



SOUTH
KESTEVEN
DISTRICT
COUNCIL

**Application by Mallard Pass Solar Farm Limited for Mallard Pass Solar Project
The Examining Authority's written questions and requests for information (ExQ2)
Issued on 15 August 2023**

**Responses by South Kesteven District Council
5 September 2023**

The following comprises the formal responses of South Kesteven District Council (SKDC) to the ExA's Written Questions for Deadline 5 (5 September 2023). Responses are provided to the questions directed and/or applicable to SKDC only.

ExQ1 1	Question General and cross-topic questions	SKDC Response
1.0	Design, parameters and other details of the Proposed Development	
Q1.0.1	<p>Paragraph 3.10.56 of the draft National Policy Statement (NPS) EN-3 (March 2023) says that an upper time limit of 40 years is typical, although applicants may seek consent without a time period or for differing time periods of operation. Any Requirement within a DCO should only be imposed (amongst other things) where it is necessary to make the Proposed Development acceptable and is reasonable in all other respects.</p> <p>If you consider that an operational time-period should be imposed within the DCO, please concisely set out details of why you consider it to be necessary and reasonable, including with reference to any relevant national or local planning policies.</p>	<p>SKDC considers that an operational time-period of 40 years should be imposed should the scheme be consented. This would be in-line with other recently consented NSIP solar schemes and would provide a degree of certainty regarding the operational life of the project. This is also the time period used for assessing decommissioning in the ES.</p> <p>The scheme would result in the loss of a significant amount of BMV land. Without a defined operational time-period, this loss would be permanent. A permanent loss of BMV would be contrary to SKDC Local Plan Policies SP1 and RE1 (see Renewable Energy Appendix 3 solar criterion 9).</p>
Q1.0.2	<p>Paragraph 3.10.58 of draft NPS EN-3 indicates that a time limited consent would not prevent the Applicant at a later date from seeking to extend the period of consent.</p> <p>Please comment on this scenario, including whether or not it would be a preferable option in this instance given that it would i) allow the Applicant to consider at a later stage whether or not it wishes to seek such an extension and (ii) would allow for the matter to be considered in the light of the relevant planning policies and material considerations that would be applicable at that time</p>	<p>The updated NPPF para 158 also states that in the case of applications for the repowering and life-extension of existing renewable sites, significant weight should be given to the benefits of utilising an established site.</p> <p>Nonetheless, this would allow a full consideration of the scheme in the context of current policy, need, relevant technology etc. at that time. In the event that an extension were allowed, it could result in a materially different scheme from that consented 40-years previously in terms of necessary land use and the type of panels being used. This could be preferable to all parties.</p>
Q1.0.5	<p>In the event that the Secretary of State was minded to impose a restriction in the dDCO on the operational time period of the Proposed Development, please state, along with relevant justification, what you</p>	<p>For the reasons set-out above, SKDC would recommend an operational time-period of 40-years.</p>

ExQ1	Question	SKDC Response
	consider a reasonable time period would be in this case?	
Q1.0.10	<p>Mallard Pass Action Group (MPAG) has provided details at Deadline 4 [REP4-054] regarding security issues faced by solar farms along with implications for the type and form of fencing that might be required.</p> <p>a) The Applicant and other parties are invited to provide comments on MPAG’s submission, including any implications that arise for the Proposed Development.</p> <p>b) Has any engagement and/or consultation been carried out for the Proposed Development with any relevant ‘Designing Out Crime Officer’ or similar post holder, with particular regard to proposed security matters, including the type of fencing proposed? Please provide details of this as applicable.</p> <p>c) If no such engagement has been carried out to date, it is requested that such a response(s) is/are now sought and reported to the Examination, bearing in mind the concerns raised by MPAG.</p> <p>d) Can the Applicant provide any further substantive evidence to support its position that the proposed fencing would be suitable for the Proposed Development in the light of relevant crime risks.</p> <p>e) With particular regard to fencing, what reassurance can be provided that details to be submitted for approval under Requirement 8 of the draft DCO will accord with those provided in the illustrative material</p> <p>f) Are any enhancements required to the Design Guidance [REP2-018] in this respect? Please provide suggested drafting as applicable.</p>	<p>a) SKDC agree that security fencing is likely to be necessary and therefore it’s impacts should be assessed at this stage.</p> <p>b) SKDC have not consulted Lincolnshire Police Designing Out Crime Officer to date</p> <p>c) Consultation issued, no response to date. This will be submitted when received.</p> <p>d) N/A</p> <p>e) N/A</p> <p>f) Further comments to be provided following advice from DOCO</p> <p>g) N/A</p>

