



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

**Applicant's Response to Interested
Parties Deadline 5 Submissions**

Deadline 6 - September 2023

EN010127

EN010127/APP/9.41

Applicant's Response to Interested Parties' Deadline 5 Submissions

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
National Highways	SWQ11.0.6(c)	<p>Notwithstanding this, should the National Highways Scheme overrun, there is potential for an overlap in construction periods. In this event, we do not envisage that there will be any implications during construction of the Proposed Development for the A47 Wansford to Sutton scheme. However, the traffic management for the A47 Wansford to Sutton scheme may impact traffic utilising the A1 and A47 trunk roads to access the Proposed Development. Consideration may therefore need to be given to the management of the Development's construction traffic during this period (if applicable).</p>	<p>The response is noted. In the event that there is overlap between the two construction periods (which the Applicant and National Highways agree is unlikely), and there is potential for delays to construction vehicles due to traffic management from the A47 Wansford to Sutton scheme, it is considered this will be mitigated by the principal contractor within the detailed Construction Traffic Management Plan (CTMP). The principal contractor and appointed Transport Coordination Officer (TCO) will communicate with National Highways through the Traffic Management Working Group (TMWG), discussed within section 5 of the outline CTMP [REP5-068]. The detailed CTMP is required to be prepared substantially in accordance with the oCTMP under Requirement 13 of the draft DCO.</p> <p>In the event that there is overlap, the traffic management from the A47 Wansford to Sutton scheme is only likely to increase the journey time for vehicles to access/egress from the Order limits once already on the Strategic Road Network (rather than full road closure and needing to seek an alternative route). The principal contractor would plan the deliveries accordingly to account for any potential delays through coordination with the TMWG as detailed in section 5 of the updated oCTMP, which can be considered in more detail within the detailed CTMP once the construction programme of the</p>

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			National Highways and other relevant committed schemes is confirmed.
Natural England	SWQ3.0.2(b)	The implementation of measures to offer additional protection to the SSSI during the construction period would be welcomed. Measures could include the use of signage and 'toolbox talks' to ensure drivers and construction workers are aware of the location of the SSSI and avoid mounting the verges at any time.	<p>Details on the measures to protect the SSSI from any construction staff trips are provided within Section 4 of the outline Travel Plan (oTP) [REP5-074], which details the briefing given to staff to avoid the use of Holywell Road where the SSSI is located, which will form part of the contract for the principal contractor who will advise staff of this prior to the undertaking of any works. The oCTMP [REP5-068] also notes in Section 2 that parking will not be permitted on any of the verges within the Order limits or local road network (which includes the SSSI). By routing any vehicles away from the SSSI and not permitted parking on the verges, these measures will ensure that any impact on the SSSI will be non-significant.</p> <p>It is not considered that temporary signage during construction is necessary once the proposed mitigation is implemented, as any signage local to the SSSI may result in more damage.</p>
	SWQ3.0.5	Nonetheless, the inclusion of further detail regarding indicators of success/failure in the detailed LEMP would be welcomed to ensure the objectives of the plan are upheld for the lifetime of the development.	<p>The Applicant refers to its response in relation to SWQ3.0.5 in relation to this matter.</p> <p>Details of indicators of success/failure are matters for the detailed LEMP(s), which would be signed off by the LPA. These considerations would also be influenced by the landscape contractor appointed to undertake the work, which is unknown at this stage.</p>

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	SWQ5.2.6(a)(b)	Yes, both R14(2) and oSMP 1.8 should be amended to ensure the plan is adhered to during construction, operation and decommissioning.	An updated oSMP was submitted at Deadline 5, which includes a requirement to adhere to the management plan during the operation and decommissioning phases, in addition to construction. In relation to R14(2), please refer to Applicant's response to SWQ5.2.6 which explains that R14(2) involves a specific set of measures for the construction phase that do not relate to the operational phase. It would therefore not be appropriate to require these measures to be adhered to during the operation phase. Operational measures are secured pursuant to the oOEMP.
	SWQ7.0.6	<p>Natural England are largely satisfied with the outline soil management plan, which has been amended in line with comments made within our representations. Nonetheless, in response to this question, our soil specialists have offered below some further refinements which could be included within the detailed SMP, primarily focussed around soil compaction:</p> <p>The oSMP key principles include good soil handling, movement and trafficking. Further detail could be included with regard to soil handling, including:</p> <ul style="list-style-type: none"> - No trafficking/driving of vehicles/plant or materials storage to occur outside designated areas. - No trafficking/driving of vehicles/plant on reinstated soil (topsoil or subsoil). - Only direct movement of soil from donor to receptor areas (no triple handling and/or ad hoc storage). 	<p>The Applicant has reviewed the oSMP in light of the matters raised by Natural England. The responses below explain where either (i) the Applicant considers the concern is already addressed in the oSMP or (ii) the oSMP has been updated in response to the point(s) raised.</p> <p>In relation to trafficking, paragraph 4.20 of the oSMP requires that "Areas of the Order limits which are not to be stripped or used for stockpiling, access tracks or construction compounds, will be clearly marked by signs and barrier tape to avoid trafficking." Paragraph 4.20 has been amended to add that locations of re-instated soil will be subject to the same protection from trafficking.</p> <p>The oSMP requires that soil handling is undertaken in accordance with The Defra Code of Practice, appended to the oSMP at Appendix D, which covers the points relating to the handling of soil.</p>

