6) The decommissioning environmental</p>		

DCO Reference	RCC	LCC	SKDC	Applicant's Response
		<p>management plan must be implemented as approved.</p> <p>(7) This requirement is without prejudice to any other consents or permissions that may be required to decommission any part of the authorised development</p>		
<p>Schedule 5, Part 2 – Alteration of Streets</p>	<p>The LHA are of the view that if this development is permitted, the provision of the passing bays should remain a permanent feature rather than removing them and reconstructing them again for the decommissioning period and removing them and potentially again if wholesale replacement is required. Whilst the LHA acknowledge there will be a negative impact to the verge ecology initially, leaving the passing bays in-place will reduce the negative impact of removing them and reconstructing them for the decommissioning stage and potentially when a wholesale replacement is carried out. This will also have a cost benefit to the developer and users of this part of the public highway will have more</p>	-	-	<p>The Applicant has agreed with the local planning authority that the passing bays will be restored to ensure that there are no permanent impacts. The Outline CEMP [REP4-007] provides that the passing bays will be temporary, with the verges reinstated and managed to support the ecological designations during the operational phase as described within the Outline LEMP [REP4-013]. Part 2 of Schedule 5 enables the Applicant to move street furniture and strengthen the verge for HGVs passing – this is only required to facilitate the movement of AILs which would happen only at the construction stage and decommissioning stage – we would assume that LCC would want the street furniture to be restored in the intervening period.</p> <p>See above regarding Section 278 Agreements.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>potential passes places when approaching other large vehicles like farm vehicles. As such, the LHA respectfully requests that these items become permanent alterations under Part 1 of Schedule 5 if you are minded to approve this application.</p> <p>Likewise with the junction improvements, listed as the last two items in this section, there is no reason why these works cannot remain in place permanently, which would avoid the need for removal and re-installment for both decommissioning and when/if wholesale replacement is carried out. So, again the LHA respectfully request that the junction widening/improvement works be made permanent under Part 1 of Schedule 5, if you are minded to approve this application.</p> <p>However, if you are minded to leave these features as temporary, there would need to be a trigger point for their removal and re-installment prior to decommissioning /</p>			

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	any wholesale replacement, and a further removal point.			
Schedule 7 – Access to works	Each of the items listed refer to 'The provision of a <i>permanent</i> means of access...'. The LHA remain confused about whether this development is for 40 years as stated in some documents or whether this is a permanent development. Assuming this development will have an end of life, the provision of some of the accesses may need to temporary in nature unless they will continue to be used as field accesses post decommissioning.			<p>The ES assessments have all assumed permanent impacts from the Proposed Development given the lack of a committed time frame and so the conclusions would apply for an over 40-year time frame.</p> <p>'Permanent' has been used as it relates to accesses that will be required for the lifetime of the Proposed Development, rather than temporary, which relates to activities that only occur during the construction and decommissioning phase. The Applicant has therefore not amended any references to permanent means of access.</p> <p>Following discussions with the relevant planning authorities, Article 9 of the dDCO (Rev 5) submitted at Deadline 5 has been updated to clarify this further, making clear that temporary amendments under article 9 can only be made for the purposes of construction and decommissioning.</p>
Schedule 16 – Paragraph 2	2.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of its decision on the application within a period of Thirteen weeks beginning with the later of—	2.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of its decision on the application within a period of eight ten	Having considered that position it is requested that a period of 13 weeks be allowed for approval of the detailed design. This has potential to be similar in scale and complexity to a TCPA major development proposal, which has a 13 week timeframe for approval.	<p>The Applicant's Oral Submissions at ISH3 [REP4-040] provides the Applicant's position on Schedule 16 and why a period of more than 8 weeks for discharging requirements is not appropriate for NSIPs.</p> <p>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. The Applicant would welcome</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>(a) the day immediately following that on which the application is received by the authority;</p> <p>(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 3; or</p> <p>1 such longer period that is agreed in writing by the undertaker and the relevant planning authority</p> <p>(2) Subject to paragraph 4, in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1), the relevant planning authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period with the exception of applications seeking discharge of items relating to Contamination, Archeology, Highway Safety and Flood Risk where the application shall be deemed to have been refused.</p>	<p>weeks beginning with the later of...</p> <p>Discussions on fees are on-going.</p>	<p>Whilst a scheme of delegation has yet to be formalised for any potential DCO, the detailed design approval could also require determination by Planning Committee, which would further justify this extended period for approval. This additional time should not have a significant impact on the overall timescale for the delivery of the project.</p> <p>A 10-week period for determination of the other requirements is considered justified, given the scale, complexity and consultation requirements for the matters to be agreed.</p> <p>Deemed approval should not apply to determination of requirements. A condition attached to planning permission which is EIA would be except from deemed</p>	<p>comments from the relevant planning authorities on the requirements where an extended period has been provided in Schedule 16 Part 2.</p> <p>Given that this is a NSIP, providing for thirteen weeks, being over three months, is not considered an acceptable period and would be unprecedented. The requirements relate to matters of detail, not important matters of principle. The deemed approval process is preceded in a number of DCOs, including Longfield Solar Farm Order 2023 and Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022.</p> <p>On fees, the Applicant has now updated the draft DCO at Deadline 5 to provide for the payment of fees in line with TCPA condition discharges, using drafting preceded from Longfield and Boston Alternative Energy Facility DCOs.</p>

DCO Reference	RCC	LCC	SKDC	Applicant's Response
	<p>It is considered that Schedule 16 should have a requirement relating to fees for the discharge of information. The Council is currently in discussions with the applicant about this point and that a fee schedule may form a separate document. Notwithstanding this it is still considered appropriate for a reference to be made within the DCO itself.</p>		<p>approval under TCPA, so it is reasonable that the same should apply here.</p>	
<p>Additional Note on Requirements</p>	<p>There appears to be no provision or requirement for wholesale replacement of the equipment. Like the decommissioning stage, a full Transport Assessment would be required in order to assess the impact on the surrounding highway network.</p>	<p>-</p>	<p>-</p>	<p>As above regarding the definition of 'maintain' and the Decommissioning Travel Management Plan.</p>

APPLICANT'S RESPONSE TO MALLARD PASS ACTION GROUP DEADLINE 4 SUBMISSIONS

Agenda items	Issues Raised	Applicant's Response
<p>ISH 1 Scope of the Proposed Development, Need, Alternatives – agenda item 3a)</p>	<p><u>The proposed output of the generating station and connection to the Ryhall substation -</u></p> <p>The Applicant has not been consistent with regard to Plant Load Factors, including 11.4% in marketing documents, 10% in Climate Change documents and Non-Technical summary, 11% in answers ExAQ, 11.4% in Appendices to the Applicant's Response to Interested Parties' Deadline 2 Submissions and 10.5% in the comments made during the hearing. DUKES gives the percentage as 10% for 2021.</p> <p>Post Hearing Update: DUKES updated on 29th June 2023 gave a Plant Load Factor for 2022 of 10.6%.</p> <p>The Applicant has overstated the output. The headline 350,000MWh reduces to 253,000MWh after including panel degradation losses, inverter losses and maintenance losses and perhaps a more realistic load factor.</p> <p>Thus, the Proposed Development would supply an equivalent of 62,000 homes, not 92,000, as claimed by the Applicant.</p> <p>The Applicant has overstated the Proposed Development's contribution to net zero. The embodied carbon dioxide has been estimated using IPCC estimates of lifecycle emissions, median value. Given that the solar panels would be sourced from China, 70% of the life-cycle carbon dioxide would come from manufacturing the panels. The emissions from the proposed Development are expected to be between 75th to 95th percentile on the IPCC distribution. Therefore, the embodied carbon would be greater than the Applicant's.</p> <p>If the lower output of the Proposed Development is taken into account, rather than a higher output used by the Applicant in the calculations, the CO2 savings drop significantly by 38% to 1.25 million tonnes CO2 equivalent. That is before the adjustment MPAG</p>	<p>The Applicant clarified its position in relation to the anticipated achieved load factor at Mallard Pass Solar Farm (11.4%) as opposed to the national average factor (10.5%) in its ISH1 oral submission and written summary of that submission [REP4-022], including Appendix B to that submission.</p> <p>The Applicant's Deadline 4 submission, Summary of Applicant's Oral Submissions at ISH1 & Appendices [REP4-022] provides at Appendix B to that document, an analysis which supports the Applicant's position. The Applicant has sought to engage directly with MPAG to seek common ground on this topic.</p> <p>The Applicant has provided further detail and substantiation of its calculations in Responses to Interested Parties' Deadline 2 Submissions - Climate Change [REP3-029]. In this document, in response to REP2-090, REP2-150, REP2-200, the Applicant notes that: "In preparation of this response, the Applicant has noted a typographical error in the assumption related to solar load factor. This is stated as 10% in paragraph 13.5.10. The corrected value should be 11.4% which has been used to derive the output calculation. This is clarified in the assumption set out in the GHG Calculations Table (Appendix GX)."</p> <p>[REP3-029] goes on to explain further the carbon reduction benefits associated with the Proposed Development.</p> <p>The ExA raised a question regarding the which the Applicant responded to in [REP2-037].</p> <p>The Applicant recognises the important role that BESS will play in the balancing of the UK's electricity system, as described in the Longfield, Sunnica and Cleve Hill Statements of Need. However, this important role must not to be conflated into a requirement for BESS to be included as an integral part of all renewable energy developments which come forwards.</p>

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	<p>believes should be made to the data derived from the IPCC emission table.</p> <p>The Application documentation makes a comparison with how much carbon the Proposed Development would save over time versus life cycle carbon. The numbers given by the Applicant show that the grid is being decarbonised by other projects as well and that the Proposed Development would save 423,000 equivalent tonnes of CO₂, and the life cycle carbon would be 672,000 equivalent tonnes of CO₂. The Proposed Development would be carbon positive by 250,000 equivalent tonnes of CO₂.</p> <p>The data provided in the response by the Applicant refers to Long Field as a comparator. The Applicant uses such data to support the view that the Applicant's figures are conservative. This is not the case, as the GHG figures and the lifecycle carbon figures are those presented by the Long Field applicant, not figures established in science or independently verified.</p> <p>Research indicates that at least 70% of the lifecycle carbon is derived from manufacturing. The figures for Longfield give this as only just over 50%. Those figures should have been challenged during the Application. It demonstrates that the Longfield data is not conservative and is not a valid comparator for the Proposed Application.</p> <p>The claimed output and carbon savings claimed by the Applicant as far as Mallard Pass Solar Farm is concerned need to be verified by an independent professional person or organisation.</p> <p>The Applicant claims the Proposed Development will be efficient without a battery system. However, without batteries, the output would be highly variable and entirely at the mercy of the weather. The contribution to the Grid at any one time could not be guaranteed.</p> <p>It is accepted that the Ryhall substation cannot be upgraded in order to accommodate a battery system. As the Applicant states, that is not commercially viable. This makes the development sub-optimal.</p>	<p>Individual renewable energy developments which come forwards without a co-located BESS provide on their own, significant benefits to the decarbonisation of the UK's electricity system because of the carbon-free electricity they supply to that system. Renewables, and BESS, can be co-located or can be standalone systems. In the case of the Proposed Development the Applicant references its Deadline 4 submission, Summary of Applicant's Oral Submissions at ISH1 & Appendices [REP4-022] which provides at Appendix C to that document, an analysis which supports the Applicant's position as to why BESS have not been included as Associated Development to the main solar Development.</p> <p>The Proposed Development is not suboptimal, because it brings forward essential low-carbon generation. Further, it seeks to maximise utilisation of the existing grid connection capacity which facilitates a connection in 2028.</p> <p>Not all existing renewable generation facilities, either proposed or existing, large or small scale, wind or solar, have the provision for battery systems.</p> <p>In the oCEMP submitted at Deadline 5, a commitment has been added to require that the detailed CEMPs including a statement <i>using published data from Government and/or International Climate bodies that demonstrates that the lifecycle emission of the Proposed Development will deliver a carbon benefit over the lifetime of the project.</i></p>

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	<p>All of the other Solar Farm NSIPs currently being developed include the provision for battery systems. Battery systems are very expensive and would not be installed unless they were seen as essential.</p>	
<p>ISH 1 Scope of the Proposed Development, Need, alternatives – agenda item 3a).</p>	<p>As the Applicant put forward, the window for technological change is very small. The alternative, east-west panel configuration of all the solar panels, would provide a better-balanced supply to the Grid because the delivery of the energy would be more even throughout the day, there would be less grid balancing required, which is heavy in carbon cost, it would take less space, which could be a vital part of keeping the scheme tighter, less grass management because it would not grow so rapidly. The panels would be lower than those currently proposed.</p> <p>Post Hearing Update: Cleve Hill Solar Farm will have east/west-orientated solar arrays.</p>	<p>As explained in paragraph 4.3.11 of the ES [APP-034] and during the Issue Specific Hearings, an East-West configuration increases the ground coverage density of the PV Modules and reduces the potential to deliver biodiversity net gain and / or utilise the space between and underneath the panels for grazing. The reduction of grass beneath an East/West panel arrangement could potentially have an impact on soil erosion and surface water runoff.</p> <p>The Applicant has allowed flexibility in the choice of technology (either Fixed South facing or Single Axis Trackers). By comparison if the same number of panels were to be deployed in an East/West configuration the annual yield would be reduced as the layout isn't as efficient due to the angle of incidence during the midday period. Alternatively, in order to provide an equivalent annual yield, the number of panels installed would need to be increased. An East /West configuration would, in addition to the environmental effects listed above, increase the amount of infrastructure required to produce the same amount of energy, thereby increasing the embodied carbon per MWh.</p> <p>It should also be noted that the Applicant is not proposing East/West panels and there is no requirement to consider alternative panel types, simply for the Applicant to set out which ones it did consider in the EIA.</p>
<p>ISH 1 Scope of the Proposed Development, Need, alternatives – 3i)/Any further</p>	<p>There is increasing concern that applications may be approved initially with deer fencing as there is no requirement to consult local police forces, but down the track, when it comes to constructing a site where the level of solar crime has risen so high, the developer realises they need to improve security and/or the insurance company will only provide insurance if the site has fencing. This may lead to retrospective changes to the application design without the impacts</p>	<p>The Solar PV Site will be secured via the installation of secure access gates, CCTV and infra-red cameras with associated 24 hour monitoring at the locations where the access tracks join the highway. Any existing gateways will also be secured. The established network of existing and proposed hedgerows will also act as a deterrent and prevent unhindered access to the Solar PV Site.</p>