ExQ1	Question	SKDC Response
	<p>g) Does the Applicant have any comments to make on MPAG’s submission on the potential need to assess the ecological effects of the Proposed Development with high security fencing without mammal passes?</p>	
<p>Q1.0.12</p>	<p>The implications of decisions made on other solar farm schemes, including the Nationally Significant Infrastructure Project at Longfield and the planning appeal for the Town and Country Planning Act scale development in Hambleton [REP-037] were discussed at the Issue Specific Hearings [REP4-022]. The Examining Authority notes the recent appeal decision issued on 21 July 2023 for a solar farm in South Derbyshire (appeal reference: APP/F1040/W/22/3313316) that was dismissed.</p> <p>b) Do the local authorities and Mallard Pass Action Group have comments to make on the decision?</p> <p>c) Are there any other recent decisions that may be of particular relevance to the Proposed Development?</p>	<p>The South Derbyshire appeal decision cites the Written Ministerial Statement dated 25 March 2015 relating to the unjustified use of agricultural land and the requirement that any proposal for a solar farm involving the best and most versatile agricultural land (BMV) is required to be justified by the most compelling evidence.</p> <p>An interesting point is also made about the lack of available evidence regarding land quality, in the absence detailed soil sampling. This raises the question of whether lower grade land could be present beyond the order limits, that is still within close enough proximity of the connection point.</p> <p>The submitted scheme would clearly result in the loss of a significant amount of BMV land and would also take an even larger area out of productive agricultural use. These are negative impacts of the scheme and the weight to be attached to these needs careful consideration. Important factors are whether an operational time-period is imposed, the likelihood (or not) of other lower grade land being available beyond the order limits, the justification for inclusion of BMV land within the order limits and whether alternative agricultural uses (i.e. grazing) can be secured through the DCO.</p>
<p>1.1 Need</p>		
<p>Q1.1.1</p>	<p>At Deadline 4 the Applicant submitted the Climate Change Committee Progress Report to Parliament -28 June 2023 [REP4-23] and the Future Energy Scenarios Report - 10 July 2023 [REP4-024] as raised by them at Issue Specific Hearing 1 (ISH1). Table 1 of the former specifies that Solar PV is “significantly off track” in relation to progress. The latter also provides commentary in respect of the need for solar and considers the implications of a range of possible scenarios from “falling short” to “leading the way” in terms of the speed of decarbonisation and the level of societal change. For solar, on page 132, the leading the</p>	<p>The latter report emphasises the importance of battery storage in relation to optimising the efficiency of solar technologies. Given the potential for grid capacity issues, the omission of battery storage is considered to be a limitation of the proposed scheme.</p>

ExQ1	Question	SKDC Response
	<p>way scenario is described as the maximum solar generation scenario – <i>“solar generation is co-located with flexible technologies at different connection voltages (i.e. with electrolysis or grid-scale battery storage for solar farms...”</i> Grid capacity and connections are cited as factors that may limit potential.</p> <p>Do the local authorities and Mallard Pass Action Group have any specific comments to make regarding the implications of these two reports for the consideration of the Proposed Development?</p>	
Q1.1.3	<p>Does the announcement made on 31 July 2023 by Government of its commitment to undertake future oil and gas licensing rounds have any implications in relation to the case for the need for Proposed Development?</p>	<p>SKDC consider that the need to renewable sources of energy remains in order for the Government to reach it’s net zero targets by 2050.</p>
<p>1.2 Site Selection and Alternatives</p>		
Q1.2.1	<p>a) Having regard to the preference expressed in national policy to use poorer quality agricultural land except where this would be inconsistent with other sustainability considerations, should soil surveys have been undertaken outside of the proposed Order limits to inform the site selection process and boundary of the Order limits?</p> <p>b) To what, if any, extent does the absence of this survey work reduce the weight that should be attributed to the consideration of alternative sites?</p>	<p>a) Yes, particularly as much of the surrounding land is indicated as being grade 3 and therefore there is insufficient information to assess whether this is BMV or not.</p> <p>b) This would mean that only limited weight should be attributed to alternative sites where detailed soil sampling data is not available.</p>
Q1.2.3	<p>Paragraph 3.10.14 of the draft National Policy Statement for Renewable Energy (EN-3) states the following; <i>“While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible,</i></p>	<p>SKDC understand the policy to mean that the use of agricultural land should be justified, but this is not a predominant factor in determining site selection. However, it is clear that the use of BMV land should be avoided and therefore, it follows that where a site is identified has having a high proportion of BMV land, this could be predominant factor in site selection.</p>

ExQ1	Question	SKDC Response
	<p><i>utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible).”</i></p> <p>The first sentence of this paragraph states that land type should not be a predominating factor in determining the suitability of the site location. Should this be interpreted as applying to the use of agricultural land, including land classified as Best and Most Versatile (BMV)? In other words, should the agricultural use (and extent of BMV land) be considered as a predominant factor in the site selection process or not?</p>	
2	Air Quality and Emissions	
Q2.0.1	<p>The Applicant’s response to the Examining Authority’s First Written Question Q2.0.1 [REP2-037] confirmed that a Dust Management Plan (DMP) will be prepared and that this is secured in the outline Construction Environmental Management Plan (oCEMP) [REP3-010]. Table 3-6 of the oCEMP also outlines monitoring provisions. Preparation of the DMP will involve further detailed evaluation of the risk of dust generating activities using the detailed construction information that will be available to inform the preparation of the detailed CEMP.</p> <p>Do the local authorities have any specific comments to make on the provisions made for the DMP and future monitoring and liaison with them on dust and air quality?</p>	SKDC satisfied with proposed mitigation measures through DMP.
3	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	

ExQ1	Question	SKDC Response
Q3.0.1	<p>The latest version of the draft Development Consent Order (dDCO) submitted at Deadline 4 [REP4-026] amends Requirement 7 (2) (f) to commit to a minimum of 65% biodiversity net gain. This figure allows for a 10% contingency for allow for changes that may occur at the detailed design stage. No amendments are proposed to confirm which version of the biodiversity metric that should be applied. The reasons given for this by the Applicant are centred around the uncertainty over future iterations of the metric and potential implications that this may have in terms of compliance with the outline Landscape and Ecology Management Plan (oLEMP) [REP4-014], the DCO and potential materially new or different effects from those assessed in the Environmental Statement (ES) [REP4-041] that may arise. It is noted that Objective 1 of the oLEMP still refers to a minimum of 10% net gain.</p> <p>a) Would the local authorities seek to apply the latest available version of the metric at the time of approval in the absence of any clarity on the matter in the DCO?</p> <p>b) Do Natural England have any further comments to make on this matter given the recent publication of version 4.0 of the metric?</p> <p>c) Can the Applicant provide further clarification of the basis for the 10% contingency?</p> <p>d) Should Objective 1 of the oLEMP be updated to refer to 65% biodiversity net gain?</p>	<p>a) yes</p> <p>b) N/A</p> <p>c) N/A</p> <p>d) yes and also a BNG target for hedgerows, which SKDC understand has now been included.</p>
Q3.0.2	<p>In relation to the reinstatement of grassland verges used for passing points during construction, Table 3-2 of the updated outline Construction Environmental Management Plan (oCEMP) [REP4-008] now includes measures to store seeds collected within the remaining</p>	<p>a) Satisfied further details can be secured as part of the approval process of the final CEMP</p>