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		<p>- No mixing of topsoil with subsoil, or of soil with other materials.</p> <p>- Soil only to be stored in designated soil storage areas.</p> <p>oSMP paragraphs 4.21-4.26 describe compaction alleviation measures. NE advise that soils pits should be excavated following alleviation to confirm the compaction has been successfully restored.</p> <p>oSMP paragraph 4.31 notes that land should be restored to the same areas from which it came, and the same profile as the land adjacent. Natural England advise that the ALC survey data could be used to ensure the soil is restored to its baseline condition (i.e. the soil profile as described during the ALC survey).</p> <p>oSMP paragraph 5.5 notes that 10-15cm of topsoil will be removed prior to laying of any temporary access and compounds. Whilst it is acknowledged that this practise is intended to remove topsoil to avoid damage, it is noted that topsoil depth may vary across the site. The full depth of topsoil should be stripped for all temporary access and site compounds. This can be determined from the ALC survey results.</p> <p>oSMP paragraph 5.10 notes that 'It may be difficult to ascertain whether this area needs to be loosened prior to topsoil being spread back over the site'. Natural England recommend that prior to topsoil replacement, the subsoil should always be loosened, as per the Defra Construction Code (2009).</p> <p>oSMP paragraph 11.11 mentions remediation of small rutting. It should be noted that rutting is a</p>	<p>The oSMP has been updated at paragraph 4.32 to require that soil is only stored in designated areas.</p> <p>The oSMP has been updated at paragraph 4.27 to require that soil pits be excavated following alleviation to confirm the compaction has been successfully restored.</p> <p>The previously updated oSMP submitted at Deadline 5 requires within the relevant sections that "The restoration methodology will reinstate the land quality to the same land quality as the land immediately next to the area affected, as measured by the ALC Revised Guidelines and Criteria (1988) or by any subsequent ALC methodology in force at decommissioning."</p> <p>The oSMP has been updated at paragraph 5.5 to require that the full depth of topsoil is stripped prior to laying of any temporary access and compounds.</p> <p>The oSMP has been amended at paragraph 5.10 to require that subsoil be loosened prior to spreading.</p> <p>The oSMP has been amended at paragraph 11.11 to require that areas of rutting be monitored to ensure no further compaction occurs.</p> <p>The oSMP has been amended at paragraph 13.17 to require that topsoil from the storage bunds will then be returned and spread to the depth removed as informed by the ALC survey results.</p> <p>The oSMP has been updated at paragraph 4.35 to require that:</p>

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		<p>sign of compaction; the measures included are unlikely to prevent further compaction of the soil. These areas should be monitored to ensure no further compaction occurs.</p> <p>oSMP paragraph 13.17 states that topsoil will be reinstated to the depth removed. This can be determined from the ALC survey results.</p> <p>The quality of the soil reinstatement will need to be verified by a competent soil surveyor. Post-restoration surveys are also recommended across all land reinstated, to determine whether target soil profile specifications have been met. A period of aftercare is then also recommended to ensure the soil characteristics achieve the restoration standard.</p>	<ul style="list-style-type: none"> • The quality of the soil reinstatement will be verified by a competent soil surveyor. • Post-restoration surveys will be undertaken across all land reinstated to determine whether target soil profile specifications have been met. • A programme of aftercare will be undertaken to ensure the soil characteristics achieve the restoration standard.
	SWQ7.0.7(a)	<p>Natural England's comments regarding the non-time limited nature of this consent remain unchanged.</p> <p>However, the wording can be updated to state that: 'During the life of the proposed development it is likely that there will be a reduction in potential agricultural production over the development area subject to the solar panel arrays and habitat enhancement. It is acknowledged that the retained arable fields to the east of the site, which largely correspond to ALC Grade 2 land, will retain the potential to be managed for intensive, productive agricultural land.'</p> <p>If not time limited as described, the areas subject to a change in land use or land management (i.e. The land under the solar arrays and the land subject to habitat enhancement) has the potential</p>	<p>The Applicant has now agreed to an operational time limit of 60 years. The assessment in Chapter 12: Land Use and Soils [APP-042] had always assumed that effects in the operational phase were reversible due to the soil management measures proposed and thus that there would not be a permanent reduction in potential agricultural production. The change to 60 years provides certainty of when that could happen, in response to concerns raised by interested parties.</p> <p>The oSMP sets out the principles of decommissioning, to ensure that those areas disturbed by the works are returned in the same agricultural quality as the existing land.</p>