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information/ISH 2 LVIA	being properly assessed. MPAG urge that the worst-case scenario is assessed in the Examination given the likelihood that the Applicant may have to install security fencing at some point. This would have an even worse adverse impact on the landscape & visual character than the current proposed development with deer fencing.	<p>The Applicant can confirm that the security measures along with the perimeter fencing surrounding the PV Arrays are sufficient for their security arrangements, which are commonplace for Solar Farms throughout the UK and, dealing with MPAG's concerns, are insurable. To evidence this, appended at Appendix 1 - Response from Insurance Brokers – AMI Speciality, this response is a letter from insurance brokers which confirms this is the case.</p> <p>Any amendments to the details of the Proposed Development (including fencing pursuant to Requirement 8) are controlled via Requirement 5 of the dDCO, whereby approval of any amendments to the Approved Documents (such as the details of fencing pursuant to Requirement 8) must not be given expect where it has been demonstrated 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. As such, even if, notwithstanding the above, new fencing were required, the LPA would be able to ensure that no new environmental effects are caused.</p>
ISH 1 Scope of the Proposed Development, Need, Alternatives – agenda item 5b).	MPAG dispute the Applicant's claim that consumer electricity prices will be lowered due to the Proposed Development. As was accepted by Mr Gillett, on behalf of the Applicant, consumer electric prices are linked to the price of gas. They will likely be so for many years until or if electricity generation using gas is no longer required.	The Applicant refers to its Deadline 4 submission, Summary of Applicant's Oral Submissions at ISH1 & Appendices [REP4-022] which provides at Item 5(b) the full response made to MPAG's comments by Mr Gillett, for the Applicant. Mr Gillett agreed that currently electricity prices in the UK are linked to the price of gas, but also concluded that "It is the delivery of low carbon generation that will undercut gas which would lower prices of electricity in the UK" because once sufficient electricity is generated by renewables including from the Proposed Development, "electricity generation using gas is no longer required".

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<p>ISH 1 Scope of the Proposed Development, Need, alternatives – agenda item 6b).</p>	<p>The Applicant made no reference to DEFRA food security strategy, which actually makes some quite alarming claims. Included in our Written Representation (REP2-090) there is a reference to a research project which was included in the written representations that were submitted by Mallard Pass and that was giving some really dire warnings on the lost potential loss of land.</p> <p>The site is site all grade 2, 3a, and 3b land that is not lesser quality land in terms of production. As the Applicants submission demonstrated yield difference between grade 3a and 3b can be low. Increasing evidence shows that some of that 3b land might be more resilient in some of the climate experiences we have had in recent years, making that land more resilient in really hot conditions compared to what you might expect when considering the calculations made by the Applicant.</p> <p>This is not lesser quality land as evidence to show that it's been well farmed and is able to produce high quality and high yields.</p> <p>Given that the Proposed Development will be permanent, it must be the case that the loss of agricultural land is also permanent.</p>	<p>Food production is a land-use issue and there is no Government policy that requires agricultural land to be used for food production. There is no Government financial incentive that seeks to encourage agricultural land to be used for food production. Government incentives currently seek to encourage biodiversity enhancement and fund the conversion of arable land to grassland. For example, under the Countryside Stewardship Scheme farmers can be funded to revert arable land to grassland for a five-year agreement.</p> <p>As was discussed at the Hearings, it is in that context that any consideration of the loss of the <u>use</u> of the land as being for food production must be taken into account. The Scheme does <u>not</u> affect the ability of the land to be used for farming again once the solar land-use is finished.</p> <p>In a statement on 6th December 2022, Defra stated that "the UK has a large and highly resilient food supply chain" [Defra press Release, 6 December 2022]. This follows the Government Food Strategy (2022) which set out an objective "to broadly maintain the current level of food we produce domestically" [Policy Paper: Government Food strategy, Defra, 13 June 2022].</p> <p>The UK Food Security Report (2021) identified a high level of self-sufficiency in UK production [UK Food Security Report Theme 2, UK Food Supply Services, Defra, 22 December 2021]. Section 2.1.6 examines domestic grain production and notes that UK grain alone produces more calories than required to sustain the domestic calorie requirements of the UK population if it was consumed directly by humans in a limited-choice scenario.</p> <p>Appendix D to the Applicant's response to the ExA's second written questions sets out a briefing note on the self-sufficiency of UK agriculture, combining industry and government data to provide a data and policy based perspective on key issues. The paper expands on the points raised above and summarises that,</p>

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		<p>beyond the UK having calorific self-sufficiency in a limited choice scenario, statistics show that the UK has self-sufficiency or near self-sufficiency in many staples of the UK diet, notably:</p> <ul style="list-style-type: none"> - Cereals; - Carrots, turnips, swedes, cabbages; - Beef, lamb, poultry meat; - Milk; - Eggs <p>It is also noted that in July 2023, the Environment, Food and Rural Affairs House of Commons Committee published its 7th food security report, which does not refer to competing solar as being one of the 'key issues' affecting domestic food security.</p> <p>The possible effects of climate change on agricultural production are noted. There is no current Government strategy or policy in respect of food security in the face of possible effects from climate change. There is a focus on addressing climate change, and if the effects of climate change can be managed, for instance through the legal obligation to meet Net Zero, there should be no implications to future food security.</p> <p>Please also see the Applicant's response to SWQ 7.0.5 also submitted at Deadline 5.</p>
<p>ISH 1 Scope of the Proposed Development, Need, alternatives – agenda item 6c).</p>	<p>MPAG challenged the Applicant's use of the Sizewell C judgement as a reason for not considering wind as an alternative to solar in that the Sizewell C judgement referred to wind or solar as an alternative to nuclear energy.</p> <p>The judge said, "The absurdity of the claimant's argument was well-demonstrated by Mr Strachan KC and Mr Phillpot KC for the defendant and SZC, respectively. The implication of ground 4 would be that a decision-maker dealing with a proposal for a solar farm or wind turbine array, obliged to comply with reg.64(1), would have to</p>	<p>Reading paragraph 129 of the Sizewell C judgment as a whole and in the context of the surrounding paragraphs, it is clear that the judge is saying that there can be no legal challenge to the approach taken which excludes alternative technologies as alternative solutions in the context of the Government's position that a range of technologies are needed to deliver Net Zero; with the solar versus wind example being used as an indication of why it would be 'absurd' to compare them.</p>

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	consider as alternative solutions nuclear power and, as the case may be, wind power or solar power options”	
<p>ISH2 – Environmental Matters, agenda item 4 Landscape and visual effects.</p>	<p>Impact on local landscape –</p> <ul style="list-style-type: none"> i) I disagree that there is certainty that the proposed development would give rise to positive landscape or visual effects. It is not clear in the LVIA exactly what, if any, positive landscape and visual effects would arise from the proposed development. ii) Nor is it clear what is proposed as mitigation, and what is enhancement. iii) May 2023 review concluded that the LVIA had double counted mitigation measures as enhancements / scheme benefits, also leading to the erroneous assumption that levels of adverse effects would therefore be lower as a result. iv) My review also concluded it was unlikely that many of the proposed mitigation / enhancement measures would be successful. v) For example, the Applicant proposes to establish ‘grassland with wildflower’ meadows throughout the main site, which the LVIA appears to include as a landscape / visual enhancement. vi) However, the soils on the main site are predominantly heavy or medium clay - see Plan KCC3051/05 Distribution of Soil Types in the Applicant’s outline Soil Management Plan (oSMP) [Clean] Deadline 3 (June 2023) (doc. ref. EN010127/APP/7.12.2 (Clean)). vii) Clay is known to be problematic for construction activities which entail heavy machinery/plant, as it is easily churned up and can become very compacted. According to ES Volume 1 Chapter 12: Landuse and Soils (November 2022) (doc. ref. EN010127/APP/6.1 Rev P0), the soils across the main site also tend to be slowly 	<p>The Applicants responses to the impact on local landscape are:</p> <ul style="list-style-type: none"> i) The LVIA [APP-036] clarifies in para 6.2.10 that a precautionary approach has been applied to the assessment which assumes that all effects are considered to be ‘adverse’ as set out in Table 6-4. A number of the embedded mitigation measures including improvements to the West Glen River Corridor (para 6.4.5), the New Permissive Paths (para 6.4.6), Calcareous Grassland Enhancements (para 6.4.7) and Woodland and Hedgerow Connections (para 6.4.8) are considered to give rise to individual positive benefits on the local landscape. ii) The proposed embedded mitigation measures outlined above in item (i) and within the DAS [updated for Deadline 5] and the oLEMP [updated for Deadline 5] are both landscape mitigation and enhancement measures. In many instances, the landscape proposals are considered to be multi-functional as both a mitigation and enhancement measures. iii) The LVIA [APP-036] explains under para 6.6.1 that the assessment of residual landscape and visual effects has taken into consideration embedded mitigation, which are secured through the dDCO. This is common practice within LVIA to allow for the explanation of effects during the construction and operation (year 1 and 15) stages including any visual screening of filtering of views which may be provided as mitigation through the proposed native planting. The assessment of residual effects with

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	<p>permeable and seasonally-wet, usually or often 'waterlogged for long periods in winter' (although this varies across the site depending on topography/elevation).</p> <p>viii) The acts of churning up, moving soil, mixing soil profiles, compaction, digging trenches and foundations, cutting and filling to create platforms and so on would destroy the existing soil structure and organisms. This is alluded to in the oSMP, for example at paras. 4.5 – 4.12. For the soil to even recover from this damage would take many years, let alone achieve full health. Trees, hedgerow and other plants could struggle to establish.</p> <p>ix) The land is currently under arable production, and the soil is fertile (slightly acid but base-rich loamy and clayey). Meadow and pasture only establish successfully on low-fertility soils.</p> <p>x) The Applicant's submission does not appear to explain how this obstacle to achieving the proposed mitigation and enhancement measures could, or would, be overcome. However, para. 7.6.3 of ES Volume 1 Chapter 7: Ecology and Biodiversity (November 2022) Rev P0, (doc. ref. EN010127/APP/6.1 Revision P0) does confirm that low-fertility soils are necessary to establish species rich swards, explaining that when the passing-bays which would have to be created in existing grass verges were reinstated, 'appropriate nutrient poor soil [would be] replaced on their footprint and a species rich grassland will be seeded on these' (my emphasis).</p>	<p>regards to the embedded mitigation has been considered holistically without any 'double counting' of the proposed mitigation and enhancement measures.</p> <p>iv) The landscape mitigation and enhancement measures would be secured in the long term through implementation of the detailed LEMPs which would be in accordance with the oLEMP [updated for Deadline 5]. There is no evidence to suggest that the proposed embedded mitigation which would be agreed at the detailed stage with the LPA would be unsuccessful. Any failures would need to be dealt with, as not doing so would be a breach of the DCO.</p> <p>v) The Applicant considers that the provision of wildflower grassland with calcareous species within areas currently managed for arable crops should be considered to be a landscape enhancement as well as a biodiversity benefit. The proposed wildflower grassland with calcareous species is considered to be an enhancement in the context of SEO2 of National Character Area 75, the Kesteven Uplands which seeks to "<i>protect and significantly increase the extent, quality and connectivity of the unimproved and limestone grassland to enhance biodiversity, ecological networks...and sense of place.</i>" and objectives in the Kesteven Uplands landscape character area which seeks to 'maintain important grassland areas'.</p> <p>vi) There is no evidence to suggest that the proposed tussocky grassland with wildflowers nor the Wildflower grassland with calcareous species would be unsuccessful within these soil conditions as demonstrated in part by the nearby roadside verge SSSI's and Local Wildlife Sites which are</p>

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		<p>cited for botanic diversity. The grassland with wildflowers and wildflower grassland with calcareous species are also considered to be a landscape enhancement as described in point (v) above. Natural England have agreed through the Statement of Common Ground [REP4-039] that they are satisfied with the mitigation and enhancement measures which are being proposed for the development.</p> <p>vii) The Applicant notes this comment. The soil types are recorded in the ES and the oSMP takes account of the clay soil structure. The land is currently mostly in arable use and the vehicles involved in farming the land are generally larger than those used in the construction of the solar arrays, as set out in Chapter 12 of the ES [APP-042]. Careful installation following the principles in the oSMP will not result in damage to the soil structure, and if there are localised areas where damage occurs that is easily rectified, as happens in normal farming activities now and as set out in the oSMP.</p> <p>viii) The effects of construction activities including plant and machinery on the underlying clay soils would be managed through the oSMP [REP3-018] which includes measures to identify when the soils are suitable for construction activities to take place. The location of construction sites on clay soil is not considered to be rare or unique and the effects will be managed through delivery of the oSMP. Areas to receive new planting stock would be protected from soil compaction from construction trafficking as outlined in para's 2.7, 4.19 and 4.20 of the oSMP [REP3-018].</p>

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		<p>ix) The existing soil structure would be protected during the construction stages through implementation of the oSMP [REP3-019]. The soil structure post construction would remain unchanged and in a condition that is suitable for the successful establishment of the proposed native woodland, trees and hedgerows as embedded mitigation. The areas where there is movement of soil are limited to the access tracks, narrow cable trenches, and substation as set out in Chapter 12 of the ES. These areas involve a very small percentage of the site.</p> <p>x) The arable fields are currently subject to fertilizer treatments which would cease at the construction stage and for the operational stage of the DCO. There is no reason why grassland with wildflowers or wildflower grassland with calcareous species cannot be established on these arable crop areas. The proposed grassland seeding specifications would be subject to detailed design although would establish within the areas proposed. As further explained within para 4.2.25 of the oLEMP [REP3-015] the arising from the annual cutting of the grassland areas will be removed and piled within the field margins or removed from the field to prevent the build-up of nutrients. The Applicant notes that many of the nearby roadside verges in the locality of the Order Limits are designated as a SSSI or LWSs due to their botanic diversity, which is an indicator that the soil conditions can support such habitats.</p> <p>xi) As stated within point (ix) above, the arable fields have been subject to fertilizer treatment which would cease. The Applicant considers that the proposed areas of grassland with wildflowers and</p>