ExQ1	Question	SKDC Response
	<p>areas of verges with efforts made to translocate any orchids found within the footprint of the passing points.</p> <p>a) Should the oCEMP provide further details of how these commitments will be implemented?</p>	
Q3.0.3	<p>The Applicant's Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) [REP4-041] provides a post-hearing note in response to a query raised by the Examining Authority (ExA) regarding possible effects on the Ryhall Pasture and Little Warren Verges SSSI and species rich grassland verges from Light Goods Vehicles (LGVs) and cars during construction. It acknowledges that whilst there are no restrictions proposed in relation to the routing of such vehicles, the Transport Assessment [APP-074] identified that the majority of staff that drive to the site will use alternative routes from the Strategic Road Network although it is acknowledged that there may be some trips from local staff. These are considered not to any have material impact.</p> <p>However, it is noted that the outline Construction Traffic Management Plan (oCTMP) [REP4-016] acknowledges that assumptions regarding all staff and LGV trips will be reviewed within the CTMP once the origin of construction staff has been confirmed.</p> <p>a) Is the carriageway width along the length of Holywell Road that passes through the Ryhall Pasture and Little Warren Verges SSSI sufficient to accommodate two passing LGVs?</p> <p>b) Should the oCTMP and outline Construction Environmental Management Plan (oCEMP) make provision for possible introduction of measures to avoid harm to the Ryhall Pasture and Little Warren Verges</p>	Defer to LCC (as LHA) comments

ExQ1	Question	SKDC Response
	SSSI once the origin of construction staff has been confirmed? If so, what measures should be earmarked for implementation should the need arise?	
Q3.0.4	<p>Paragraph 3.1.14 of the oLEMP [REP4-014] makes provision for the installation of 50 bird and 50 bat boxes across the Order limits. Rutland County Council has raised concerns that this number is insufficient given the size of the Proposed Development [REP2-044]. The Applicant's response at Deadline 3 states that boxes will need to be installed on mature trees due to their size and therefore provision is appropriate given the number of such trees within the Order limits [REP3-026].</p> <p>a) Do Natural England, Lincolnshire County Council, South Kesteven District Council, Lincolnshire Wildlife Trust and the Mallard Pass Action Group consider the number of bird and bat boxes to be provided to be sufficient?</p> <p>b) If deemed necessary, please comment on possible means to increase provision.</p>	Defer to comments and advice from LWT/ Natural England
Q3.0.5	Section 6.2 of the oLEMP [REP4-014] provides outline details for monitoring arrangements. Does this provide sufficient detail at this stage to address the requirements of draft NPS EN-3 paragraph 3.10.121? If not, what detail should be added?	Defer to comments and advice from LWT/ Natural England
Q3.0.6	Concerns have been raised that the mitigation measures for Skylarks are insufficient [REP2-208] . Specifically, it is suggested that measures aimed at providing food for chicks during Spring and Summer and over Winter for adults should be taken forward.	Defer to comments and advice from LWT/ Natural England

ExQ1	Question	SKDC Response
	Is additional mitigation required for Skylarks? If so, should it comprise of measures for providing food or other proposals	
3.1 Habitats Regulations Assessment		
Q3.1.1	<p>The Mallard Pass Action Group has raised concerns regarding potential nutrient run off from the creation of wildflower grassland and storage of arisings that may result in adverse effects on the Baston Fen Special Area of Conservation (SAC). The Applicant's response states that nutrients leaching into the soil will be minimal compared to what is added to arable land for farming under its current use. Grasslands will also manage run off [REP4-041].</p> <p>Do Natural England and the local authorities have any comments to make on this issue and the Applicant's response?</p>	Defer to comments and advice from LWT/ Natural England
Q3.1.3	<p>At Issue Specific Hearing 2 the Applicant was asked whether there was scope to update the sHRA in response to Natural England's suggestion that further rationale was required for the in-combination assessment. The Applicant stated that it deemed this to be unnecessary and disproportionate and that it had not yet heard back from Natural England on this position [REP4-041]. The latest draft Statement of Common Ground between the Applicant and Natural England suggests that the matter is still under discussion [REP4-039]. The Applicant has not provided a list of the plans and projects which are considered within the in-combination assessment undertaken.</p> <p>b) Can Natural England, the Environment Agency and local authorities please comment on which other plans or projects should be included within the sHRA</p>	Defer to comments and advice from LWT/ Natural England