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		to lead to the permanent reduction in the lands potential agricultural production.	
	SWQ7.0.7(b)	<p>...it is unclear what impact solar arrays will have on soil properties such as carbon storage, structure and biodiversity. For example, as a result of changes in shading; temperature changes; preferential flow pathways; micro-climate; and vegetation growth caused by the panels. Therefore, it is currently unknown what the overall impact of a temporary Solar development will have on soil health.</p> <p>In the absence of this information, we suggest that the developer could commit to a programme of soil health monitoring for the lifetime of the project to support development of the evidence base around long-term impacts to soil health from solar.</p> <p>The use of a time limit would ensure the BMV land remains open for future generations to decide what is the best use and management of that land when planning consent or other requirements cease.</p>	<p>A concern is raised about whether there will be effects on soils such as from shading, differential vegetation growth etc, such that a programme of soil health monitoring should be developed to bring about enhanced evidence of the effects of solar panels..</p> <p>While it is considered unlikely that there will be long-term effects, with no chemical spillage or use of chemicals when washing panels, and therefore no alteration of soil properties by any unnatural means, the Applicant is prepared to commit to such a programme and has done so in the updated oOEMP submitted at Deadline 6.</p> <ul style="list-style-type: none"> • <p>In respect of light shading, this is not expected to alter the soil properties. There are soils across the country that are heavily shaded by buildings, trees, hedges, walls, being on north facing slopes etc, and these areas have not been found to have a lower ALC grade or altered soil properties. Shading does not, of itself, alter soil properties. In any event, the height of the panels (0.8m minimum) plus the sloping angle of the panels means that natural light, if not direct sunlight, will reach all of the ground under and around the panels. With low winter sun angles, it is anticipated that most of the land under the panels is likely to receive sunlight at some part of each year.</p>

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			<p>The panels will reduce the amount of direct rainfall onto the ground below the panels. There will be some direct precipitation when rain is being blown, but rainfall direct to the surface will be reduced. However, water does not only move vertically through soil and the moisture will move laterally to the adjacent soil. The height of the panels above ground is sufficient that the soil moisture content of the upper topsoil is only slightly reduced. This will not alter the structural properties of the soil. It is evident from the strong grass growth that can be seen under solar panels across the country that moisture reaches the topsoil.</p> <p>Temperature changes under the panels will be minimal compared to the land between the panels. There will be reduced direct sunlight so surface temperatures will not be so hot on some days, but this is the case wherever there is shadow (eg from trees) and the soil properties will not be adversely affected. The height of the panels is sufficient that airflow, light, precipitation and availability of water etc will not create a different microclimate under the panels that would adversely (or beneficially) alter the microclimate.</p> <p>Vegetation under panels, where the lower edge is 0.8m or higher, can be observed to be strong across solar farms over the country. Land is not left bare. There will be no increased risk of soil erosion (by wind or water) due to reduced vegetation under the panels.</p> <p>The Applicant is willing to agree to a programme of soil health monitoring, and the outline</p>