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	<p>Impacts on landscape character (construction effects):</p> <ul style="list-style-type: none"> i) I disagree that effects on character during construction would be lower than during operation. ii) LVIA Table 6-4 sets out the conclusion that during operation, effects on the landscape character of the site would be Major Adverse, but during construction they would only be Moderate Adverse, mainly due to the fact that whilst they would be 'Large', they would be 'short-term/temporary'. iii) My May 2023 review concluded (see Section 5.3) that some construction activities would give rise to significant adverse landscape effects, some of which are likely to be permanent, ie enduring post-decommissioning. iv) Also, in my opinion, not only is the two-year construction period a long time over which effects would be experienced, it may also be over-optimistic. v) To date, very few large-scale solar developments have been built in the UK, and it is now becoming clear that construction is not always as straightforward as first assumed. At a relatively small scheme at Bishampton in Pershore, Worcestershire, the construction period was stated as being three months. It is now nine months since construction commenced, and not only are the works not complete, they are also now the subject of enforcement. Piling noise is one of the main problems – it can be heard over two miles away. 	<p>wildflower grassland with calcareous species would successfully establish within the areas proposed to the north-west of the Order limits near 'The Drift'.</p> <p>The Applicant's responses to the impacts on landscape character (construction effects) are:</p> <ul style="list-style-type: none"> i) The effects during construction are further described in the LVIA [APP-036] para's 6.5.4 to 6.5.9 and summarised within Table 6-4. As outlined within the LVIA methodology [APP-055], the magnitude of change also considers the duration of effect. The effects during the construction stages are considered to be <i>short term</i> in duration as opposed to being <i>permanent</i> within the operation stages (year 1 and 15). The magnitude of change and therefore the significance of effects are therefore generally considered to be lower during the construction stages. ii) The LVIA Table 6-4 [APP-036] considers that the effects on landscape character of the Solar PV Site would be Major, Significant and Adverse during Operation (Year 1) and Moderate, Not Significant and Adverse during the construction stage. The difference is due to the magnitude of change arising from the <i>short term</i> duration of effects during the construction stage and the <i>permanent</i> effects arising in operation stages (year 1 and 15) as explained within point (i) above. iii) The effects arising during the construction stages are further described in para's 6.5.4 to 6.5.9 of the LVIA [APP-036]. The construction activities are considered to be <i>short term</i> in duration due to the two year construction program, which in turn affects the magnitude of change. The <i>permanent</i> effects arising from the Proposed Development are

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		<p>assessed during the operational stages (year 1 and 15).</p> <p>iv) The Applicant notes this comment but based on its experience in delivering solar farms around the world, considers this is a valid assumption.</p> <p>v) The Applicant is unable to comment on the specific circumstances regarding the construction program for the Bishampton solar PV development. The Applicant notes that the phasing of the Proposed Development is controlled by Requirement 3 of the DCO, whereby a written scheme setting out the phase or phases of construction must be to and approved by the relevant planning authorities. Requirement 5 of the dDCO sets out that it must demonstrate that the approval of any detail with respect to the documents certified under Article 39 of the dDCO or any details approved pursuant to any requirement is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement. This would include matters relating to a 24 month construction phase.</p>
	<p>Size and Scale:</p> <p>i) The Applicant's response does not address the concerns about scale.</p> <p>ii) Importantly, it assumes that the effects of scale are only related to what one can see, which of course, is not the case.</p> <p>iii) Para. 1.4 of my May 2023 review explains that 'From plans and documents, it is very difficult to comprehend the sheer size and scale of the proposed development. The main site measures almost 8km from west to east, and at its widest point is c. 5.5km from north to south,</p>	<p>The Applicants response with regards to size and scale are:</p> <p>i) The Applicant considers that the majority of people would experience the scale of the development from ground level when moving through the landscape and not from an aerial or plan view perspective. In this respect, the development would appear compartmentalised by the prevailing landform, woodlands and hedgerows, such that the overall scale or totality of the development would not be perceptible from any given viewpoint. Whilst the Proposed Development does comprise a utility scale solar PV development, it would not appear as</p>

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	<p>with solar arrays / ancillary infrastructure occupying the majority of those extents. The area of the Order limits is c. 852ha, and the Solar PV area is c. 420ha. To put that into the context of the wider landscape, it is worth noting that the whole of the settlement of Stamford, including its green spaces, covers c. 515ha'.</p>	<p>a single or continuous block of development due to the physical and visual separation provided by landform, hedgerows and woodland between the Solar PV Sites and the Onsite Substation.</p> <p>ii) Section 6.5 of the LVIA [APP-036] has assessed the scale of the development parameters of the DCO on both landscape character and visual amenity. The assessments on landscape character within para's 6.5.17 to 6.5.37 are not purely based upon what an individual person might see. The effects on landscape character considers the physical features, aesthetics and perceptual changes arising from the Proposed Development.</p> <p>iii) Para 1.5 of the MPAG landscape representation [REP2-075] does not explain where the distance measurements for the 'Main Site' or the area of Stamford has been taken from. The Solar PV Site measures approximately 5.9km from north-to-south between Barbers Hill to the north farm and Essendine Road to the south. The Solar PV Site also measures approximately 6.2km from east-to-west between The Drift to the west and Banthorpe Wood to the east. However, as explained in point (i) above the Solar PV Site does not occupy the entirety of the landscape between these distances nor would it be visible in entirety when travelling through the landscape and only at various intermittent viewpoints along the journey. The design of the Proposed development as set out within the DAS [updated for Deadline 5] has sought to sensitively integrate the Proposed Development into the existing landscape, retaining and enhancing the existing landscape fabric and facilitating the breaking up of mass and compartmentalisation of proposed development.</p>

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	<p data-bbox="427 316 763 347">LVIA / RVAA Study Area –</p> <ul style="list-style-type: none"> <li data-bbox="479 363 1256 491">i) The parties disagree about whether the study area boundaries set for the LVIA and the RVAA (Residential Visual Amenity Assessment) - 2km and 100m respectively - are sufficient. <li data-bbox="479 507 1285 635">ii) My opinion is that they are not sufficient for a project of this size and scale, and that there is the potential for the development to give rise to significant adverse landscape and visual effects beyond these distances. 	<p data-bbox="1458 220 2096 284">This is also explained in the Applicant's Deadline 3 responses to PRow matters [REP3-022].</p> <p data-bbox="1312 316 2051 379">The Applicant's responses with regards to the LVIA / RVAA study area are:</p> <ul style="list-style-type: none"> <li data-bbox="1361 395 2096 1106">i) The 2km study area for the LVIA and 100m study area for the RVAA was determined through a desk based review of the Zone of Theoretical Visibility (ZTV) mapping and surveys undertaken in the field. The Applicant considers a 2km study area to be acceptable noting that the Proposed Development is unlikely to be perceptible beyond this distance. It is noteworthy that a 2km study area has been deemed acceptable for other utility scale solar PV developments within the DCO / NSIP process (Longfield, Little Crow, Cleve Hill). With regards to the RVAA, a study area of 100m was considered appropriate. The RVAA is a separate assessment considering whether or not the Proposed Development would result in overbearing or overwhelming visual effects on a private property such that the effects would render the property uninhabitable in the public interest. This is a 'high test' and is not simply a matter of whether the Proposed Development would result in a significant visual effect from a particular outlook of a residential property. <li data-bbox="1361 1121 2096 1377">ii) There is no evidence to suggest that the Proposed Development would result in any significant landscape and visual effects beyond the 2km study area as shown within the findings of the LVIA [APP-036]. Also, there is no evidence to suggest that the Proposed Development would exceed the acceptability threshold for residential properties as a private concern beyond 100m from the Proposed

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		<p>Development as shown within the finding of the RVAA [APP-057]. None of the properties within the 100m study area for the RVAA were considered to experience visual effects that would be beyond the acceptability threshold rendering the property uninhabitable as a matter for the public interest. Therefore it is not considered necessary to enlarge the study area beyond 100m for the RVAA. The Applicant considers the relevant study areas to be adequate and sufficient to assess the extent and likelihood of significant effects arising from the Proposed Development.</p>
	<p>Threshold of Significance –</p> <ul style="list-style-type: none"> i) The parties disagree about whether or not a Moderate level of effect should be categorised as 'significant'. The matter was discussed during the July 2023 hearing. ii) The LVIA sets the threshold for a 'significant' effect as 'Major to Moderate', on a five-point scale (Major; Major - Moderate; Moderate; Slight; and Minimal). iii) My opinion (and that of some other professionals) is that 'Moderate' effects should be categorised as 'significant', as experience indicates this being the 'norm' for most EIAs; indeed, in para. 2.4.7, the Applicant's ES Volume 1 (November 2022) Chapter 2: Overview of EIA Process of (doc. ref. EN010127/APP/6.1 Revision P0) states that 'As a rule, Moderate or Major effects are considered to be significant', although it qualifies this by saying that 'professional judgement will be applied for each topic' (my emphasis). iv) At the hearing, the Applicant's landscape expert said that the 'Major to Moderate' significance threshold was usually applied in LVIAs carried out by their practice. Of 	<p>The Applicant's responses with regards to the threshold of significance are:</p> <ul style="list-style-type: none"> i) The Applicant refers to the responses previously provided in [REP3-032] and orally at ISH2 [REP4-041] which notes in summary: <ul style="list-style-type: none"> • The threshold for significance will vary from topic-to-topic depending on different criteria of relevance to the particular chapter within the ES. • GLVIA3 states, at paragraph 3.32, there are <i>"no hard and fast rules about what effects should be deemed significant but LVIAs should always distinguish clearly between what are considered significant and non-significant effects"</i>. It is a matter for the assessor to assign the level of significance. • The independent review of the ES undertaken by Stantec did not raise any concern regarding the content, the robustness of the LVIA methodology, or the results of the assessment set out [APP-055].

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	<p>course, ultimately, the Inspectors will come to their own conclusions about 'significance'.</p> <p>v) The main residual point here is that in many cases, and as noted in my May 2023 review, the LVIA has underestimated levels of adverse effects. Thus, where 'Moderate' / not significant effects are reported, they are more likely to be Moderate to Major, or even Major, and therefore, in accordance the LVIA's threshold, would be 'significant' anyway.</p>	<p>ii) The Applicant confirms that the LVIA methodology [APP-055] in Diagram 2 sets out a sliding scale of effects from Major; Major-Moderate; Moderate; Slight and Minimal.</p> <p>iii) The Applicant notes this comment and refers to point (i) above.</p> <p>iv) The Applicant confirms that the Major-Moderate significance threshold has been applied and found to be acceptable for numerous other LVIA's undertaken for NSIP (including Sizewell C) and TCPA solar applications that have been scrutinised at appeal (including Bramley, Hilfield, Bramford).</p> <p>v) The Applicant disagrees that the landscape and visual effects have been understated as suggested within the MPAG representation.</p>
	<p>Conflation of Landscape and Visual Effects –</p> <p>i) My opinion, as set out in my May 2023 review, that the LVIA has conflated landscape and visual effects, remains unchanged.</p> <p>ii) See my report Section 5.1 paras. 5.1.45 – 52 (but please note error in para. 5.1.48 – the relevant LVIA para. is 6.5.20, not 6.4.20).</p> <p>iii) For example, LVIA para. 6.4.3 bullet c) notes the 'Substantial new native planting across the Solar PV Site providing visual screening and other benefits to landscape character' (my emphases).</p> <p>iv) However, GLVIA3 para. 3.39 explains that 'Enhancement... is often referred to incorrectly as an outcome of proposed mitigation measures – for example where planting is proposed to mitigate landscape and/or visual effects but will also achieve an enhancement of the baseline condition of the landscape. In practice</p>	<p>The Applicant's responses with regards to the conflation of landscape and visual effects are:</p> <p>i) The Applicant disagrees that the landscape and visual assessments are conflated within the LVIA [APP-036]. The assessment of landscape effects are described within para's 6.5.11 to 6.5.13 and the assessment of visual effects is provided in para's 6.5.38 to 6.5.95. Para 2.20 of GLVIA3 notes and landscape and visual effects are "<i>related very different considerations</i>". Para 5.1 notes that landscape effects deal with "<i>aesthetic and perceptual attributes of the landscape</i>". The Applicant therefore considers it important to assess the visual relationship of the development with the characteristics of the landscape beyond the Order Limits. The Applicant considers this to be common practice within LVIA. The scope and methodology of the Applicant's LVIA was considered to be</p>

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	<p>enhancement is not specifically related to mitigation of adverse landscape and visual effects but means any proposals that seek to improve the landscape and/or visual amenity of the proposed development site and its wider setting beyond its baseline condition' (my emphasis).</p>	<p>acceptable within the independent peer review undertaken by Stantec.</p> <p>ii) The MPAG representation [REP2-075] para's 5.1.45 – 5.1.52 appears to suggest that the Applicant has conflated the assessments of landscape and visual effects. As explained in point (i) above, the Applicant considers that the effects on landscape character is influenced by the extent of visibility arising from the Proposed Development and its surrounding context. Proposals to mitigate or reduce the extent of visibility are therefore also a consideration in terms of the effects on landscape character.</p> <p>iii) As stated above in point (ii), the Applicant considers that the locations of the native planting for visual screening is therefore a consideration in terms of embedded mitigation for both landscape character and visual effects.</p> <p>iv) The Applicant considers that the benefits arising from the proposed native planting are not limited to visual screening as an embedded mitigation measure. For example, the proposed woodland or hedgerows are also considered to be an enhancement measure through the reinstatement of historic hedgerows lost through arable intensification or to provide habitat corridors and linkages between existing areas of woodland.</p>
	<p>Mitigation as Harmful –</p> <p>i) I disagree that the total loss of a good quality, open view would not result in a significant adverse effect. The LVIA's criteria for a Large (the highest level of) magnitude of effect are 'Total or major alteration to key elements, features, qualities or characteristics, such that post</p>	<p>The Applicant's responses with regards to mitigation are:</p> <p>i) As outlined within the Applicants methodology [APP-055] the magnitude of effects is assessed on a rating of high, medium, low and negligible. 'Large' is an assessment with regards to the <i>scale</i> of effect which is one component of the magnitude of</p>