ExQ1	Question	SKDC Response
Q5.0.9	<p>Article 38 (Felling or lopping of trees and removal of hedgerows)</p> <p>Part 4 of this Article allows the undertaker to undertake works to or remove any hedgerows within the Order land that may be required for or in connection with the purposes of the authorised development. There is no requirement for approval of such works within the Article other than for the removal of hedgerows within the extent of the publicly maintained highway.</p> <p>Given that the removal of hedgerows not shown on the hedgerows plans is to be included within the details approved under Requirement 7 (Landscape and ecology management plan) is there need for this to be reiterated or cross reference under Article 38 for clarity and consistency across the DCO?</p>	<p>Yes, a tree and hedge removal plan should be included by the applicant.</p>
<p>5.2 Schedule 2 - Requirements</p>		
Q5.2.2	<p>Requirement 5 (Approved details and amendments to them)</p> <p>As discussed at ISH3, this Requirements covers not just amendments to the details approved under the Requirements but also those documents that would be certified under Article 39 (certification of plans and documents etc.) of the draft DCO.</p> <p>In 2015 the Government published Guidance on Changes to Development Consent Orders (December 2015) which sets out processed for both non-material and material changes to a Development Consent Order. The Infrastructure Planning (Changes to, and Revocation of, Development Consent Order) Regulations 2011 (as amended in 2015) are also relevant.</p> <p>a) Can the Applicant provide its justification for the provisions in Requirement 5 in the context of this</p>	<p>No further comments at this stage.</p>

ExQ1	Question	SKDC Response
	<p>Guidance and the Regulations? Why is a different process required in this case?</p> <p>b) Can the Applicant clarify, where Requirement 5.1 refers to 'the documents certified under Article 39' is this intended to relate only to the 'documents' in Schedule 13, or is it intended to also include 'plans' which are also set out in Schedule 13.</p> <p>c) Do the local authorities have any further comments on this Requirement, particularly where it makes provision for amendments to be considered to the documents certified under Article 39?</p> <p>d) In terms of fairness for all parties, what risk is there, that changes may be approved that have not had the opportunity to be the subject of consultation and publicity?</p>	
Q5.2.5	<p>Requirement 10 (Archaeology)</p> <p>a) The parties are requested to provide an update on their discussions regarding the drafting of this requirement. Where there remains to be disagreement, setting out the reasons for this disagreement, how it might be resolved and any preferred revised drafting that is sought</p> <p>b) The attention of the parties is also drawn to Q 6.0.2 (below) on the drafting of Requirement 10. The parties are therefore asked to engage and submit updates on two versions of a draft Requirement 10 – one on the basis of their being no necessity for additional trial trenching prior to construction and one (without prejudice) that includes additional trial trenching prior to construction</p>	Defer to LCC for archaeological advice

ExQ1	Question	SKDC Response
Q5.2.7	<p>Requirement 16 (Operational noise)</p> <p>This Requirement has been amended to include reference to operational noise rating levels not exceeding 35 dB at residential properties. Can this Requirement be reviewed to address the following:</p> <p>a) Why is only noise at residential properties included when noise levels are referred to elsewhere for public rights of way and permissive paths?</p> <p>b) Should the appropriate noise rating/time period be included?</p> <p>c) Should the Requirement also refer to monitoring measures needing to be included for approval to ensure that the relevant noise levels are continually adhered to?</p> <p>d) The ExA requests that the Applicant engages further with the relevant Environmental Health/Protection Officers at Rutland County Council and South Kesteven District Council on the detailed wording of this Requirement and related operational noise levels.</p>	<p>A & b)</p> <p>A public right of way would be classed as low sensitivity with transient receptors. The principles of the PPGN can be applied to non-residential noise sensitive receptors such as a public right of way (PRoW), such that a noise could be audible but doesn't result in any change of behaviour and as such would be below the LOAEL (Lowest Observed Adverse Effect Level). The very nature of the noise from a transformer house (potential hum) is not an adverse impact type of noise such as mechanical banging which would have a greater intrusive impact.</p> <p>C)</p> <p>A validation noise assessment of the operational development could be conditioned to ensure that the proposed noise levels are achieved and whether further mitigation (mainly associated with the electrical and mechanical plant)</p> <p>D)</p> <p>There is continued and open communication from SKDC Environmental Protection Officers relating to the noise impacts and proposed levels for the development both at the construction and operational phases of the development. This includes dialogue with the applicant and importantly members of public ensuring that operational noise levels are met.</p>
5.5 Schedule 16 – Procedure for Discharge of Requirements		
Q5.5.1	<p>Schedule 16 of the draft DCO has been updated at D4 following ISH3 [REP4-026].</p> <p>b) The relevant authorities are requested to set out whether each is in agreement with the drafting of Schedule 16 or to set out any part where there is still disagreement. The later should include the reasons for this along with preferred alternative drafting.</p> <p>c) For applications where the subject matter crosses the boundary between relevant planning authorities, what happens in the event that one of</p>	<p>b) SKDC consider that 10 weeks should be allowed for consideration of all requirements</p> <p>A single period of 10 weeks has been applied in the Longfield DCO and so sets a precedent that periods longer than 8 weeks is reasonable despite being a nationally significant infrastructure project.</p> <p>c) The appeal provisions as set out in paragraph 4 of the Schedule 16 would take effect and wording could perhaps be include making clear that in the event the circumstances identified occurs then no works shall take place</p>

ExQ1	Question	SKDC Response
	the relevant planning authorities does not determine the application within the prescribed period whilst the other refuses the application within the prescribed period?	until the appeal relating to the matter that has been refused has been determined.
5.6 Other matters raised by Interested Parties		
Q5.6.1	<p>The ExA notes that several written submissions have been made at Deadline 4 on the content of various parts of the draft DCO.</p> <p>The ExA encourages that discussions and engagement continues between the relevant parties on such matters so that updated positions on the relevant matters can be submitted at Deadline 5 (5 September 2023). Where any disagreements remain, the ExA requests that these are clearly set out along with the reasons for any such disagreement and any preferred alternative drafting where appropriate. This information may be presented within the relevant Statements of Common Ground.</p>	Refer to latest version of SoCG submitted at Deadline 5
6 Historic Environment		
Q6.0.6	<p>The Applicant's response to ExQ1.6.0.7 [REP2-037] explains why it is unable to provide drawings of the concrete shoes at this stage.</p> <p>How will the final design detail of the concrete shoes be secured through the dDCO? Is any further wording required in the relevant documentation to secure them, particularly to ensure that any ground disturbance from their construction is minimised?</p>	This could be secured though updated wording to requirement 6.
Q6.0.7	Further to discussions at ISH2 the Applicant has provided within section 11 of its Summary of Applicant's Oral Submissions at ISH2 [REP4-041] alternative (without prejudice to its position on this	Defer to LCC for archaeological advice