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			<p>Operational Environmental Management Plan (oOEMP) has been updated to require that the detailed OEMP(s) sets out such a programme for soil monitoring throughout the operation of the Proposed Development. The oSMP has likewise been updated to require this monitoring.</p> <p>In addition, the Applicant recognises the certainty that a time-limited application provides and concurs that future generations will be able to determine the appropriate use given prevailing conditions at the time any consent lapses.</p>
Rutland County Council	SWQ1.0.1	<p>RCC considers that a time-limit is necessary in this instance. The applicant has provided drafting within their DCO and stated at the issue specific hearings that it was their intention to ensure that any consent granted does not allow for wholesale replacement of the panels on the site. Consequently it is evident from this position that any re-powering of the site would require a further consent. It is therefore logical and reasonable to impose a time-limit on any consent granted proportionate to the expected lifetime of the panels to be installed (indicated in NPS EN-3 as typically being 40 years). With the rapid advancements of technology in the energy sector it is reasonable that significant changes in the energy industry could take place over the operational lifetime of the development that renders the long-term use of the site for solar power generation unnecessary and therefore it is reasonable to limit the period of consent to allow for commercial and land-use decisions to be taken in respect of the site and the need for the</p>	<p>The Applicant has agreed to impose a 60-year time-limit on the Application. As set out in the Applicant's response to Q1.0.2 of the ExA's Second Written Questions [REP5-012], any necessity to extend the life of the consent beyond this at a later date would be considered in light of the relevant planning policies and material considerations that would be applicable at the time by the Secretary of State pursuant to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, as amended at the time.</p> <p>The Applicant is seeking a 60-year time-limit as this allows flexibility in ensuring that the operational life of the equipment and the delivery of renewable energy can be maximised. In terms of the ES, all effects have been assessed as permanent, with decommissioning assessed at an indicative 40-year lifetime for the Proposed Development.</p>

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		<p>development at the time when the useful life of the solar panels has expired.</p> <p>Without such a limit the site has the potential to be so reduced in effectiveness and need as to become a large-scale impact on the countryside around it without generating the benefits currently associated with the scheme.</p> <p>A time limit also provides certainty regarding decommissioning and restoration of the site in line with the Environmental Assessment.</p> <p>It is understood that the applicant has now confirmed they will be seeking a 60-year time limit to the proposal. However it is unclear why a 60 year period has been used and not 40 years as per the ES.</p>	<p>The Applicant's response to SWQ 1.0.3 [REP5-012] considers the change to 60 years means for the ES assessments.</p> <p>It is not considered that there are any material or significant differences between decommissioning at 40 years and decommissioning at 60 years for the purposes of assessment.</p> <p>Therefore, the conclusions of the ES remain valid.</p>
	SWQ 1.0.2	<p>RCC considers that this is both the key benefit, and justification for the need for imposing a time-limited consent. With large-scale solar power only having been introduced to the UK in 2012, the scope for the energy industry to change over the lifetime of the development is high, with no guarantee that solar development of this scale will need to form part of the energy make-up at the time when extending the period of consent would need to be considered. Sustainable development is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs and in that regard it would seem entirely reasonable to require the development to be time-limited allowing for a review of need at that later stage.</p>	<p>The Applicant refers to the response set out at, row 8 above, and to its response to Q1.0.2 of the ExA's Second Written Questions [REP5-012].</p>

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	SWQ 1.0.5	<p>In the absence of any evidence to the contrary, RCC considers that the indication in paragraph 3.10.56 of the draft National Policy Statement (NPS) EN-3 (March 2023) saying that an upper time limit of 40 years is typical would be a reasonable time period. It is understood the applicant has now confirmed a 60-year time limit to the proposal however information should be provided to demonstrate why this time period is appropriate in place of the more typical 40-year limitation.</p>	<p>The Applicant refers to the response set out, above, and to its response to Q1.0.2 of the ExA's Second Written Questions [REP5-012]. In addition, while the draft NPS EN-3 does note a typical upper limit of 40 years, it also states in paragraph 3.10.56 that "<i>applicants may seek consent without a time-period or for differing periods of operation</i>".</p> <p>The Applicant is seeking a 60-year consent because this will allow the delivery of renewable energy and the operational life of the infrastructure to be maximised. It should also be noted that 60 years is the limit and if the Proposed Development is not viable earlier within that period decommissioning may be brought forward. The measures set out in the oOEMP at Deadline 5 sets out the processes for this to happen.</p>
Rutland County Council; South Kesteven District Council	SWQ1.0.12(b)	<ol style="list-style-type: none"> 1. RCC and SKDC accept that it would not be possible to develop a solar farm of this magnitude on previously developed land and therefore some use of agricultural land will be necessary in relation to the proposal. 2. The scheme will result in the loss of BMV land, with over 42% of the site falling within the BMV grades. In light of the South Derbyshire appeal decision it is evident that this loss, which would in itself represent a smaller proportion of the site but a larger total area of land (360 Hectares by the applicant's calculation in APP-201), would be significant and represent a weighty consideration for the Examining 	<ol style="list-style-type: none"> 1. Comment noted. 2. The Applicant's understand that a claim for Judicial Review has been lodged on the South Derbyshire decision and therefore considers that the weight which can be accorded to the decision and principle of the decision making is negligible until a decision is released on the judicial review claim. In any event, that decision is at odds with the prevailing precedent within the Planning Inspectorate and Department for Energy Security and Net Zero. <p>The Applicant's position on this matter is set out in its response to Q1.0.12(a) of its response to the ExA's Second Written Questions [REP5-012].</p>