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	<p>development the baseline will be fundamentally changed'. Here, the fundamental visual baseline change would be from an open, rural view to either a) the interior of the developed site, or b) a tall hedge.</p> <p>ii) GLVIA3 makes it clear (see for example paras. 5.15 – 18) that LVIA's should not just rely on published countywide LCAs, especially when most are high-level, and cover large geographical areas within which there may be localised and locally-distinctive variations. It is necessary to carry out more granular assessments, in order to decide what is most appropriate for the site / the landscapes with which it has interinfluence / intervisibility.</p> <p>iii) The published LCA does not say 'enclosure by hedgerows and hedgerow trees': it says 'Enclosed mostly by hedgerows, with hedgerow trees'. In this context, the term 'enclosed' relates to field enclosures, not visual enclosure. In fact, the LCA notes that the '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' (my emphasis). It is mainly woodland blocks which act as visual screens.</p> <p>iv) As well as tall hedges being uncharacteristic in these landscapes (although they do occur along some local ancient boundaries / trackways, where trees have escaped and been allowed to mature), letting new / existing hedges grow as tall and dense as they would need to be in order to successfully screen views (especially given that many views would be of the developed site on rising ground beyond) is in conflict with hedge health / biodiversity. Best practice is to cut back regularly. Indeed, the proposed 'rotational cutting regime' is mentioned in the oLEMP, at para. 3.3.10.</p>	<p>change judgement with extent and duration being the other considerations. It is possible to have large scale effect which once combined with these other judgments would not result in a significant effect. The Applicant would note that the loss of an open countryside view from a PRoW within a solar PV development is not an unusual occurrence and would be anticipated for virtually any NSIP or TCPA solar development as recognised in draft EN-1 at paragraph 5.10.20. Although significant effects have been identified along the PRoW passing through the Solar PV Site, this scenario would be anticipated when assessing utility scale solar development. It is also noted that views from PRoWs are not protected in policy terms.</p> <p>ii) It is common practice for an LVIA to review the national, regional and local LCA's within the baseline section. The LVIA [APP-036] has assessed the most detailed LCA's as agreed through consultation with LCC, RCC and SKDC. Site specific character assessments have also been undertaken within the baseline conditions assessments LVIA to identify those features which contribute to the value of the local landscape as outlined in paragraph 6.3.72 points a – h. The Applicant notes that the MPAG representation [REP2-075] refers to 'intervisibility' with regards to landscape character assessment within this response which was previously considered to be a conflated issue within point (ii) of the previous row of this table.</p> <p>iii) The reference to "enclosed mostly by hedgerows, with hedgerows trees" is one of the characteristics of the SKDC Kesteven Uplands LCA which broadly covers the eastern and western parts of the Order</p>

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		<p>Limits. The SKDC Kesteven Uplands LCA is further described within paragraphs 6.3.42 and 6.3.43 of the LVIA [APP-036]. The Applicant considers that the interpretation of enclosure means the definition of field boundaries or visual enclosure by hedgerows depending on the specific location within the LCA. Clearly, some areas within the LCA will appear more enclosed from a visual perspective than others.</p> <p>iv) The Applicant considers that unflailed hedgerow growing up to 3.0-3.5 metres in height are found at various locations within the study area. Pages 34-39, 63-67 and 92-98 of the Arboricultural Impact Assessment (AIA) [APP-103] shows that a significant proportion of the existing hedgerows are in excess of 3 metres height across the Order Limits. 'Taller' hedgerows are therefore not an unusual feature although it does vary across the Order Limits. The existing hedgerows would be managed to maintain the form, density, health and biodiversity of the hedgerows as further detailed within the oLEMP [updated for Deadline 5].</p> <p>It should be noted that the Applicant has updated the oLEMP at Deadline 5 to provide that prior to the discharge of Requirement 7, the Applicant will liaise with the Community Liaison Group (of which the LPAs will a member) on options for the management of planting along permissive paths and PRoW in terms of minimum height, species and density. The detailed LEMP (s) will include detail how the hedgerow and tree belt planting located immediately adjacent to permissive paths and PRoW will be managed and explain how the engagement with the Community Liaison Group has been considered.</p>

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	<p>Update of Photomontages –</p> <ul style="list-style-type: none"> i) Para. 3.6.6 of my May 2023 review report says, 'Incidentally, it appears that some or all of the photomontages in the Applicant's LVIA have not been updated to reflect the recent scheme changes. It is important that the ExA / others are provided with the correct information'. For specific information about the problems with the Applicant's original and recently-submitted photomontages, please see MPAG's separate submission in response to the July 2023 hearing. ii) In summary, as explained during the July 2023 hearing (and as can be noted when carrying out site visits), some of the Applicant's selected VPs are at points from which views of the site / developed site are not as clear or open as they would be at a point a few metres along the same route. iii) Also, neither the LVIA nor the ARA includes an assessment of sequential visual/other effects along routes. iv) In addition, from the Applicant's photomontages, it is difficult to gain a clear or realistic impression of what the developed site would look like. In my experience, much depends on the quality of the photograph on which the montage is based, and very importantly, the light conditions. v) Experienced CGI specialists will ensure that the images accurately reflect the given light conditions. I often take photos from the same spot during different weather conditions (ideally at least i) in full sun and ii) when fully overcast with cloud), and get CGIs produced for each. vi) vii) This is especially helpful when assessing the effects of glint and glare, which, in my opinion, were not adequately assessed in the LVIA. 	<p>The Applicant's responses with regards to the photomontages are:</p> <ul style="list-style-type: none"> i) The Applicant considers that there were no changes to the development parameters in May 2023 that needed to be reflected within the photomontages. The photomontages are illustrative to inform the LVIA and reflect the development parameters. They provide visual aids to assist the assessments within the LVIA although they are dependent upon them. The design details would be agreed with the LPA following granting of the DCO. ii) The viewpoints selected within the LVIA were the subject of consultation as outlined within Appendix 6.6 of the LVIA [AS-001]. The viewpoints have been 'micro-sited' during the field surveys to consider any open views towards the site within close proximity without deviating too far from the requested viewpoint location. However, it is not practical or necessary to provide viewpoints of every possible view. Notwithstanding this point, it should be noted that the assessments within the LVIA are not restricted to, or limited by, the locations of the representative and illustrative viewpoints. iii) The ARA [APP-058] assesses the recreational amenity from PRoW within the Order Limits and ARA study area as well as the sequential experience along each individual routes. As set out in paragraph 1.1.4, of the ARA, it includes a consideration of any potential visual intrusion and also any other disturbance that may have a deleterious effect on the recreational amenity from that route (e.g. noise, glint and glare, dust). Please

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		<p>also see the Applicant's Deadline 3 responses on PRow matters [REP3-022].</p> <p>iv) The Applicant considers that the photomontages do provide a realistic impression of the development parameters informed by the Project Principles and Design Guidance within their viewing context. The light conditions within the photomontage are representative of the winter conditions as required best practice within the Landscape Institute, Technical Guidance Note 06/19, <i>Visual Representation of Development Proposals</i>. The photography used within the representative and illustrative viewpoints and the photomontages is considered to be of sufficient quality to gain a good understanding of the development parameters within its viewing context.</p> <p>v) The viewpoint photography within the photomontages is considered to accurately reflect the prevailing light conditions within the winter months. The light conditions within the submitted photomontages are legible and allows for recognition of the development components within its viewing context. It is unusual to provide photomontages showing multiple light conditions. The provision of photomontages in the winter months without full leaf coverage is advocated by best practice.</p> <p>vi) A separate glint and glare assessment has been submitted within Appendix 15.3 [APP-104]. The glint and glare assessment is a separate specialism from the LVIA. The glint and glare assessment identified '<i>no significant impacts upon surrounding aviation activity, road users, or railway operations and infrastructure are predicted for either fixed or tracker panel layouts</i>'. Potential</p>

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		<p>significant effects arising from glint and glare were identified at one dwelling (Wood Farm Cottages) although these could be mitigated to remove the significant effects. The Applicant has considered the findings of the glint and glare assessment within the ARA as outlined within para's 1.7.2 and 1.7.3 of Appendix 6.5 [APP-058].</p>
	<p>Difference between LVIA and ARA –</p> <ul style="list-style-type: none"> i) I note that the ARA's sequential assessment is not referring to an assessment of sequential visual/other effects along routes. ii) Regarding 'why [the ARA's] findings differ in some instances from those within the LVIA, the contradictions which I identified in my May 2023 review remain unresolved (see my report Section 5 esp. paras. 5.5.4 = 11). 	<p>The Applicant's responses with regards to the differences between the LVIA and ARA are:</p> <ul style="list-style-type: none"> i) The ARA [APP-058] assesses the recreational amenity along the PRoW within the Order Limits and ARA study area as a sequential and perceptual experience along each individual route as stipulated within para 1.5.1, not from one location. The potential effects are set out within Table 3 of the ARA. ii) As set out in the Applicant's D3 submission response to landscape and visual matters [REP3-032], the ARA is informed by the LVIA but also considers other factors in the appreciation of recreational amenity. The ARA provides a sequential assessment of the potential impacts to the PRoW resource taking into other considerations which might affect the recreational experience along the whole of the route. It is therefore a more 'holistic' approach to recreation amenity and hence explains why some of the findings slightly differs from the LVIA. As set out in para 1.1.4 of the ARA [APP-058], it considers any potential visual intrusion as well as any other disturbance that may have a deleterious effect on the recreational amenity from that route (e.g. noise, glint and glare, dust). The Applicant has submitted further information at Deadline 3 Appendix B [REP3-037] regarding the network of PRoW within the locality when utilised as a wider

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	<p>continuous network demonstrating that many routes would remain unaffected.</p> <p>MPAG Assessment –</p> <p>i) The inevitable 'budgetary constraints' did not affect the rigorousness of my assessment, which was carried out entirely in accordance with GLVIA3. It was simply not feasible (nor necessary, in my opinion) to firstly write up the findings in the standard LVIA format, and then write a full review based on that information; where necessary, I wrote up the assessment's findings in the relevant part of the review.</p> <p>ii) The relevant para. in my review report is 5.4.26, not 24. What it explains is that due to the 'budgetary constraints', it was not possible to test the LVIA's judgements about the levels of visual effects arising from the developed site, as this would have entailed commissioning accurate computer-generated images (CGIs), which are incredibly expensive.</p> <p>iii) In my opinion, the Applicant should provide the information necessary for such judgements to be made (I believe the Inspector did ask for additional CGIs).</p>	<p>The Applicants responses with regards to the MPAG Assessment are:</p> <p>i) The Applicant notes this comment.</p> <p>ii) The Applicant notes this comment.</p> <p>iii) Additional photomontages have been submitted by the Applicant including:</p> <ul style="list-style-type: none"> • REP2-038: Photomontage F submitted within the Deadline 2 submission (Appendix N) as requested by the ExA for 'Photomontage F – additional photomontage from Field No. 35 approximately 50m north of Viewpoint 6B'; and • REP4-022: Applicants Oral Submissions at ISH1 – Appendix D / Viewpoint 11 – A6121 Stamford Road towards Onsite Substation within the Deadline 4 submission.
	<p>Evidence Base –</p> <p>i) The Applicant states that they recognise 'the importance and value of local knowledge'. However, very little evidence of 'local knowledge' has informed the LVIA's evidence-base.</p> <p>ii) GLVIA3 emphasises the importance of consultation in the LVIA process. Para. 3.42 says that consultation 'has a role in gathering specific information about the site, and in canvassing the views of the public on the proposed development. It can be a valuable tool in seeking understanding and agreement about the key issues, and can highlight local interests and value which may otherwise be overlooked. With commitment and</p>	<p>The Applicant's responses with regards to the evidence base are as follows:</p> <p>i) The Applicant has drawn upon local knowledge through consultation with the LPA's, statutory consultees and local consultation responses from the various public consultation events as part of the NSIP process. The LVIA includes a review of the published LCA's which were the subject of local consultation. The Applicants LVIA has therefore been informed by local knowledge.</p> <p>ii) The baseline condition section of the LVIA has been informed by consultation with PINS, the</p>

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	<p>engagement in a genuinely open and responsive process, consultation can also make a real difference to scheme design'. (my emphases). GLVIA3 para. 5.32 says much the same thing, in relation to establishing levels of landscape value, as does the LI's 2021 Technical Guidance Note (TGN) 02/21 Assessing landscape value outside national designations.</p> <p>iii) It is unclear whether the LVIA assessor/s had conversations with people in the local communities. The RVAA assessor/s (who may have been the same as the LVIA assessor/s) only visited three residential properties, and according to para. 1.2.10 of the RVAA was only 'at the behest of their residents'.</p> <p>iv) But if one doesn't engage with the local community during the surveys/assessments/design processes, how can one possibly know what the relevant issues are, and address them in a meaningful way? As part of my own assessment, I asked local residents to help me establish how and why people travel around the study area. The maps they produced are part of MPAG's submitted evidence (June 2023 deadline). I used this information to help me make judgements about landscape and visual value and susceptibility to change.</p> <p>v) I also asked local residents to mark up maps showing places from which the site is currently visible and the developed site might be visible. I visited most of the VPs and view routes that were suggested by the residents, along with other VPs identified during my desktop and on-the-ground assessments.</p> <p>vi) The Applicant also states that 'as advised by GLVIA3, the LVIA has utilised existing official published and verified baseline studies'. It is true that GLVIA3 advises the use of published material, and that the LVIA has used these. However, what the LVIA does not say is that GLVIA3 goes on to advise (see for example, GLVIA3 paras. 5.15 – 18) that LVIA's should not just rely on published sources</p>	<p>LPA's, statutory consultees and local people at the public consultation events.</p> <p>iii) The author of the LVIA has undertaken consultation with local people at the public consultation events which has informed the iterative design and assessment process, and through site visits to specific locations identified through that process, particularly in the RVAA.</p> <p>iv) The local community have been actively engaged with the DCO / NSIP application process to identify and address the relevant issues.</p> <p>v) Whilst local knowledge can be informative, we are concerned that the MPAG assessment is reliant upon anecdotal evidence or hearsay from local residents and is therefore selective in content. The MPAG assessment acknowledges that most (<u>but not all</u>) of the viewpoints were visited by their landscape consultant. The Applicant's LVIA was undertaken in accordance with best practice guidance following a tried and tested methodology that has been accepted at numerous other DCO examinations and TCPA public inquiries.</p> <p>vi) The Applicant's LVIA does review the published baseline data and provides a site specific assessment of local landscape value within para's 6.3.71 to 6.3.74. The LVIA provides detailed assessments of the relevant Rutland Landscape Character Assessment (2003) and the South Kesteven Landscape Character Assessment (2007) as agreed through consultation with the LPA's. However, the LVIA does not solely rely on the published LCA's as it has also been informed by site specific landscape assessment in the field.</p>