ExQ1	Question	SKDC Response
	<p>matter) drafting of draft DCO Requirement 10 (Archaeology) to provide for further trial trenching.</p> <p>a) Notwithstanding, other submissions that have been made on this Requirement, comments are sought on the acceptability of this alternative drafting.</p> <p>b) The attention of the parties is also drawn to Q 5.2.4 (above) on the drafting of Requirement 10. The parties are therefore asked to engage and submit updates of two versions of a draft Requirement 10 – one on the basis of their being no necessity for additional trial trenching prior to construction and one (without prejudice) that includes additional trial trenching prior to construction. As an aside to this, it is noted that the current alternative drafting refers to the need for an outline written scheme of investigation being approved and implemented.</p> <p>c) Please comment on the acceptability of such a requirement as suggested in the Applicant’s alternative drafting, given that it is normally expected that assessment should take place before an application is determined in order to predict the presence of archaeological remains and assess their potential significance.</p> <p>d) To what extent would an acceptable package of mitigation within a Written Scheme of Investigation be capable of overcoming the Council’s concerns regarding the Applicant’s evaluation?</p>	
Q6.0.9	<p>The Applicant [REP3-030] explains that intervisibility (and/or co-visibility) is critical to the understanding of the effects on the setting of heritage assets and refers to paragraph 56 the Court of Appeal judgment R (Williams) v Powys [2017] EWCA Civ 427.</p>	<p>Awaiting further conservation comments.</p> <p>Note no previous concerns have been raised in respect of impacts on settings of heritage assets.</p>

ExQ1	Question	SKDC Response
	<p>In this context, please comment on the relevance of and extent to which the judgment in <i>Steer v Secretary of State for Communities and Local Government Catesby Estates Limited, Amber Valley Borough Council</i> [2018] EWCA Civ 1697 also provides clarification on the meaning of ‘setting’, particularly the extent to which it is capable of extending beyond the purely visual?</p>	
Q6.0.10	<p>The Cultural Heritage Impact Assessment [APP-068] explains that the Grade II listed Banthorpe Lodge was once part of a working historic farm and the listing describes it as a “17th century farmhouse.....”.</p> <p>a) Please set out the extent to which the existing farmland within the Order limits has any historic functional links to this listed building and thus could form part of its setting?</p> <p>b) If any part of the Order limits was thus considered to form part of its setting, what would the effects of the Proposed Development be upon it?</p>	<p>Awaiting further conservation comments.</p> <p>Note no previous concerns have been raised in respect of impacts on settings of heritage assets.</p>
Q6.0.11	<p>The Cultural Heritage Impact Assessment [APP-068] includes the description of the non-designated heritage asset Braceborough Grange as a detached farmhouse forming part of a partially extant 19th century farmstead.</p> <p>a) Please set out the extent to which the existing farmland within the Order limits has any functional and/or historic links to this non-designated heritage asset and thus could form part of its setting?</p> <p>b) If any part of the Order limits was thus considered as part of its setting, what would the effects of the Proposed Development be upon it?</p>	<p>Awaiting further conservation comments.</p> <p>Note no previous concerns have been raised in respect of impacts on settings of heritage assets.</p>
Q6.0.12	<p>The Cultural Heritage Impact Assessment [APP-068] includes the description of the non-designated heritage</p>	<p>Awaiting further conservation comments.</p>

ExQ1	Question	SKDC Response
	<p>asset Braceborough Grange as a detached farmhouse forming part of a partially extant 19th century farmstead.</p> <p>a) Please set out the extent to which the existing farmland within the Order limits has any functional and/or historic links to this non-designated heritage asset and thus could form part of its setting?</p> <p>b) If any part of the Order limits was thus considered as part of its setting, what would the effects of the Proposed Development be upon it?</p>	<p>Note no previous concerns have been raised in respect of impacts on settings of heritage assets.</p>
7	Land Use and Soils	
Q7.0.5	<p>Should food security be deemed “important and relevant” to the consideration of the Proposed Development? Please provide reasoning, including reference to any relevant policy or relevant planning decisions.</p>	<p>Yes. Food security is an issue that is important and relevant to the consideration of this proposal. The recent South Derbyshire appeal decision (appeal reference: APP/F1040/W/22/3313316) references the United Kingdom Food Security Assessment 2009 which identified important issues affecting this topic as being climate change and soil degradation and that these topics emphasised the importance of maintaining higher quality agricultural land. DEFRA have since produced the UK Food Security Report 2021 which also concludes that domestic food production faces challenges from a number of risks, including soil degradation and the negative impact of climate change on the amount of high-grade arable farmland available within the UK.</p>
8	Landscape and Visual	
Q8.0.5	<p>Paragraph 5.10.36 of the draft NPS EN-1 states that the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation.</p> <p>a) Notwithstanding the other matters as summarised on pages 68 and 69 of Appendix 3 – Policy accordance tables of the Planning Statement [APP4-020], the</p>	<p>SKDC have previously provided comments in relation to design guidance at deadline 4.</p>