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		<p>Authority. Clearly in that appeal decision, the Inspector concluded that the loss of agricultural land was of such significance that it outweighed the contribution made to renewable energy targets by the proposed development. In that regard, this proposal represents a greater loss of BMV land than was deemed sufficient to justify dismissal of that appeal, and in light of that decision the loss of BMV land proposed is therefore considered to be a matter of considerable weight in the determination of the current application.</p> <p>3. The applicants have indicated that the development would allow for continued grazing of the land by sheep, an argument also advanced in favour of the project considered in the South Derbyshire appeal. This is not secured in any formal way however and it would not be practical to attempt to enforce this on the site as part of the DCO and therefore RCC considers that it can only be assigned limited weight in relation to the consideration of the proposal.</p>	<p>3. The Applicant notes the RCC comment and acknowledges that grazing is not secured by way of the DCO. However, the Applicant is providing the conditions to allow for grazing to occur, as set out in the oLEMP [REP5-065]. It would not be usual practice for a solar farm operator to graze sheep and a standard approach would see sheep farmers approach the solar farm operator to graze their sheep on the solar farm. This is, however, beyond the Applicant's control.</p> <p>Thes key point is that the conditions that enable grazing are committed to and that, under the Town and Country Planning Act 1990 section 336, it falls within the definition of agriculture. The Applicant considers that this is the most appropriate approach.</p>
Rutland County Council	SWQ 1.1.1	RCC accepts that the practicalities of the site are that a connection to the grid is available in close proximity to the proposal. This provides benefits to the project in terms of the potential to connect to the grid sooner than would otherwise be the case, and at less capital construction costs. The latter of these points however has no bearing on the acceptability of the proposal and in respect of the former the existing grid connection point was not provided in the	In its response to FWQ1.3.2 [REP2-037], the Applicant provided a summary of potential grid connection locations near to the Proposed Development, the evidence shows that there is a lack of suitable grid connections in the area, and therefore demonstrates why it is important to make best use of those connections which are available, as and where they are constructed.

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		<p>expectation at the time that it would provide connection for power to be fed into the grid. The scheme was necessitated to provide power to the east coast mainline and in line with the consideration of such applications was determined on its own merits. It is not incumbent therefore to give any weight to the existence of the connection point in terms of a resultant expectation that it would be used for any other purpose than that for which permission was granted.</p> <p>The existence of the grid connection can therefore be considered as a benefit of the site, however this can only be considered as one of many issue to be weighed in the planning balance and should only be given limited weight in the overall assessment of a scheme.</p>	<p>At Item 3a in the Applicant's Written Summary of ISH1 Oral Submissions submitted at Deadline4 [REP4-022], the Applicant drew the ExA's attention to its response to FWQ1.2.6 [REP2-037] and in particular Appendix D – Ofgem Open Letter on Connections Reform and Appendix E – ESO Press Release on Connections Reform, both of which can be found in [REP2-038]. These letters set out the current issues around connection, capacity and availability and the need to export low carbon electricity to the grid, and discuss the delays associated with and extended time scales of developing new connection capacity.</p> <p>At Item 5a of its Written Summary [REP4-022] the Applicant made a clear case for the urgent development of UK-based renewable electricity generation, of which solar is and will continue to be a major part, and that “in order to fight climate change we need to make the most of infrastructure which is already and currently available”, and that this context provides further support for the Applicant's proposal to use the available grid capacity at Ryhall.</p> <p>The Written Summary, reflecting the Statement of Need, concluded that the need for solar is enormous and urgent. Solar has a critical role to play in delivering decarbonisation, security of supply and affordability benefits. These benefits are consistent with those described by the SoS in March 2023 draft EN-1 Para 3.2.5 & 3.2.6, in which the SoS has determined that those benefits should be given significant weight when considering applications.</p>