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	<p>of information, especially when most LCAs are high level and cover a large geographical area within which there may be distinctive localised variations. It is necessary to dig deeper.</p> <p>vii) As it does not factor in the relevant local knowledge and information, the LVIA is essentially just a high-level study, and does not 'go beneath the blanket' of the published sources of information. Much more granular assessments are necessary to assess the effects of very large-scale industrial developments with a wide variety of potentially very far-reaching adverse effects, as is the case here.</p> <p>viii) My assessment concluded that the information provided in the LVIA (and elsewhere in the Applicant's submission) is insufficient to fully understand the likely significant effects of the development of this scale and the nature to be gained.</p> <p>ix) Also, as I explained during the July 2023 hearing, an individual effect may not be judged as 'significant'; however, when combined with other non-'significant' effects arising from the project, they often combine to result in 'significant' intra-project cumulative effects – another key issue which in my opinion has not been satisfactorily addressed in the Applicant's submissions.</p>	<p>vii) The Applicants LVIA is considered to be a detailed assessment, informed by consultation and local views, a developed understanding of scheme impacts and visual aids including photomontages. The level of detail, scope, content and findings was found to be acceptable by the independent peer review undertaken on behalf of LCC by Stantec.</p> <p>viii) The Applicant considers that the information provided within the LVIA is adequate and sufficient to understand the likely significant effects and inform the decisionmaking process. The independent peer review undertaken by Stantec confirmed that the level of information provided was acceptable.</p> <p>ix) The potential intra-project effects were further assessed within Chapter 16, Interactions of Effects and Summary of Cumulative Effects. As confirmed at ISH3 and stated in the document, this assessment does account for non-significant effects. In undertaking the LVIA the full scale, extent and duration of effects has been considered with regards to the relevant landscape and visual receptors to determine the significant and not significant effects.</p>
<p>ISH2 – Environmental Matters, agenda item 5 Ecology & Biodiversity</p>	<p><u>Biodiversity Net Gain –</u> The calculation process is complex, it is not possible to check / QA results without the data to input; the assessment is therefore not transparent and may be subject to errors.</p> <p>1. Baseline prior to construction</p> <p>a. Game crop cover or margins in environmental schemes being changed to tussocky grassland = loss</p> <p>b. Hedges/trees/verges damaged or removed off-site for construction purposes = loss, but is off-site counted</p>	<p>The metric used for the calculation has been submitted as part of ES Chapter 7: Ecology and Biodiversity [APP-037] and is set out in Appendix 7.6 [APP-064].</p> <p>1. Baseline -</p> <p>a. The metric shows how field margins were considered within the metric.</p> <p>b. Accidental damage is to be avoided with appropriate measures. This is therefore not typically considered in a BNG metric, other than where hedgerow removal or</p>

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	<p>c. Is tree baseline fair/ If all woodland areas are encapsulated within the order limits but not part of the order limits, then the baseline will be extremely low.</p> <p>2. Decommissioning effect</p> <p>a. BNG from grassland will be lost, and huge instant release of carbon back into the atmosphere.</p> <p>b. Will all the hedgerows planted be retained? The assessment has to include worst-case scenario – landowners may remove some if they get in the way of future farming practices UNLESS there are stipulations in the DCO.</p> <p>3. BNG commitment</p> <p>a. Will they abide by BNG 4.0 and commit to 30-year programme for BNG. After all it will be law as of November '23 ref Environment Act 2021 (Noting the Applicant's desire to follow the most up-to-date policy even if not designated e.g. NPSs for energy, surely the same should apply for BNG too)</p> <p>b. How do they plan to monitor their compliance to it over the operation of the scheme?</p> <p>Habitat changes are not a gain – given the expectation is that the land will revert to agriculture, the “gain” will then become a “loss”. That does not help with the issues of biodiversity loss that the UK is facing. This is biodiversity churn, not net gain.</p> <p>Hedgerow change does not require a solar farm to be installed to achieve it.</p> <p>Cross-reference into the mitigation section – establishment and management of the grassland areas is key to achieving any gain – the nitrogen status of agricultural land, the seed bank in the soil, and what is planted will all have an effect on what is established, and therefore quantity and quality of any gain that might be achieved.</p> <p>Again looking at the mitigation work, there is a question whether the water area will be no change – if there are issues of nutrient run-off then the watercourse will be affected in a negative manner. If the Anglian Water works are delayed, what will the applicants do?</p>	<p>grassland removal has been identified as part of the scheme – where this is proposed for creating new or improving access points that is accounted for in the calculations for the Proposed Development.</p> <p>c. The woodlands referred to are outside the Order limits and would not be under the control of the Applicant. They have therefore not been included in the metric.</p> <p>2. Decommissioning effect</p> <p>a. The proposed habitat creation and enhancement as measured by the metric will be secured under the DCO, so the gains will be realised and delivered. The land use beyond the lifetime of the Proposed Development will be a decision for the landowner and may entail the potential reversion of grassland, as set out in the oDEMP [REP4-011].</p> <p>b. All scrub, woodland or hedgerow created will be retained at decommissioning and handed back to the landowners – as set out in the oDEMP (paragraph 2.1.4).</p> <p>3. BNG Commitment</p> <p>a. Please refer to Section 5 of the Summary of Applicant's Oral Submissions at ISH2 & Appendices [REP4-041] with regards to the BNG Metric. It is expected that the Proposed Development will be in place for at least 40 years. The proposed habitat creation and retention which informs the BNG assessment will be secured for the duration of the authorised development as is required by the DCO. If the Scheme were be removed prior to 30 years, the impacts it would have caused would no longer arise – this is the appropriate, proportionate approach. Whilst it is acknowledged that much of the BNG achievement for the Proposed</p>

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		<p>Development is grassland, that the landowner may seek to return to farmland, it is noted that:</p> <ul style="list-style-type: none"> • the Government's funding mechanisms for farming encourages biodiversity uses so this is not a given consequence; and • given MPAG's concerns about agricultural land, would enable food production to resume, which would need to be balanced against the loss of habitat. <p>The BNG regime for NSIPs is still developing and the Government has recognised that different requirements will be needed (e.g., for proposals which are long lasting but not permanent such as is the case here), hence the delayed start date for that regime, so it cannot be assumed that the 30 year TCPA period 'rule' would be applied in a similar way for NSIP projects such as this.</p> <p>Finally, it is noted that with the scheme removed, it would not be justified to utilise compulsory acquisition powers to force landowners to keep the grassland in place, as that compulsory acquisition case would be purely for ecological purposes, not the overarching renewable electricity generation project.</p> <p>b. The oLEMP sets out the outline monitoring of created and retained habitats. Full monitoring details will be set out in the LEMP, pursuant to Requirement 7 of the dDCO, but will assess habitat creation and enhancements directly against the target habitats listed in the metric.</p> <p>The assessment presented in the metric has taken into account the proposed habitat creation and retention which will be secured for the duration of the authorised development as is required by the DCO.</p>

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		<p>The proposed hedgerow planting is being funded and driven by the proposals for the Order limits and would not occur without the Proposed Development.</p> <p>The metric and proposals have taken into account the likely target grassland type and condition to be created. This is proposed as 'Other neutral grassland' rather than more diverse grassland types. Calcareous species will be included but the target is not calcareous grassland, which would be far more challenging on this soil type and nutrient levels.</p> <p>Nutrient run off will be reduced under the proposals for the Order limits as the land will come out of intensify agricultural use, as set out in paragraph 11.4.75 of the Environmental Statement [APP-041].</p> <p>In the event of delays to the Anglian water works (to the West Glen River) the proposals still add to the diversity of habitats in the vicinity of the river.</p>
	<p><u>Shadow Habitat Regulation Assessment (Baston Fen SAC & in combination effects)</u></p> <p>Impact on SAC - a key point of connectivity – whether there is a need to open both floodgates is open to debate with respect to cross reference to flooding and the likelihood of run-off.</p> <p>But it isn't just about the movement of quantities of water, but also about the nutrient status of that water and, therefore, the impact on the habitats of the site and spun loach as the feature for which the site is designated.</p> <p>Cutting meadows every two years and storing the arisings on site is likely to lead to large quantities of rotting vegetation - just think how slowly your grass cuttings compost – compare then the amount from the area involved here. This raises a big risk of nutrients into groundwater and into the river, and potential for waterweed growth, eutrophication, and decreased oxygen in the water.</p>	<p>The proposals set out in the Green Infrastructure Strategy Plan [APP-173] will reduce the run off of nutrients to the wider river catchment by taking land out of agricultural use in parts of the Order limits. The creating of grasslands will not require additional nutrients and this will be avoided. The permanent grassland cover will also reduce run off of soils, as set out in paragraph 11.4.75 of the Environmental Statement [APP-041].</p> <p>The arisings will be stored on site to create habitat piles at least in part, with the remainder being removed. The habitats piles will be located away from watercourses and flood zones 2 and 3. The amount of nutrients thus present is still likely to be lower than the effects of adding fertiliser as part of agricultural use.</p>

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	<p><u>Ecological mitigation</u></p> <p>Mitigation will require establishment and annual management. And therefore crosses over to the soils issues later, for example, regarding compaction. Need to consider water and flooding, soils and biodiversity in combination.</p> <p>The nutrient status of agricultural land is likely to be high, and establishing wildflower meadows, especially calcareous grassland, is likely to be difficult. MPAG are concerned therefore about the reality on the ground rather than the proposal made. The seeds currently in the soil controlled by agricultural operations will grow, and high nutrient tolerant e.g. pernicious weed species are likely to thrive. Establishing good wildflower meadows is therefore not straightforward and will require considerable work.</p> <p>The seed mixtures to be used will be important in terms of what may be established – the amount needed for the area proposed is high, and feels like a risk in terms of what may be available, and therefore what is actually planted.</p> <p>In addition, the genetic provenance of the seeds is important in terms of unintended consequences of establishment of UK species and varieties rather than those from beyond the UK. I'd note the work of Flora Locale to consider.</p> <p>Cutting grass every two years is asking for the sward to become rank. It is essential that the arisings/aftermath are removed – as noted above, large piles of rotting vegetation are likely to lead to nutrient run-off.</p> <p>Leaving grass in place and not collecting it would lead to a thatch building up and potentially increasing runoff, and would not solve the nutrient issues already mentioned.</p> <p>Case recently of a solar farm in Dorchester & Weymouth that had provided inadequate forage for the bees and other pollinating insects with a basic grassland that had been regularly mowed and removed, they did not survive. The grassland was not botanically diverse, there was no wildflower planting. The oLEMP had expired and not been</p>	<p>The oLEMP [REP4-013] sets out the management and monitoring of the proposals.</p> <p>The metric and proposals have taken into account the likely target grassland type and condition to be created. This is proposed as 'Other neutral grassland' rather than more diverse grassland types. Calcareous species will be included but the target is not calcareous grassland, which would be far more challenging on this soil type and nutrient levels.</p> <p>The proposals will require seeds to be obtained and this will be achieved with appropriate planning and pre-ordering. Seeds will be sought from UK producers and where possible locally sourced.</p> <p>The management and monitoring will be fully detailed in the LEMP pursuant to Requirement 7 of the dDCO. These will aim to create the target condition grassland and remedial action will be specified and actioned if as needed on a regular basis.</p> <p>The creation of rank grassland (tall and tussocky) provides habitat for a number of species. The piling of some of the arisings away from watercourses would provide additional habitat and excess arisings would be removed so as to avoid a build up of decomposing vegetation.</p> <p>No passing points are proposed in SSSIs.</p> <p>The passing points (two in total) in LWSs will be reinstated with appropriate measures as set out within the oCEMP [REP4-007] and oLEMP [REP4-013], such as storing the soils adequately, collecting seeds in advance or green hay cuttings from the rest of the unaffected grassland area along the LWS. Other passing points will be reinstated in the same way.</p>