ExQ1	Question	SKDC Response
	<p>Design Parameters [REP2-016] and Design Guidance [REP2-018] are obviously key documents in determining the final appearance of the Proposed Development. Please explain in further detail how these have been drafted in order to seek to ensure that harm to the landscape would be minimised.</p> <p>b) Are the Councils and MPAG satisfied that the Design Guidance as suitably drafted to minimise harm to the landscape?</p>	
9	Noise and Vibration	
Q9.0.3	<p>Table 3-5 of the outline OEMP [REP4-009] states that cumulative noise rated noise levels L_{ar}, including the applicable character correction, should not exceed 35dB at neighbouring properties as secured by DCO Requirements. For the avoidance of doubt, should this make clear that this noise level should be measured externally rather than internally at residential properties?</p>	<p>The 35dB at neighbouring properties as secured by DCO Requirements would be an external measurement at the façade of the sensitive receptor such as a residential dwelling.</p>
Q9.0.5	<p>Table 3-5 of the outline Operational Environmental Management Plan [REP4-009] sets out measures relating to noise and vibration including brief details of monitoring requirements.</p> <p>a) The Applicant is asked to set out in further detail how operational noise levels will be monitored and controlled across the site, including the process that will be followed in the event that noise levels exceed the maximum permitted.</p> <p>b) Do the Local Authorities (including as relevant their Environmental Protection/Health Officers) have any further comments on the measures proposed in the outline OEMP?</p>	<p>a) SKDC would propose an acoustic validation assessment once the solar farm development is operational to confirm noise levels set by the planning process are met. Where levels are not achieved the applicant should propose a scheme for approval for additional mitigation measures and then levels re-tested to ensure the additional mitigation is successful. Future issues/incidents concerning noise would be addressed by the applicants' complaints procedure for members of the public to report noise disturbance at residential properties. Members of the public can approach Environmental protection Officers at SKDC/Rutland directly under statutory nuisance provisions.</p> <p>b) SKDC Environmental Protection does not have any further comments on the OEMP.</p>

ExQ1 10	Question Socio-economic effects	SKDC Response
Q10.0.3	<p>In response to a question raised by the Examining Authority at Issue Specific Hearing 2, Appendix C of the Applicant's summary of oral submissions [REP4-041] provides updated noise modelling to illustrate predicted noise levels during the operational phase identifying the proposed permissive paths as well as Public Rights of Way (PRoW). It is stated that <i>"In some instances, short portions of some PRoWs or permissive paths are located in closer proximity to potential inverter locations (Solar Stations) or the Onsite Substation. However, even in these instances, predicted worst-case noise levels will not exceed 50 dB LAeq, which is below the 55 dB threshold of significance derived (on a precautionary basis) in Appendix 10.2 [APP-078] of the ES"</i>.</p> <p>b) Do the local authorities or Mallard Pass Action Group have any comments on the new information provided in Appendix C?</p>	<p>A public right of way would be classed as low sensitivity with transient receptors. The principles of the PPGN can be applied to non-residential noise sensitive receptors such as</p> <p>A permissive path and/or a public right of way (PRoW), would be a transient receptor and exposure to the noise would be of a very short period of time and minimal.</p> <p>b)</p> <p>The predicted worst-case noise levels in Appendix C would not exceed 50dB LAeq, which is below the 55dB threshold of significance derived (on a precautionary basis). The very nature of the noise from a transformer house (potential hum) is not an adverse impact type of noise such as mechanical banging which would have a greater intrusive impact. SKDC Environmental protection have no further comments on the new information and remain that even at the worst-case scenario of 50dB LAeq the impact would be minimal (given the type and nature of the noise) and not of significant impact to the transient users of the the PRoW.</p>
Q10.0.4	<p>The Applicant has updated Table 3-4 of the outline Operational Environmental Management Plan (oOEMP) [REP4-010] to state that <i>"The detailed OEMPs will require that if at any time in the operational phase, the existing PRoWs or new permissive paths need to be diverted or temporarily closed to facilitate maintenance activities, this will require approval of the local planning authority."</i></p> <p>Do the local authorities have any comments on this?</p>	<p>Further clarity on process required.</p>
Q10.0.5	<p>At Issue Specific Hearing 2, the Examining Authority sought opinions on whether on PRoW Management Plan should be prepared as envisaged by paragraph 3.10.30 of the draft National Policy Statement (NPS) EN-3 (March 2023) [REP4-041]. The Applicant confirmed</p>	<p>Defer to LCC for PROW advice</p>

ExQ1	Question	SKDC Response
	<p>that such details are already provided in a single table in the outline Construction Environmental Management Plan (oCEMP) [REP3-010]. The local authorities confirmed that they were content for this information to be retained within the CEMP. However, relevant details also appear to be set out in the oOEMP (Table 3-4), outline Decommissioning Environmental Management Plan (oDEMP) (Table 3-10) [REP4-012] and outline Landscape and Ecology Management Plan (oLEMP) [REP3-014]. (assume this means REP4-014)</p> <p>a) In the context of the provisions of draft NPS EN-3, can the local authorities please confirm if they consider the draft management plans provide sufficient detail to inform the management of PRoW?</p> <p>b) In light of the above, can the Applicant please comment further on its position that a PRoW Management Plan is not required as all details are set out in a single table in the oCEMP?</p> <p>c) Do the local authorities have any further comments to make on the requirement for a PRoW Management Plan?</p>	
Q10.0.6	<p>Appendix B to the Applicant's summary of oral submission at Issue Specific Hearing 2 [REP4-041] provides a copy of the British Horse Society's advice note for solar farm near routes used by equestrians. This includes guidance to avoid the creation of narrow corridors with fencing. A minimum width of 4m is specified (preferably 5m) irrespective of the width of the right of the way with vegetation cut through the full width. The Applicant states that the Proposed development far exceeds this guidance with an offset of 15m set in the Design and Access Statement [REP2-018]. Fencing type and the provision of permissive</p>	<p>In terms of bridleway widths, the guidance appears to have been adhered to. Defer to LCC for PROW advice</p>