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	SWQ1.2.1	<p>a) Yes</p> <p>b) As with the response to question 1.0.12, the South Derbyshire appeal decision places greater emphasis on the consideration of the loss of BMV land in relation to solar development proposals. The additional survey proposed would have resulted in a more detailed picture being available of the availability of BMV land across and surrounding the application site, and the lack of such information must therefore reduce the weight that can be given to the consideration of alternative sites as the lack of detail on BMV land results in a lack of a complete picture as to whether those alternative sites would have resulted in a lesser impact on such land. In that regard therefore, and in light of the significance attributed to the loss of BMV land in the South Derbyshire appeal, RCC would suggest that the consideration of alternative sites can only be given limited weight where BMV survey data is unavailable.</p>	<p>The Applicant disagrees with RCC's assessment of the applicability of the South Derbyshire appeal and its impact on the consideration of the Application. As set out in the Applicant's response to Q1.2.1 of the ExA's Second Written Questions [REP5-012], it is entirely disproportionate and unreasonable to survey land outside of Order limits. It is standard practice in Site Selection to use publicly available information and, in any event, the Applicant has no legal right to enter land and undertake surveys outside of Order limits.</p> <p>The Applicant emphasises the point made in its response to Q1.2.1; that there is no requirement for any such survey work to be undertaken. Any reduction in weight attributed to the alternatives sites considered as a result would represent a deviation from established methodology with no basis in policy or guidance.</p>
	SWQ1.2.2	<p>A final report has now been issued and published on the Council's website regarding the renewable energy study commissioned to support the development of the Rutland Local Plan.</p> <p>Details of the report are attached.</p> <p>A report is scheduled to go to the County Council's Cabinet meeting on 17th October to approve a "Preferred Options" Local Plan for public consultation under Regulation 18 of the Local Plan Regulations. Consultation is expected to take place for a 6-week period from</p>	<p>The Applicant considers that limited weight should be applied to any policies at a pre-consultation Regulation 18 stage in the Local Plan process. It should also be emphasised that, while local policy can be important and relevant, it is not the primary policy driver for the consideration of NSIPs.</p> <p>Nevertheless, the Applicant considers that the Proposed Development complies with the draft policy for the following reasons:</p> <p>In summary, the policy recognises that:</p>

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		<p>3rd November to 18th December 2023.</p> <p>Cabinet will also be recommended to agree that elements of the Local Plan evidence base – including the Renewable Energy Study - are considered to be potential material considerations for the determination of planning applications.</p> <p>The “Preferred Options” Local plan includes a draft policy with respect to renewable energy, appended to this response.</p> <p>As such, the County Council considers that the evidence and proposed draft policy should be considered as material considerations in the determination of the scheme.</p> <p><u>Renewable Energy Generation</u> The generation and use of renewable energy reduces demand for fossil fuels, thus reducing harmful greenhouse gas emissions. Renewable energy technologies include:</p> <ul style="list-style-type: none"> • Photovoltaic solar panels - for electricity generation • Thermal solar panels- for heating • Wind turbines - for electricity generation • Ground source heat pumps – for heating • Air source heat pumps – for heating <p>The use of renewable energy not only reduces carbon emissions – and so help address climate change but it also has other benefits such as:</p> <ul style="list-style-type: none"> - it is sustainable - renewable energy will not run out, unlike fossil fuels which are finite; 	<ul style="list-style-type: none"> - Solar PV is renewable energy generation and therefore delivers benefits ascribed to renewable energy generation. - The Council is committed to supporting the transition to Net Zero. - Projects will be supported where the impacts can be made acceptable.. <p>The Environment Statement [APP-030 – APP-047] and other documents supporting the Application provide the necessary information to form a judgment on whether the impacts identified in draft Policy CC8 are, or can be made to be, successful. The Applicant's position, as set out in detail in the Planning Statement and subsequent responses questions arising during the examination are that the impacts of the Proposed Development are acceptable. Any residual impacts that remain, for instance with regard to landscape and visual effects, are more than outweighed by the benefits arising from the scheme.</p> <p>It is also noted that no likely significant effects have been identified in respect of noise, dust, odour or traffic matters as a result of the Proposed Development, nor matters to aviation and defence interests.</p> <p>In terms of the part of the draft policy which deals with best and most versatile agricultural land, the Applicant has responded in detail to questions arising during the examination on the effect of the Proposed Development on the long term soil resource and considers that it complies with that part of the policy that states (noting that this is a consideration rather than a policy requirement):</p>