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	<p>monitored, but the Environment Act will make it mandatory for LPAs to report on bio-diversity. A key issue is that of ongoing monitoring.</p> <p><u>SSSI / LWS impact by vehicles</u> Points about the wildlife site and ease of reinstatement of passing places were created – possible double disbenefit if repeated again at decommissioning. Reinstatement of good calcareous grassland is more difficult than the Applicant makes out—concerns about passing and more traffic.</p>	
<p>ISH2 – Environmental Matters, agenda item 6. Land Use & Soils</p>	<p><u>Sheep Grazing</u></p> <p>Undoubtedly, sheep can be grazed successfully within solar arrays. But the question is whether this is truly a commercial enterprise for sheep and lamb production or is it actually a perfectly reasonable management tool actually to help manage the ground underneath the solar panels. It is not clear from the application or what has been said in this hearing.</p> <p>The inference is that it is an agricultural enterprise. My reading of what they've said and what they seem to be proposing is much closer to management of the sward underneath the panels.</p> <p>In their written submissions, they also suggest that the sheep will only have access in the winter months. So MPAG thinks we need to understand how they were proposing to graze it. We would suggest that some of that land is very heavy and if there is poor grazing management there is a risk of poaching and potential damage to the grassland.</p> <p>As an appendix to their application, there is a leaflet relating to sheep grazing on solar farms. This leaflet is now 9 years old, and whilst the guidance given is relevant to an extent, the case studies given refer to and are more relevant to small-scale solar farms. Most of the examples given, if not all, are on livestock farms that built a solar farm alongside their existing farm business, effectively as a true diversification project. The sheep were already there, and they could</p>	<p>As explained in the Applicant's response to MPAG's Deadline 3 submissions [REP4-025] the grazing of sheep under and around solar panels is feasible and is increasingly common practice. The position has significantly evolved since the BRE Agricultural Good Practice Guidance for Solar Farms (BRE, 2014).</p> <p>Whether the land will graze breeding sheep, or lambs being reared-on, or will be grazed by overwintering hill sheep, will depend upon the business wishes of the shepherds and on other economic considerations, and may change over time.</p> <p>The overall scale of the Proposed Development is not relevant to sheep farming considerations. The size of the fenced panel blocks is the relevant consideration, as that defines the size of each block of grazing. How tightly grass is grazed, and when, is a management consideration influenced by stocking density, how often and when sheep are moved. Details relating to grazing beneath the Solar Arrays is set out in paragraph 4.2.30 of the oLEMP. Moving animals between grazing areas, and grazing for part of a year, is normal farming practice and falls fully within the definition of "agriculture" in the Town and Country Planning Act 1990, section 336.</p> <p>Visibility around and under panels is not as restricted as is suggested. Photographs are provided in [REP4-025]. The</p>

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	<p>very easily use the solar farm for grazing with the land immediately adjacent to the farm and other sheep grazing to run the sheep through. This is very different. We are starting with a scheme which is very large, and extends over a large area with none of the landowners currently running a sheep enterprise. There are some quite significant implications if they are truly thinking about putting sheep on there that they would need to address. These can be summarised as:</p> <ul style="list-style-type: none"> · easy access 24/7 while sheep are grazing · mobile handling facilities and holding pens, to corral and hold the sheep. · well-trained and steady sheepdogs and you need to be able to see the dog and the sheep if you are going to work them effectively · water supplies · feeding troughs, depending on when the animals are going to be grazing <p>And there is an increased risk of sheep rustling, which effectively then starts to bring in a potential risk of wildlife crime. So it is not straightforward, and MPAG thinks it would be helpful to have some clarity over exactly what is intended.</p> <p>The Applicant has put forward sheep grazing as an alternative agricultural use. From this discussion, it seems they are now being described as optional. If the sheep are to be used as a way of continued agricultural use within the solar area, then surely it should be as a commercial enterprise. I would propose that the Applicant prove that a commercial enterprise of sheep under 530,000 solar panels is both practical and economical.</p>	<p>view for a dog, or for sheep, under the panels is evident in the ES Chapter 12 at insert 12.14 [APP-042].</p> <p>Handling pens do not need to be complicated fixed structures. An example is shown in [REP4-025]. Water supplies and any mobile troughs for periodic supplementary feeding are easily provided and common practice.</p> <p>Traditionally sheep lambed outdoors. Indoor lambing became fashionable to enable earlier lambing, for marketing reasons. Whether the lambing takes place indoors or outdoors will be a management consideration and does not diminish the potential for the solar areas to be grazed. In bringing forward this option for sheep grazing the Applicant is anticipating that it may be able to support new entrants to this market.</p> <p>Sheep rustling is not likely. The grazing areas are within the panel area, and accordingly securely locked and monitored. The graziers will need to register when they visit their sheep.</p> <p>There is no reason why sheep rearing on a profitable level should not take place as it does across the country on existing solar farms.</p>
<p>ISH2 – Environmental Matters, agenda item 7. Water and Flood Risk</p>	<p><u>Surface Water run-off, soil compaction and flood risk</u></p> <p>There was discussion regarding flood risk due to the concentration of run-off from the panels, which was raised as a concern in Greatford Parish Council Written Representations (no one was available from GPC to speak). MPAG offered some clarification on this matter. GPC's calculations were based on run-off from individual panels. Every panel has its own drip line. It did not assume it was a series of</p>	<p>Calculations presented in Table 7 of Section 3.1 of Appendix 11.6: Outline Surface Water Drainage Strategy [APP-087] assumes that the PV arrays are placed on the ground over the full PV array area of 4,630,000 m² i.e., assuming an overly conservative approach, which would reduce the potential for infiltration, hence theoretically increasing run-off by 256 %. It</p>

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	<p>panels and would just run off the bottom panel. The applicant themselves admit water will run off 256% faster onto the ground than normal rainfall. Therefore, when you reach FCD of around 110 days per year, the run-off will create channels on the saturated ground and run off quicker downhill into the river, other watercourses and across the land. We know from prior experience that we have had on-site and off-site, particularly in Greatford, with visual evidence provided in GPC's and MPAG's WR (REP2-090), that both fluvial and pluvial flooding is an issue. We, therefore, request that this is taken seriously in the assessment as to whether the proposed development would be located in a suitable place.</p>	<p>should be noted that the Applicant has updated Appendix 5.1 (submitted at Deadline 5) to include a parameter that limits the surface area of panels to 1,647,300 m². Based on the confirmed PV area, the theoretical surface water increase (assuming PVs on the ground rather than on a racking system) would be a 90 %.</p> <p>Therefore, the calculations presented in Table 7 of Section 3.1 of Appendix 11.6 are an extremely conservative scenario.</p> <p>The raised nature of PV Arrays will not prevent soil from absorbing rainwater as the panels will not be placed directly on the ground and each PV Row will be separated, with the same area of soil available for infiltration as per the baseline scenario. Therefore, the calculated increase does not represent the impact of the PV Arrays on surface water runoff.</p> <p>The Applicant has explained how the Proposed Development is likely to lead to reduced surface water run-off rates compared to the baseline agricultural scenario in its answer to Q12.0.6 a) in the Applicant's Responses to ExA's First Written Questions [REP2-037], principally through the implementation of advanced sowing of grass, where appropriate, and planting and vegetation. This approach has been utilised on other solar developments of similar scale and the methodology has been reviewed by the relevant regulatory bodies. The Greatford Parish Council's WR was responded to in REP3-035.</p>
<p>ISH2 – Environmental Matters, agenda item 8. Noise</p>	<p><u>Construction Noise</u></p> <p>A discussion took place on the level and impact of construction noise towards the end of the discussion the MPAG was asked if it would like to raise any concerns. The biggest noise MPAG are concerned about is the piling. Even with 12 hour days and the 8 hours of piling/day split into 2 x 4hr sessions, the impact will be enormous. Parts, if not most, of the site regularly have a strong prevailing SW wind which will carry noise across the site. We are not aware of any situations or circumstances that mirror putting in 530,000 solar panels and the corresponding piling activity for other construction</p>	<p>The criteria for the assessment of the effects of construction are set out in the ES [APP-040] and derive from the guidance of BS 5228.</p> <p>It would not be reasonable to require inaudibility of any construction noise for the duration of a project, even if impulsive in nature (as is the nature of many construction activities, for example hammering). This is why construction noise is assessed relative to relevant threshold noise levels.</p>

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	<p>projects. If there are examples this would provide a benchmark and evidence of impact. We haven't found the answer to the question, but we have had feedback from some other groups of the impacts on residents from the piling activity. The piling can be heard over two miles away and has gone on far longer than originally specified. Depending on how much piling is going on across the site (which is not known at this stage) at any one time, there could also be a cumulative impact. We do not know the detail of rules and regulations, but we wonder if there is a particular guidance for utility scale solar farms given the piling activity is fairly unique in scale and monotony.</p> <p>The discussion on noise and construction hours continued. MPAG added further that even though this is our personal opinion, we think the monotonous and continuous nature of piling, were it to be six days a week, would just be too much for some people given the weekend is a time for the majority of people to take time out and relax from their heavy working week. It takes no account of the impact on those who work from home or are retired. I think if they are indicating the piling work will only take a month, then to lose half a day by not working on Saturday, within the scheme of things, it's not actually going to extend the construction period by very much. Is there any data from other schemes about what was proposed and what actually happened, maybe the LPAs have some experience of smaller solar farms</p> <p>An example of how recent work on the main power lines running impacted the local community was given by Mrs Woolley. She said: I refer you to my Written representations where described the impact of upgrading of the power lines during summer 2022 which lasted many months. It was very evident and really alerted me to the potential impact of the noise of a scheme of this size. For the upgrade to the power lines the noise levels were way higher than I would have expected. It made me appreciate how quiet it is normally, when suddenly we heard a constant whipping which went on for several weeks when the lines were slackened. It was pervasive and very impactful during the summer months when doors and windows were open and we were spending time outside. The prevailing wind</p>	<p>On this basis, the assessment in the ES did not claim that construction noise would become inaudible beyond a certain distance, simply that the expected noise levels would be below relevant criteria, which are applied nationwide to a wide range of similar construction projects, and therefore why no significant adverse noise effects were expected.</p> <p>There are a large number of construction projects including infrastructure or large buildings which require the use of piling for foundations or structural support reasons. Their assessment and regulations are based on similar criteria, management measures and construction working hours as those proposed in this case. The piles required to support solar PV panels are of relatively small size and depth compared to large structural piles for example. This means that construction would move away quickly from any particular receptor and that noise levels would then rapidly reduce even if the piling is still audible in the distance. In addition, the oCEMP (paragraph 2.7.1) includes reduced hours for piling work from the standard construction working hours. Further reductions in the working hours beyond these proposed would likely extend the construction programme which is another concern raised by MPAG. As set out in item 8 of its ISH2 Summary of Case [REP4-041], although the Applicant does not have full details of piling duration for individual fields or areas, it is expected that at least a row of panels would be able to be installed by piling in a day with the assistance of equipment such as that set out in Plate 11a of the ES [REP2-011]. It is considered therefore that the assumptions in the ES are conservative and noise impacts will be able to move away from residents quickly within the construction programme.</p> <p>The experience of the construction of the local power lines from Mrs Woolley suggests her expectation would be that the construction work would be inaudible but this is not realistic. The impact of construction noise is temporary so there is some expectation that some noise would be heard but it should be</p>

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	<p>is from the south west. It is suggested that if you are more than 100m from residential property you will not hear the piling noise. I dispute this, we are 185m from the closest field of solar arrays (field 4) and we can see solar arrays, two aspects of the house. I am absolutely certain that we and other residents will hear piling noise from way beyond 100m from where we are located given we can hear (and see) fireworks and hear music from Burghley Park a few miles away when events are taking place</p>	<p>controlled and minimised in line with applicable guidance. We cannot comment further in the absence of details on the control and management measures employed on this work and how it may differ from the management measures proposed for the Proposed Development.</p>
<p>ISH2 – Environmental Matters, agenda item 8. Noise</p>	<p><u>Operational Noise</u> The discussion moved on to consider operational noise and in particular the impact on PRoW. To limit the amount of noise it would be preferable to site the solar stations as far away as possible from the public rights of way. If you look at the indicative layouts of where the solar stations/containers are positioned, a whole series of them are planned parallel to bridleway BrAW1/1. Whilst they may be 50m away, there could be an opportunity for them to be far further east on field 36 and that would reduce the noise significantly. MPAG appreciate that the applicant might not want to do that because they would have to run the cable a bit further, however in the effort to mitigate the impacts further for both safety and pleasure derived for PRoW users, this would help.</p>	<p>Comments are noted. The final locations of central inverter stations, if used, would be determined based on a range of factors including noise and would be set out in the Requirement 6 discharge; which would also need to account for (i.e be able to discharge in accordance with) the noise levels set out in Requirement 16 and in the oOEMP. The Design Guidance has been further updated at Deadline 5 to include the following commitment: PE.4.2 – Solar Stations and storage containers will be located at least 50m from PRoW, permissive paths and rural roads, and increased further where this doesn't unnecessarily extend cabling or result in technical constraints.</p>
<p>ISH2 – Environmental Matters, agenda item 9. Highways and Access</p>	<p>A discussion focused on the arrival times to the site of HGV vehicles. The indication was that HGV would arrive on site at 9am. Concern was expressed by RCC & SKDC that this arrival time would mean vehicles would pass through Great Casterton before 9 am just at the time when pupils of the 2 schools would be arriving. MPAG commented that their understanding was that the HGV vehicles would not pass through Great Casterton until after 9am to avoid any overlap with children arriving for the school day which starts at 0845 hrs. It was agreed that the oCTMP would need to be updated to reflect this. The final question on traffic management concerned parking for the workforce at the primary site and the secondary compounds. MPAG asked for clarification on whether the plans for parking in the</p>	<p>The oCTMP [REP4-016] was amended at Deadline 4 to confirm that HGVs would be restricted from passing through Great Casterton prior to 09:00am and after 15:00pm to ensure there is no conflict with the local schools. The shuttle bus from the primary compound will be used wherever possible to transfer staff to the relevant parcel of work. As stated within paragraph 2.4.5 of the oCTMP [REP4-016], initially the temporary car park will be located at the primary compound. However, parking provision may be relocated to other parts of the Order limits subject to the phasing. This will be confirmed within later iterations of the CTMP once the principal contractor is appointed and full</p>