ExQ1	Question	SKDC Response
	<p>paths are also considered to align with the guidance by the Applicant [REP3-022].</p> <p>Can the local authorities and Mallard Pass Action Group please comment on the extent to which they consider that the guidance has been adhered to?</p>	
Q10.0.7	<p>A revised version of the Outline Employment, Skills and Supply Chain Plan was submitted by the Applicant at Deadline 2 [REP2-023]. It includes provisions for monitoring and the role of the local planning authorities.</p> <p>a) Can the local planning authorities please comment specifically on the new monitoring provisions proposed for modern slavery and human trafficking as set out at Paragraph 4.1.3?</p> <p>b) Do the local planning authorities have any other general comments on this document?</p>	<p>The requirement under 4.1.3 should be cross-referenced with a list of suppliers.</p>
11	Transport and Traffic	
Q11.0.1	<p>Paragraph 1.1.4 of the of the outline Construction Traffic Management Plan (oCTMP) [REP4-016] states <i>“This oCTMP covers the principal construction activities envisaged at the time of preparing the Environmental Statement (ES) [EN010127/APP/7.11]. This oCTMP is intended to be a live document, such that modifications and necessary interventions can be made following further information and advice from consultees.”</i></p> <p>Given the recognised scope for change to the oCTMP, should this paragraph be revised to confirm that any subsequent amendments would still be sufficient to mitigate effects identified in the Environmental Statement?</p>	<p>Defer to LCC (as LHA) comments</p>

ExQ1	Question	SKDC Response
Q11.0.3	<p>In response to discussions held at Issue Specific Hearing 2 regarding the risk of demand for construction staff parking at the primary construction compound exceeding supply and associated potential impacts on ecologically sensitive grass verges in the vicinity [REP4-041], the Applicant has included the following text at Paragraph 2.4.3 <i>“Car parking will not be permitted outside of the primary compound on verges adjacent to the local highway network. All vehicles will be required to park within the extent of the Order Limits.”</i></p> <p>a) Can the Applicant confirm where vehicles will be able to park in the event that the car park at the primary construction compound is full?</p> <p>b) Should the areas prohibited for parking be clearly identified on a plan?</p> <p>c) Do the local authorities and Mallard Pass Action Group have any comments to make on the Applicant’s response and amendments to the oCTMP on this issue?</p> <p>d) Can collision data over the past three years be considered representative given the possible impacts in terms of traffic movements of the Covid-19 pandemic?</p>	<p>No further comments at this stage.</p>
Q11.0.9	<p>The Applicant’s response to the Examining Authority’s First Written Question Q 11.0.4 states that <i>“The effects of replacing any photovoltaic panels during the operational phase have not been assessed as it is estimated that this would only take place on an ad-hoc basis and is unlikely to generate any significant effects, given it will be less than what is required during construction / decommissioning. Whilst it is difficult to estimate the number of vehicles that could be required for such maintenance, it is estimated that this could be in the region of one vehicle a week/month, rather than</i></p>	<p>The Applicant has confirmed that they intend to submit a planned maintenance schedule each year which would set out what works are planned and so this could give details of any expected traffic movements at that time. SKDC consider that this schedule should require approval and not just notification.</p>

ExQ1	Question	SKDC Response
	<p><i>per day, which is significantly less intensive than during construction.”</i></p> <p>a) In the context of the definition of “maintain” in the draft Development Consent Order (dDCO) [REP4-026] and the thresholds specified in paragraphs 9.3.1 to 9.3.4 of ES Chapter 9 [APP-039], can the Applicant provide further justification for the conclusion that the replacement of PV panels is unlikely to generate any significant effects?</p> <p>b) In the event of any major maintenance works such as the large scale replacement of PV panels, could the removal and delivery of new PV panels give rise to additional vehicles movements that would not occur during either the construction or decommissioning phase (when the emphasis may only be on the delivery or removal of panels in the construction and decommissioning phases respectively)?</p>	
Q11.0.10	<p>Written representations from the Mallard Pass Action Group [REP2-090] and Greatford Parish Council [REP2-061] expressed concern regarding traffic management measures to address roadworks or closures on the A6121 from Carlby through Essendine, including alternative routes that rivers may take to avoid delays. The Applicant’s response at Deadline 3 [REP3-034] highlights sensitivity testing within ES Chapter 9 [APP-039] to assess the impact of road closures on Uffington Lane are deemed non-significant. Minor delays associated with traffic signals in place during cabling on the A1621 are acknowledged. It is understood that further details on alternative routes in the event of full closures of HGV access routes may be provided in the final CTMP.</p>	Defer to LCC (as LHA)

ExQ1	Question	SKDC Response
	<p>a) Do the local authorities have any comments to make on the concerns and the Applicant's response?</p> <p>b) Should the oCTMP provide some detail on the potential measures to manage the situation should part of the HGV access route be fully closed?</p>	
12	Water Environment	
Q12.0.1	<p>Has the sequential test for flood risk been adequately applied as part of the site selection process as per paragraphs 5.7.9 and 5.7.13 of Overarching National Policy Statement (NPS) for Energy (EN-1) and corresponding policy set out in the revised draft NPS EN-1?</p>	<p>SKDC understand that the sequential test for flood risk was applied on a site specific basis. i.e. higher risk areas of flooding within the order limits have been avoided.</p>
Q12.0.3	<p>The outline Surface Water Drainage Strategy (oSWDS) [APP-087] states that the <i>“localised flat topography within parcels of the Proposed Development is generally flat meaning rainfall will not drain quickly down slope...”</i>. In relation to the PV array area, 2D modelling is provided for an area to the east of the Order limits only, to demonstrate the impact of surface water run-off through the proposed planted buffer zones. It is understood that this area is considered by the Applicant to be representative of the existing agricultural land use and so provides a demonstration of how the PV arrays will influence water flows across the Proposed Development. However, the ExA has noted that the topography is generally undulating across the Order limits with slopes of varying degrees present. Furthermore, the oSWDS states that <i>“intensification of the runoff from panels, along the ‘drip line’, into small channels / rivulets, could be exacerbated where PV Arrays are not positioned in alignment with topography.”</i></p>	<p>No further comments.</p>