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		<ul style="list-style-type: none"> - the renewable energy sector creates jobs in the short and long term, for example, project planning, installation, operation and maintenance; - onshore wind offers the most cost-effective choice for electricity in the UK and these cost savings can be passed onto the consumer; - onshore wind technology is getting more efficient whilst maintaining the same footprint, and land between wind turbines can be used for other productive purposes, such as food production - generating energy locally for local consumption reduces the local exposure to volatile prices or supply interruptions caused by disruptions elsewhere, enhancing the degree of control Rutland has over its own decisions and ability to thrive (energy sovereignty). <p>The Local Plan therefore seeks to maximise appropriately located renewable energy generated in Rutland, as confirmed in Policy CC8 below.</p> <p><u>Policy CC8 - Renewable Energy</u> The Council is committed to supporting the transition to a net zero carbon future and will seek to maximise appropriately located renewable energy generated in Rutland.</p> <p>Proposals for renewable energy schemes, including ancillary development, will be supported where the direct, indirect, individual, and cumulative impacts on the following considerations are, or will be made, acceptable. To determine whether it is acceptable, the</p>	<p><i>“or unless the agricultural production can continue during the operation of the energy generation or can recommence after the end of life of the energy generation equipment without significant impact on the quality of that agricultural land.”</i></p> <p>The report referred to by RCC cites the Committee on Climate Change Progress Report (2023) and states that the CCC flag that although some progress has been made recently on reducing the carbon intensity of electricity, “The Government is still lacking a credible overall strategy for delivering its objective of decarbonising the sector by 2035” and “credible plans are in place for [only] around 30% of the emissions reduction required [in this sector] by the Sixth Carbon Budget”.</p> <p>The CCC 2023 report also notes that although renewable energy generation capacity grew in the past year, this is still behind the levels needed to hit government targets.</p> <p>This is something which the Applicant entirely supports and has been referenced at length in its Statement of Need.</p>

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		<p>following tests will have to be met:</p> <ul style="list-style-type: none"> • The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity; geodiversity; flood risk; townscape; heritage assets, their settings, and the historic landscape; and highway safety; and • The impacts are acceptable on aviation and defence navigation system/communications; and • The impacts are acceptable on the amenity of sensitive neighbouring uses (including local residents) by virtue of matters such as noise, dust, odour, shadow flicker, air quality and traffic. <p>Compliance with part (a) above will be via applicable policies elsewhere in a development plan document for the area (i.e., this Local Plan or a Neighbourhood Plan, if one exists); and any further guidance set out in a Supplementary Planning Document.</p> <p>Compliance with part (b) above will require, for relevant proposals, the submission by the applicant of robust evidence of the potential impact on any aviation defence navigation system/communication, including documented areas of agreement or disagreement reached with appropriate bodies and organisations responsible for such infrastructure.</p> <p>Compliance with part (c) above will require, for relevant proposals, the submission by the</p>	

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>applicant of a robust assessment of the potential impact on such users, and the mitigation measures proposed to minimise any identified harm.</p> <p>For meeting the above criteria (a)-(c), the County Council may commission its own independent assessment of the proposals, to ensure it is satisfied what the degree of harm may be and whether reasonable mitigation opportunities are being taken.</p> <p>In areas that have been designated for their national importance, as identified in the National Planning Policy Framework, renewable energy infrastructure will only be permitted where it can be demonstrated that it would be appropriate in scale, located in areas that do not contribute positively to the objectives of the designation, is sympathetically designed and includes any necessary mitigation measures.</p> <p><u>Community renewable energy proposals</u> Weight in favour will be afforded to renewable energy proposals where community ownership or significant benefits to local communities are demonstrated.</p> <p><u>Additional considerations for solar based energy proposals</u> Proposals for the installation of solar thermal or photovoltaics panels and associated infrastructure on an existing building will be under a presumption in favour of permission unless there is clear and demonstrable significant harm arising.</p>	

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		<p>Proposals for ground based solar thermal or photovoltaics and associated infrastructure, including commercial large scale proposals, will be supported where they are within an area identified as a "ground mounted solar PV opportunity area" as identified on the Policies Map and address all matters in (a) – (c) above, as well as the additional requirements of national planning policy, unless:</p> <ul style="list-style-type: none"> • there is clear and demonstrable significant harm arising; or • the proposal is (following a site specific soil assessment) to take place on Best and Most Versatile (BMV) agricultural land, the proposal is part of a wider scheme to protect or enhance a carbon sink of such land or unless the agricultural production can continue during the operation of the energy generation or can recommence after the end of life of the energy generation equipment without significant impact on the quality of that agricultural land ; or • the land is allocated for another purpose in this Local Plan or other statutory based document (such as a Nature Recovery Strategy or a Local Transport Plan), and the proposal is not compatible with such other allocation. <p><u>Decommissioning renewable energy infrastructure</u></p> <p>Where permitted, proposals will be subject to a condition that will require the submission of</p>	