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	<p>secondary compounds was taken into consideration when the traffic surveys were done to look at the impact on local traffic.</p> <p>The use of shuttle buses was raised. MPAG were keen to clarify the point about the use of the shuttle bus to mitigate the effects of the traffic and parking. The socio-economic chapter talks about 50% of the people employed coming from the local area. There is a disconnect because, obviously, the local people are not going to use a shuttle bus. If there are 50% of people employed from the local area, we need to understand the likely mix of where the labour employed will arrive from, so the worst-case scenario for parking issues can be considered in advance in the oCTMP.</p>	<p>details are available on the construction methodology and staffing strategy.</p> <p>Where staff are unable to use the shuttle bus, other measures to reduce the number of vehicle trips will be utilised such as the promotion of car sharing, secured through the Travel Plan. However, even local staff will be encouraged to use the shuttle service, the routing of which could be planned to accommodate appropriate stops along the way to the Order limits if there are any feasible locations where staff are concentrated. Further details on the routing of the shuttle service will be provided within the Travel Plan secured by way of requirement on the DCO, once information on the staffing strategy and construction phasing is confirmed.</p> <p>In addition to this, all staff will arrive for their shifts prior to 7am and depart post 7pm, meaning there is no conflict with the morning (08:00-09:00am) and evening (17:00-18:00pm) network peak hours. The daily trip impacts are already accounted for within the traffic impact assessment presented within Appendix 9.6 of ES Chapter 9 Highways and Access [APP-076]. The shuttle bus has not been assumed to be in place for the purposes of the assessment.</p>
<p>ISH2 – Environmental Matters, agenda item 10. Socio-economic</p>	<p><u>Permissive paths</u></p> <p>The ExA raised a question regarding concerns raised in WR regarding the whether proposed permissive paths would be secured for the lifetime of the project and may be withdrawn at anytime by the landowners, though he did note the Applicant's response that they would be secured.</p> <p>The spokesman for the Applicant was asked to confirm the position commenting the Permissive Paths would be secured for the life of the project. Beyond that the decision on the future of the permissive paths would revert to the landowners who would then decide if they would be retained or removed.</p> <p>MPAG raised a question relating to the lifetime of the project and that if it exceeded 20 years what the implications would be for the</p>	<p>The Applicant confirms that the permissive paths would remain in place for the entire operational lifetime of the Proposed Development as secured through Requirement 7 of the DCO. They will not be converted to definitive PRow and the Applicant will take the necessary steps through the lifetime to ensure that it is not able to be considered a definitive public right of way. The oOEMP was updated at Deadline 4 to provide that any closures during the maintenance period would need LPA approval.</p> <p>As stated by the Applicant in the ISH2 [REP4-041], permissive paths are a benefit or enhancement of the Proposed Development – they are a recreational opportunity that would</p>

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	<p>Permissive Paths created. MPAG asked if public rights of way officers in the County Councils could clarify if the paths were in place for more than 20years they could be deemed to have become an adopted right of way and be required to continue in perpetuity. She asked how the applicant could make provision for that as it may sit outside the DCO with legislation determining their future. The ExA invited comment from the LPAs but the public rights officer was not in attendance.</p> <p>The applicant therefore responded explaining the rules governing permissive rights of way and how through notices users would be advised of the nature of the paths. This would allow for the paths to be withdrawn when the Solar Farm is decommissioned. He stressed this is a benefit of the scheme and they are not seeking to create new PRoW. MPAG would still like clarification of this matter from Public Rights of Way Officers of the legal mechanisms with respect to permissive paths and also for the Applicant to give a guarantee that the permissive rights would be maintained whatever the life of the scheme.</p> <p>When asked if there were any other points on the Permissive Paths anyone wished to raise MPAG raised the following:</p> <ul style="list-style-type: none"> · The action group have talked to a lot of people throughout this process and continue to do so, trying to understand what their feelings and opinions are on issues which are important to them regarding the scheme. MPAG can conclusively say that the permissive paths do not mitigate the effects of the development. As far as walkers, and in particular local residents, are concerned they will not provide a pleasurable experience for people. · In REP1-016 MPAG outlined the likely field parcels that you would see from the permissive paths, in most cases you are either adjacent too or surrounded by the solar panels on either side, which could create quite a claustrophobic feel in some situations. · There are a number of concerns with respect to the West Glen River. If, as the Applicant implies, they intend to create 	<p>not exist without the Proposed Development and are not needed to mitigate impacts.</p> <p>The same minimum 15m offset either side applied to existing PRoW has also been applied to permissive paths, creating at least a 30m wide corridor for where routes pass within the Solar PV Site, new planting also proposed. The Applicant notes LCC's view at ISH2 – Point Response Number 23 that 'The 15m is a good distance to prevent mitigation planting from enclosing routes too oppressively'.</p> <p>The Green Infrastructure Strategy Plan contained within the oLEMP [updated for Deadline 5] illustrates that much of the proposed permissive paths run through areas of green infrastructure and would not be adjacent to the Solar PV Array.</p> <p>Appendix B of the Applicant's response to ExA FWQs [REP2-038] illustrates the routing of proposed permissive paths and the existing PRoW where there has been a clear intention to link into the existing network. Furthermore, the Applicant has submitted further information at Deadline 3 Appendix B [REP3-037] regarding the network of PRoW within the locality when utilised as a wider continuous network demonstrating that many routes would remain unaffected.</p> <p>The provision of additional permissive paths, that provide circular routes may increase natural surveillance and therefore along with the regular maintenance of the Site may help discourage anti-social behaviour. The provision of permissive paths in itself is unlikely to directly lead to increases in fly tipping. The Applicant agrees that balancing of recreational and biodiversity interests needs careful consideration but the two needn't be mutually exclusive. As set out within the oLEMP [updated for Deadline 5] The details of any signage / interpretation would be agreed with LPAs through the detailed LEMPs with liaison with local communities. Requirement 7 also requires the details of the permissive paths to be approved by</p>

Agenda items	Issues Raised	Applicant's Response
	<p>an area with a quasi 'country park' feel with interpretation boards along the permissive paths and a few picnic tables encouraging people to stay in the area, it rather misses the point of providing permissive rights of way which join to existing PRoW creating circular routes. There is very little parking in the area and a risk of fires in dry conditions if people chose to BBQ down by the river.</p> <ul style="list-style-type: none"> · At the point the proposed permissive paths join the bridleway BrAW/1/1 there is already a problem with some anti-social activity e.g. fly-tipping which could be exacerbated. · The river Glen is seen as an area where biodiversity is to be enhanced, this objective could be compromised if the permissive PRoWs attract significant numbers of people and some antisocial behaviour. <p>We would ask that these points are considered and that if these permissive paths are to be seen as a genuine community benefit, particularly to those impacted by the scheme that they are not 'commercialised'. Nature is nature and it should be enjoyed and experienced as you walk/ride. You don't need information boards all over the place to tell you what you're looking at and listening too. If it is commercialised in any way there may be some undesirable outcomes.</p> <p>There was a discussion about the Rutland Round and whether permissive paths would contribute to this initiative. MPAG confirmed it would have no link with the proposed development as it is not in close enough proximity. This is understood from Mrs Holloway's partner, who previously worked on a Rutland Round project.</p> <p>A further conversation took place regarding the setback of the panels from the permissive rights of way, and by inference the existing PRoWs. MPAG signposted the ExA to photomontage F (recently taken) which showed the setback. Additionally the point was made that the photomontage was not representative of the most likely view in the area. Had the photo been taken out of the dip at 52.69065 N and 0.43234 W; what3words "cuddled.ally.lifeboats", the view is expansive north across the site to Carlby across fields</p>	<p>the LPAs who would also be able to consider the concerns raised by MPAG in considering the Applicant's proposals.</p> <p>In relation to the location of photomontage F this location was requested by the ExA but the Applicant agrees this can be considered at the ASI.</p>

Agenda items	Issues Raised	Applicant's Response
	<p>27,29,30,31,32,34,35 and also west across to Essendine. Also field parcels south of the railway line can also be seen. This can be reassessed at the site inspection in August to understand the limited use of the existing photomontage, and viewpoints 6a and 6b from which it was derived, and to understand the full extent of the landscape and visual impact.</p>	
<p>ISH2 – Environmental Matters, agenda item 12. In combination and Cumulative Effects</p>	<p><u>Effects on users of ProW</u></p> <p>When invited to make comment with regard to the concerns on walking routes and in particular Will's Walks MPAG commented: It's not quite clear to me what the applicant is trying to demonstrate. We have tried to show through our representations that there are a number of things that will have attracted both the local people and visitors to the area, e.g. Will's walks. The applicant has put some of these onto this map. But they are not definitive, people don't just stick religiously to a walk, they come to an area, they enjoy the walk that brought them to the area, they may then explore and go further.</p> <p>The applicant seems to be arguing that they are not within the site, so they're not relevant and the solar farm will have no impact. We don't believe that is the case, people visit the area, they explore and they see what else there is on offer so it expands that recreational amenity. There has been a noticeable and significant uplift in recreational activity since Covid in particular. This is recognised across the country, in government, with a recognition that recreational amenity is important and valued.</p> <p>A discussion was developed that raised the issue of tree and hedge planning and how that would affect the experience of PROW users. What will be different is the height of the hedges. At the moment we have hedges which are appropriate to arable farming and the character area for this landscape. And even accepting over the time that we've lived in the area, those hedges have gradually grown higher as people have recognised the environmental benefits of hedgerows. But we're now talking about planting, which, if I understand the proposals the Applicant is bringing forward, will be significantly higher if there are to have any meaningful screening</p>	<p>The Applicant submitted further information at Deadline 3 Appendix B [REP3-037] regarding the network of PROW within the locality when utilised as a wider continuous network demonstrating that many routes would remain unaffected, including the routes identified as part of Will's Walks in the locality, noting that there are a number of other Will's Walks identified within Lincolnshire.</p> <p>The maps at Appendix B indicate that some limited extents of routes identified as Will's Walks would be affected but the majority would not.</p> <p>The Applicant's submissions at the Hearings and in [REP3-037] set out its position on the impacts to PROWs as a resource.</p> <p>The Applicant has responded previously on the suitability and appropriateness of mitigation planting [REP3-032] (and earlier in this response document) which accords with landscape character guidelines and aspirations of the Kesteven Uplands and Rutland Plateau – Clay Woodlands landscape character areas as set out in the Rutland Character Assessment (2003) and South Kesteven Character Assessment (2007) which promote new woodland and hedgerow planting and the use of new planting to minimise visual impacts. The Proposed Development therefore contributes positively towards these objectives.</p> <p>The oCEMP [REP4-007] and oCTMP [REP4-015] were updated at Deadline 4 to ensure consistency regarding management of closures of PROWs.</p>

Agenda items	Issues Raised	Applicant's Response
	<p>effect on the fields of solar arrays, whether on a PRoW or on the road network. That will materially change the visual character and landscape of the area. The question is whether that is in keeping with the area or is it at more in keeping with the Southwest, well known for its high hedges and narrow lanes rather than the open landscape that is typical in Lincolnshire, Leicestershire and Rutland.</p> <p>The discussion developed to consider the PRoW management plan and the Applicant proposed that this would be included as part of the oCEMP. Mrs Holloway made the following comment:</p> <p>If it were to be in one document and it will be in the oCEMP, please pay particular attention to how it is linked with the traffic management plan as well. This point is made because there are quite a lot of impacts on the public rights of way in terms of temporary closings. But also, if you think about the users and thinking particularly of horse riders, there are significant implications of the construction programme on horse riders for their safety because wherever they go in the area, they're going to be confronted by construction work, whether it's on the roads or via the public rights of way.</p> <p>Speaking on the impact of in-combination effects on Health and Well-being, Mrs Holloway speaking for MPAG commented:</p> <p>"I think you probably know what I'm going to say and that is that we completely disagree as a community. As I say, I've spent nearly the last two years working amongst hundreds of people, talking them through the issues, and from what I hear this proposal has had a significant negative impact on them even before we have a judgement on whether it's going to proceed or not.</p> <p>The in-combination effects must not be underestimated. How you assess what the impacts are in a national context is a task for those determining the outcome of the application. But one consideration we hope will be to protect the NHS from unnecessary costs. It could be argued that the side effects and implications of this could have knock on costs for the NHS either through mental or physical health. I'm sure we already have examples where residents' mental and physical health is being impacted but these are not a discussion for this hearing.</p>	<p>The Applicant clarified the approach to in-combination and cumulative effects and its position on health impacts during ISH2 [REP4-041]. This built on its Deadline 3 submission [REP3-036].</p>

Agenda items	Issues Raised	Applicant's Response
	<p>The Applicant does not appear to be appreciating the in-combination effects on those who are impacted by all/most of the issues all/most of the time. There is no escape!"</p>	
<p>CAH1 – Compulsory Acquisition Hearing - agenda item 3.</p>	<p>Irrespective of which cable route is chosen for cables needing to cross the main railway line, there is still cabling planned to come into Essendine from Pickworth Road and onto the A6121. There has been no apparent assessment of this proposal in any of the documents and is worthy of consideration to look at alternative options e.g. running cross-country along the field margins of the solar areas from the NW part of the site across to Uffington Lane.</p>	<p>The Traffic Regulation Measures Plans - Temporary Measures [AS-008] did not include a temporary road closure on Pickworth Road where cabling works within Works Area Number 4 may be required within the road, which was left off in error. The TRM plan has been updated for Deadline 5 to show that a temporary road closure may be required in Pickworth Road.</p> <p>Environmental Statement (ES) Chapter 9: Highways and Access [APP-039] considered the effects of temporary road closures across a range of roads in the study area including but not specific to Pickworth Road within Section 9.6 and concluded that there would be a non-significant effect across all of the Highways and Access assessment topics (e.g. Severance; accidents and road safety etc.).</p> <p>ES Chapter 10: Noise and Vibration [APP-040] considered the effects of cabling works within Works Area Number 4 (including Pickworth Road) at paragraphs 10.8.7-10.8.8, concluding that the works would be of very short duration and correspond to a minor significance of effect which is Not Significant.</p> <p>Flexibility has been incorporated into the extent of Work Number 4, that would allow for the cables to be routed cross country and cross the A6121 along the southern edge of Field 15 [APP-112]. The final routing of the cabling will be determined at the detailed design stage, pursuant to Requirement 6 of the dDCO [REP4-026]. Further measures have been included with the Design Guidance (PE3.4) within the DAS submitted at Deadline 5.</p>