ExQ1	Question	SKDC Response
	<p>a) Can the Applicant confirm if the modelling takes account of a worst-case scenario in which channelling may occur and/or when the ground beneath the panels is bare? What effect could this have on watercourses and surrounds within and beyond the Order limits, including in Greatford?</p> <p>b) Could such a scenario arise in the event that the proposed grass mix proposed underneath the panels is not laid in sufficient time ahead of heavy rain fall or is damaged by grazing sheep? If so, what measures should be taken to address it?</p> <p>c) Can the Applicant comment on how the final positioning and alignment of the PV arrays take account of topography to avoid exacerbating run-off?</p> <p>d) Is additional modelling required to take account of topography and infiltration across and adjacent to the Order limits?</p>	
13	Other Matters/Issues	
Q13.0.2	<p>Table 14 of Rutland County Council’s Statement of Common Ground confirms their position that the list of sites considered as part of the cumulative assessment is up to date and that they will continue to engage. The status of this issue is cited as “agreed” (green) [REP4-036]. The corresponding table in South Kesteven District Council’s Statement of Common Ground provides the same commentary but the status is cited as being “under discussion” (amber) [REP4-037]. Lincolnshire County Council’s Statement of Common Ground does not explicitly address the issue [REP4-029].</p> <p>Can South Kesteven District Council and Lincolnshire County Council confirm if they agree with the list of cumulative sites?</p>	<p>A meeting is to be organised and a confirmed position will be provided by deadline 6.</p>

ExQ1	Question	SKDC Response
13.1	Outline Management Plans	
Q13.1.1	<p>Paragraph 3.1.3 of the oCEMP [RE4-007], oOEMP [REP4-009] and the oDEMP [REP4-011] explains that nothing in the respective management plans would prevent the modification or omission of the control measures set out in relevant tables. It goes onto say that this will be confirmed (including confirming that the absence or change to such control measures would <i>not lead to any materially new or materially different significant effects</i>) at the time of submission of the relevant detailed plan. This wording (in italics above) is different from the equivalent wording used in the dDCO [REP-027] which does not include the term significant.</p> <p>a) Is it appropriate to include wording that allows the modification or omission of the relevant control measures in each of the outline management plans? Is this not covered in any case by the provision in the dDCO including that the detailed plans need to be substantially in accordance with the outline management plans?</p> <p>b) Does the relevant wording in the outline management plans need to be amended to reflect the equivalent wording in the dDCO to ensure that any variation to the measures in the oCEMP do not result in any new effects not assessed in the ES? If not please explain why not.</p>	<p>a) The provisions of the DCO make clear that the final plans must be substantially in accordance with the outline plans and this therefore does suggest some allowance for changes to occur between the outline plans and the final plans which are subject to approval, following appropriate consultation, by the LPAs.</p> <p>b) It would be helpful to ensure the language and wording used in the outline plans and the DCO are consistent and so suggest the word significant be removed from the outline plans so as to reflect the DCO.</p>
Q13.1.2	<p>The core construction hours set out in paragraph 2.7.1 of the oCEMP [REP4-007] include hours of 07:00 to 19:00 Monday to Saturday.</p> <p>a) Is it likely that residents living near to the site might be expected to benefit from more of a respite from construction works on Saturday mornings/early evenings?</p>	<p>It could be expected that the weekends (Saturday) are more sensitive to receptors and as such the proposed later start time and earlier finish time for Saturdays be taken on board by the applicant as more appropriate.</p> <p>SKDC Environmental protection has previously commented that a caveat for the core hours during the week that the contractor makes an assessment/determination of impact from those noisier activities if they are</p>

ExQ1	Question	SKDC Response
	<p>b) Notwithstanding the specific detail of construction working hours provided in section 2.7 of the oCEMP, would a later core working start time and earlier finish time on Saturday's (for example 08:00 to 17:00) be appropriate? Please provide justification for your answer.</p>	<p>being carried out within 250m of a sensitive receptor and that the noisier activities end at 16:00.</p>
<p>Q13.1.14</p>	<p>Should any party have any further comments on the latest versions of any of the outline management plans, please ensure that these are submitted by Deadline 5, so that they can be taken into account in the remainder of the examination and to allow the Applicant to make any necessary revisions/additions to the outline management plans. The outline plans are set out below:</p> <ul style="list-style-type: none"> a) Outline Construction Environmental Management Plan [REP4-007] b) Outline Operational Environmental Management Plan [REP4-009] c) Outline Decommissioning Environmental Management Plan [REP4-011] d) Outline Landscape and Ecology Management Plan [REP4-013] e) Outline Construction Environmental Management Plan [REP4-015] f) Outline Soil Management Plan [REP4-017] g) Outline Water Management Plan [APP-214] h) Outline Travel Plan [APP-215] i) Outline Employment, Skills and Supply Chain Management Plan [REP2-024] j) Surface Water Drainage Strategy [APP-087] 	<p>No further comments at this stage.</p>

