

Application by Mallard Pass Solar Farm Ltd for an Order Granting Development Consent for the proposed Mallard Pass Solar Farm

Agenda for Issue Specific Hearing 5 (ISH5): Environmental matters and the draft Development Consent Order

Hearing	Date and Time	Location
Issue Specific Hearing 5 (ISH5) Environmental matters and the draft Development Consent Order (DCO)	Thursday 28 September 2023 Hearing Starts: 10.00am Registration and seating available at venue from 9.30am and virtual Registration Process from 9.30am	Orton Hall Hotel & Spa, The Village, Orton Longueville, Peterborough, PE2 7DN and By virtual means using Microsoft Teams Full instructions on how join online or by telephone will be provided in advance to those who have pre-registered.

Attendees

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties:

- Applicant
- Lincolnshire County Council (including Highways Authority)
- Rutland County Council (including Highways Authority)
- South Kesteven District Council
- Mallard Pass Action Group
- Network Rail Infrastructure Ltd (in the event any remaining disagreement)
- Environment Agency (in the event any remaining disagreement)

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

If you have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 555 or MallardPassSolar@planninginspectorate.gov.uk.

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. ExA to explain the purpose of the Issue Specific Hearing

The ExA will then move on to ask specific questions of the applicant and IPs in relation to the following matters:

Part 1: Consideration of any environmental matters on the agenda for ISH4 which have not been completed at that hearing

- a) Consideration of any outstanding relevant matters (please refer to the Agenda for ISH4) not completed at ISH4

Part 2: The draft Development Consent Order (DCO)

3. Update on latest version of the draft DCO [REP5-015]

- a) Applicant to summarise recent revisions to the dDCO
- b) Summary of engagement on dDCO with relevant parties, including any relevant updates to Statements of Common Ground

4. Articles

- a) The ExA will ask questions and seek comments on the proposed Articles and related matters, including the following:

Article 2	<i>Interpretation</i> Revised definition of 'maintain' and related wording in paragraph 2.2.2 of the outline Operational Environmental Management Plan [REP5-061] and related matters
Article 6	<i>Application and modification of statutory provision</i> Including the proposed disapplication of s23 of the Land Drainage Act
Article 8	<i>Street Works</i> Including the clarity of the wording in 8(1)(d)
Article 9	<i>Power to alter layout etc. of streets</i> Update on the latest position including the proposed 'side agreement' with highway authorities Whether Article 9(3) should extend to ' <i>any street outside of the Order limits</i> '? Should Article 9(5) say 'the prior consent of the street authority'?

Article 10	<i>Construction and maintenance of altered streets</i> Update on previous concerns raised by Rutland County Council
Article 11	<i>Temporary stopping up and permitting vehicular use on public rights of way</i> Including justification for the generality of 11(1)
Article 12	<i>Claimed public right of way</i> Applicant to explain the revised drafting of this Article
Article 13	<i>Access to works</i> Clarity sought on relevant processes for approval
Article 14	<i>Agreements with street authorities</i> Clarification on proposed use of Section 278 Agreements
Article 15	<i>Traffic regulation measures</i> Questions/comments on process
Article 16	<i>Discharge of water</i> Applicant's D5 addition to drafting (16.7)
Article 20	<i>Compulsory acquisition of land</i> Further clarification sought on justification for the inclusion of 20(1)(b) Potential amendments to reflect latest position on cable routing
Article 22	<i>Compulsory acquisition of rights</i> Any further questions from ExA
Articles 29 & 30	<i>Temporary use of land for constructing/maintaining the authorised development</i> Any further questions from ExA
Article 43	<i>Procedure in relation to certain approvals etc.</i> <i>Any further questions from ExA</i>

b) Any comments from Interested Parties on any other Articles?

5. Schedule 1 – Authorised development

a) Including question regarding the generality of the final paragraph

6. Schedule 2 – Requirements

a) Update from the Applicant on general progress being made on agreement of the draft Requirements with relevant Interested Parties

- b) The ExA will ask questions and seek any comments on the draft DCO Requirements, including the following:

R3	<i>Phasing of the authorised development and date of final commissioning</i>
R5	<i>Approved details and amendments to them</i>
R6	<i>Detailed design approval</i>
R7	<i>Landscape and ecology management plan</i>
R9	<i>Surface and foul water drainage</i>
R10	<i>Archaeology</i>
R16	<i>Operational noise</i>
R18	<i>Decommissioning and restoration</i>

- c) Any further relevant comments on the proposed requirements or the need for any further requirements?

7. Schedules 3 to 14

- a) Addition to Schedule 8 (Traffic Regulation Measures) at D5
b) Any other relevant comments on Schedules 3 to 14?

8. Schedule 15 – Protective Provisions

- a) Applicant to provide update on progress made towards agreement of Protective Provisions, including Part 5 (Environment Agency) and Part 7 (Network Rail)
b) Comments from any relevant Undertaker as necessary where any disagreement remains

9. Schedule 16 – Procedure for discharge of requirements

- a) Update from Applicant on latest drafting
b) Relevant comments from Interested Parties

10. Proposed Community Liaison Group

- a) Update and comments from IPs (including on the relevant content in the Outline Construction Environmental Management Plan {REP5-059}.

11. Any other relevant matters

- a) Any other relevant matters

12. Actions arising

13. Next steps (including the remaining Examination timetable)

14. Closing

Purpose of ISH5

Part 1 of this hearing will include consideration of any environmental matters on the agenda for ISH4 which might not have been able to be completed at that hearing. Part 2 will comprise the second hearing of dDCO matters, the first dDCO hearing (ISH3) having been held on 13 July 2023.

Questions and discussions at the hearing will be held without prejudice to the ExA's final recommendation about whether or nor the dDCO should be made.

The agenda provided above is indicative and may be subject to change on the day.

Attendance

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **10.00am** those attending virtually should join promptly at **9.30am** to ensure that all virtual attendees can complete the Registration Process in good time.

Procedure at ISH5

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. The ExA will ask specific questions related to the matters identified in the agenda. Matters raised in

written submissions should be taken as read and do not need to be repeated but may be referred to where required.

Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

The evidence presented orally at ISH5 should be included in post-hearing submissions and submitted by **Deadline 7 (Tuesday 10 October 2023)**.