APPLICANT'S RESPONSE TO OTHER INTERESTED PARTIES' DEADLINE 4 SUBMISSIONS

Parties Raised	Agenda items	Issues Raised	Applicant's Response
[REP4-064], [REP-065] John Hughes	ISH 1 – Scope of the Development, agenda item 3.	<p>The Applicant has or will have, the ability to procure the necessary land and rights in order to provide the proposed Onsite Substation to facilitate the Grid Connection.</p> <p>Does the result of this mean the substation will not be decommissioned and the land in field 19 will not be put back to agricultural use and, in future, could be used for justification of granting future developments to the West of the East Coast Mainline?</p>	<p>In the ES Chapter 12 [APP-042] the entirety of Field 19 (6.4ha) has been included in the assessment of land areas measured as though it will be irreversibly developed. The assessment is considered to be a worst case as it includes all the land within Field 19 even though the onsite substation will only involve 2ha and the temporary primary construction compound will temporarily involve up to 4ha.</p> <p>It is anticipated that the Proposed Development will be decommissioned at some point in the future. All solar infrastructure, including the proposed Onsite Substation will be removed and recycled or disposed of in accordance with good practice. As detailed in Chapter 12 [APP-042] the land will be handed back for agricultural purposes when the Onsite Substation is decommissioned. As assessed, the impacts from decommissioning are negligible, as there will be no significant sealing-over or downgrading of agricultural land.</p> <p>The Proposed Development does not change the status of Field 19 (or any land) to brownfield land.</p>
[REP4-064], [REP-065] John Hughes	ISH 2 – Environmental Matters, agenda item 10.	<p>One of the proposed permissive footpaths runs up the side of the ECML, and if you were walking to it using the footbridge over the ECML line, on the left-hand side of you would be the railway embankment and on the right would be the field of PV arrays, with the regards to the openness and attractiveness of the footpath it would not be something you would want to walk along because even as train spotter you would not be able to see a train as you would be looking up the embankment.</p>	<p>Much of the route of this particular proposed permissive path – The Essendine Eastern Loop - runs through an area of retained arable land and would not be adjacent to the Solar PV Site. It would remain relatively open allowing views out and over the surrounding landscape.</p> <p>Where it does pass through the Solar PV Site, the permissive path would be subject to at least 15m offset with additional planting also.</p> <p>As shown in the PRoW plans at Appendix B of the Applicant's response to FWQs [REP2-038] the route provides a circa 3.2km loop to the east of Essendine,</p>

Parties Raised	Agenda items	Issues Raised	Applicant's Response
		<p>So, is there any benefit to the local community, and would they actually use them as the Essendine Industrial estate's end destination?</p>	<p>linking Essendine to the northern and southern ends of Bridleway E182 (BrAW/1/1).</p>
<p>REP4-063] Jo Gresty</p>	<p>ISH2 – Environmental Matters, agenda item 8.</p>	<p>With regard to noise and disturbance, much of the area is very quiet. Using a sound meter app on my mobile phone, I have just taken a noise reading on The Drift, next to Field No 2. The noise level fluctuates between 16 and 25 decibels. This is on a blustery day with relatively high wind noise (the Met Office records indicate a windspeed of 18 mph and gusting 29 mph in Stamford at 4pm on 12.07.23).</p> <p>Noise is a matter of context. The applicant has said that a substation would emit noise levels of about 50db and would have a similar noise profile to a car and, as such, would be “insignificant”. This would not be insignificant and would be 3 2 to 3 times the background level audible during the working day on a relatively noisy day, and very audible from the public domain, like the very well-used public right of way The Drift.</p> <p>Unlike a car or train, which comes and goes, the noise from the proposed development would be constant.</p> <p>As I have already submitted, noise levels on a quiet summer day and at nightfall to 5 db in the area of The Drift (Fields 1, 2 & 3). The 80 or so proposed substations would be emitting 10 times this level of noise each. It's not clear just how loud moving equipment like the rotating axis panels would make. This level of noise would be very disturbing and audible from our houses on The Drift and from the public rights of way.</p>	<p>It was noted in previous responses that readings from mobile phone apps are often not accurate, and the measurements reported in Appendix 10.4 of the ES [APP-080] should be referenced instead. The assessment in the ES took into account the existing noise levels in the area.</p> <p>To clarify, the levels of up to 50 dB(A) refer to worst-case predictions that would be experienced on limited portions of some of the PRowWs during periods of maximum operation of the electrical equipment. Other parts of the PRowWs would be exposed to lower noise levels, and the experience of the highest noise levels, when passing closer to a central inverter, would be transient as users progress through the PRowWs. In a way this would be similar to portions of some PRowWs which pass close to roads (but at a lower noise level) and therefore not a “constant” noise exposure.</p> <p>Residential properties (including garden areas), where the noise is more likely to be experienced for extended periods of time, would be exposed to much more stringent maximum noise levels of 35 dB(A) and not 50 dB(A) as suggested in the response.</p> <p>So, houses on the Drift and elsewhere would not be exposed to the levels claimed.</p> <p>The noise from the rotation of the panels (if this technology was used) was assessed to be negligible.</p>

Parties Raised	Agenda items	Issues Raised	Applicant's Response
		As the applicant says, it is a matter of context. Small noises lost in an urban setting can be very noticeable in the quiet development area. Noise from the proposed development could prevent residents from sleeping when windows are open.	
[REP4-067] Richard Williams	ISH3	Mr Williams raises concerns about the Applicant's approach to decommissioning.	<p>The commitments provided by the Applicant in the dDCO [REP-027] and the outline Decommissioning Environmental Management Plan [REP-011] are preceded in a number of approved DCOs, including other solar and off-shore wind projects.</p> <p>The Applicant has entered negotiations with Mr Williams in relation to decommissioning and expects this to be resolved during the course of the Examination. These matters will be discussed outside of the DCO process as they do not form part of the ExA's consideration. However, the Applicant notes that Article 44 of the dDCO provides that the Applicant cannot exercise any powers of compulsory acquisition until a guarantee or alternative form of security is put in place and approved by the Secretary of State.</p>
[REP4-067] Richard Williams	CAH1	Mr Williams has raised queries about whether a compelling case is made out for the compulsory acquisition of plot 01-01.	Please see the Applicant's response to SWQ 4.0.8 also submitted at Deadline 5.
[REP4-067] Richard Williams	CAH1	Mr Williams has raised concerns around the panel type in relation to plot 01-01. Noting that the applicant has quoted a figure of 660W per panel and identified that overplanting will be required. It has not stated whether it is proposing to use Bifacial panels, which	The Applicant has considered the use of bifacial PV Modules and the illustrative design has been based upon a 660W bifacial panel.

Parties Raised	Agenda items	Issues Raised	Applicant's Response
		<p>generate electricity on both the upper and lower panel surface and can improve system energy generation by up to 25%. Mr Williams' states that is quite possible that the applicant could use a combination of Bifacial panels and re-allocation of the "other" land use to make up any shortfall in energy production "lost" by not using plot 01-01.</p>	
<p>[REP4-067] Richard Williams</p>	<p>CAH1</p>	<p>Mr Williams states that there are limited public benefits deriving from the compulsory acquisition of plot 01-01. Noting that it would produce only a small proportion of the renewable power generated by the scheme so will have negligible impact on either decarbonising the grid or the price of electricity. It has negligible mitigation value as it is already surrounded by hedgerows and has no permissive paths.</p> <p>"Removing our land from the proposal would therefore require the applicant to find 130 acres within the remaining 1,019 acres of "other" contracted land on which to "plant" solar panels, which it must be able to comfortably do within the guidelines for MW/Acre".</p> <p>At page 51 of the Design & Access Statement the applicant states that the fields within the order limits adjacent to this land were not considered appropriate due to "the fields proximity to the ancient woodland, existing residential properties and relatively isolated area of land north of Carby road." Plot 01-01 sits in a similarly isolated area, within the impact zone of the SSSI's of Newell Wood, Ryhall Pasture & Little Warren Verges and in close</p>	<p>Please see the Applicant's response to SWQ 4.0.8 also submitted at Deadline 5.</p>

Parties Raised	Agenda items	Issues Raised	Applicant's Response
		proximity to Tolethorpe Oaks & Turnpole Wood (both ancient woodland) and Little Warren Woods and directly adjacent to several residential dwellings. By simple comparison, Plot 01-01 would appear to be less suitable than land that was available to the applicant to purchase outright.	
[REP4-067] Richard Williams	CAH1	It is not clear that the applicant explored the opportunity to acquire approx. 250 acres at Braceborough which was being offered for sale recently. It sits adjacent to the order limits to the north of Carlby road and east of Braceborough Great Wood (see map below).	Please see the Applicant's response to SWQ 4.0.8 also submitted at Deadline 5.
[REP4-067] Richard Williams	CAH1	Mr Williams has questioned the Applicant's commitment to improving biodiversity. Particularly in relation to the connectivity between Little Warren Wood and the Ryhall Pastures/Little Warren Verges SSSI. Noting that as the plot 01-01 forms part of a larger landholding upon which a variety of carbon friendly and biodiversity enhancing activities are already take place, the biodiversity gains are questionable. The only real difference is the change from arable land to solar panel arrays surrounded by fences.	The Green Infrastructure Strategy (included within the oLEMP submitted at Deadline 5), includes the creation of Proposed Wildflower Grassland with Calcareous Species on land that is classified as cultivated/disturbed land as shown on Figure 7.3 of the ES [APP-178], which represents a gain in terms of habitats.
[REP4-067] Richard Williams	CAH1	Mr Williams has raised concerns about the lack of consultation with regards to the book of reference. Noting that not all members of the Williams' family who have ownership in the land were contacted.	The Applicant amended entries in respect of Mr Williams at Deadline 4.
[REP4-067] Helen Woolley	CAH 1 – agenda item 3.	The first is that having reviewed the book of reference, and there appear to be some anomalies regarding the plot number from Plot	The principle of ad medium filum, is the legal presumption that, where a property fronts on to a public highway, the title

Parties Raised	Agenda items	Issues Raised	Applicant's Response
		<p>01-11 to 01-18. It is not clear from the book of reference why there are a number of plot references between our and our neighbour's properties. I also think the allocated plot numbers may not accurately reflect the ownership of our respective properties. In addition, plot reference 01-17 does not appear in the book of reference.</p> <p>Footnote: During the hearing, the ExA requested the discussion above regarding Book of reference be taken off-line and discussed directly with the applicant, which both parties agreed to do.</p> <p>I would also like to clarify that it does not appear to be recorded that we and our neighbour have a right of access to a track adjacent to the south of our properties, which is part of plot 01-18. The applicant was aware of this when we completed the land use interest questionnaire.</p>	<p>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 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>
[REP4-067] Helen Woolley	CAH 1 – agenda item 3.	Mrs Woolley expressed concern about the right to have vehicular access to her property, and the access at plot 01-18 is not going to be	The outline Construction Environmental Management Plan (oCEMP) [REP4-007] was updated at Deadline 4 to clarify that “Vehicular access to private residential properties will

Parties Raised	Agenda items	Issues Raised	Applicant's Response
		<p>compromised at all during the construction or operation of the scheme.</p>	<p>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.</p> <p>In the case of Mrs Woolley, the Applicant can confirm that no cables are proposed in front of the property.</p>
<p>[REP4-053] Essendine Village Hall</p>	<p>CAH 1 – agenda item 3.</p>	<p>Essendine Village Hall raised concerns about the impacts of cabling works taking place in Essendine affecting the day-to-day operation of the village hall and the various uses that take place within it as well as access to adjacent residences via Plover Road.</p>	<p>The outline Construction Environmental Management Plan (oCEMP) [REP4-007] was updated at Deadline 4 to clarify that If the option to route cables through Essendine is selected at least one of the existing footways through Essendine Village will remain accessible during the works and/or a temporary footpath will be put in place. This will ensure that the access to the Essendine Village Hall will be maintained at all times.</p> <p>As shown on the Traffic Regulation Measures Plans - Temporary Measures [APP-014], there are to be no road closures along Essendine Road. There may be a need for temporary traffic signals to accommodate the cabling works although this would be temporary. The works will be managed to ensure that there is suitable access into Plover Road and the Village Hall at all times, which is to be managed through the CTMP that is to be secured by way of Requirement on the DCO, with the scope of the works and any relevant traffic management agreed with RCC in advance of any works being undertaken.</p> <p>There will also be communication through the Traffic Management Working Group and principal contractor to communicate when these works are taking place in advance, and the liaison measures added to the outline CEMP at Deadline 4.</p>

APPENDIX 1: RESPONSE FROM INSURANCE BROKERS – AMI SPECIALITY



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31 August 2023

Dear Sirs,

Mallard Pass Solar Farm

By way of background, AMI Specialty (“AMI”) is authorised and regulated by the FCA to broke insurance with underwriters in the Lloyd’s of London insurance market. AMI’s infrastructure team have worked closely with Cleve Hill Solar Park Limited (the UK’s first solar and battery energy storage NSIP project) consents team from 2015 to date. AMI has successfully placed the construction all risks (“CAR”) insurance cover for Cleve Hill’s solar phase, furthermore AMI is currently working with Cleve Hill’s parent Quinbrook Infrastructure Partners: <https://www.quinbrook.com> to provide CAR cover for phase I of the project’s battery storage.

Typically underwriters for CAR would expect to provide cover for the operational life of the asset and the lead underwriter for Cleve Hill, Berkshire Hathaway:

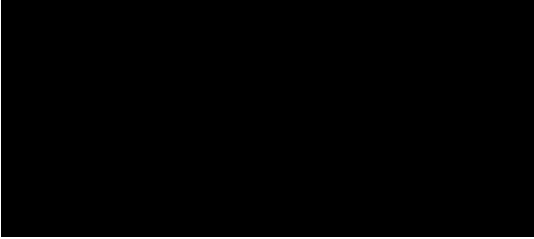
<https://www.bhspecialty.com> and accompanying underwriters are no exception.

Mallard Pass Action Group’s Deadline 4 submission comments regarding security and insurability raise extremely cogent points; underwriters for large-scale utility assets evaluate risk on a case-by-case basis and conduct exhaustive DD of the scheme, the applicant and their contractors.

More specifically the candidate design for Mallard Pass proposes the same perimetral boundary as the consented Cleve Hill scheme i.e. deer fencing. Mallard Pass Action Group are right to suggest that in isolation, and in certain locations this type of fencing may receive declinations from some underwriters.



However, given the proposed scheme's security provisions and the Applicant's engagement with insurers regarding an overarching security management plan (especially during construction which is deemed the most high-risk phase), AMI have received confirmations from leading underwriters in the Lloyd's market that the proposed boundary in Mallard Pass' candidate design is fully insurable.



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AMI SPECIALTY
International Insurance & Reinsurance Brokers