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>an End- of-Life Removal Scheme within six months of the facility becoming non-operational, and the implementation of such a scheme within one year of the scheme being approved. Such a scheme should demonstrate how the biodiversity net gain that has arisen on the site will be protected or enhanced further, and how the materials to be removed would, to a practical degree, be re-used or recycled in line with Policy CC1.</p>	
	SWQ5.2.5	<p>a) No discussion has been had directly with the applicant since submission of the application.</p> <p>b) We cannot recommend a viable version of Recommendation 10 that fails to make provision for trial trenching as a pre-cursor to the design of a suitable programme of mitigation. The scope and extent of mitigation has not been established, as is acknowledge in the developer's submitted Outline Written Scheme of Investigation (Para 1.5), in its provision for a phase of further trial trenching.</p> <p>With regard to the second scenario, the completion of trial trenching prior to construction of the scheme, as currently drafted the existing Requirement is inadequate. In order to address the staged nature of the archaeological programme, for each phase of the development, the Requirement must make provision for at least two stages of discrete archaeological investigation, comprising initial evaluative trial trenching, followed by a mitigation stage</p>	<p>a) Please refer to the Applicants response to SWQ5.2.5 [REP5-012]</p> <p>b) The Outline WSI [REP5-075] specifically includes provision for further archaeological trial trenching as a "precursor" to the design of suitable mitigation. Thus, the Applicant is unclear as what concerns LCC have in regard to the current drafting.</p> <p>It is the Applicant's position that the currently worded Requirement 10 is appropriate, in so far as it directs the detailed scope to the Outline WSI (and any subsequent-site specific WSIs). For the avoidance of any doubt, the Outline WSI includes provision for a staged programme of work.</p> <p>The Applicant does not consider it appropriate to 'retitle' the Outline WSI as an Outline Archaeological Mitigation Framework. Throughout the assessment and examination</p>

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		<p>responding to the results of the trenching. Both stages will require a specific Written Scheme of Investigation.</p> <p>The necessary archaeological mitigation may encompass a range of archaeological responses from attendance (a watching brief) through to area excavation, and/or design modification. The latter may include exclusion of development from areas of archaeological sensitivity, to (re)design of the scheme to allow development, but without impact upon underlying archaeological remains (e.g. the use of 'shoes' and shallow or above ground cabling). It is very possible that individual development phases will require a combination of techniques, each of which must be detailed within an appropriate written scheme and submitted to the relevant determining authority/authorities.</p> <p>The applicant has provided a draft Outline Written Scheme of Investigation (OWSI) for the development site. The document is intended to present the scope, parameters and methodological approaches to the archaeological programme secured by Requirement 10 of the Development Consent Order (DCO) for the Scheme.</p> <p>We have a number of concerns regarding aspects of this document (see response to the OWSI), specifically regarding its proscriptive approach to the deployment of both further trial trenching, subsequent mitigation and the role of the LPA. However, the document provides an overarching understanding of the suitable</p>	<p>stages of the DCO process, this document has been identified as and referred to (by the ExA and all relevant parties) as the Outline WSI. Outline WSI is also the title of the comparable document produced for the recently consented Longfield DCO.</p> <p>The Applicant maintains that the current wording for Requirement 10 is appropriate, and that the content of the Outline WSI is proportionate and accords with best practice and other recently consented DCOs. Any further detail can be resolved by the site specific WSI to be developed during the detailed design process.</p> <p>The LPAs comments are noted in respect of the 'without-prejudice' requirement, however the Applicant does not intend to make further changes as in the without-prejudice scenario, it is still the outline WSI that would need to be updated to account for further trenching agreed by the Secretary of State. The Outline WSI applies scheme-wide and sets the scheme wide approach against which site specific WSIs are then developed.</p> <p>As set out in the Outline WSI, the site-specific WSIs which flow from it are then approved by the relevant LPA for the site in question, which deals with any concern in relation to phasing.</p>

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		<p>methods of archaeological investigation and mitigation (by archaeological excavation and/or design solution). It is recommended that any such document is retitled Outline Archaeological Mitigation Framework, to avoid confusion with the need for trial trenching and mitigation WSIs to be prepared for each phase or group of phases of the development (OWSI, Paragraph 3.5). The Framework should be submitted to the LPA for approval to inform the overarching mitigation programme and should be appropriately referenced in a revised Requirement 10.</p> <p>With regard to a revision of Requirement 10 that, without prejudice, could be worded suitably to address the need for a further stage of pre-construction trial trenching, the following is proposed:</p> <ol style="list-style-type: none"> 1). An Outline Archaeological Mitigation Framework (OAMF) shall be submitted to and approved in writing by the relevant planning authority or authorities (South Kesteven, Rutland and Lincolnshire), such approval to be in consultation with Historic England. 2) No phase of the authorised development may commence other than in accordance with the approved OAMF (1. above) and: <ol style="list-style-type: none"> a) as informed by a programme of archaeological trial trenching, which has been undertaken in accordance with a written scheme of investigation, submitted to and approved in writing by the relevant planning authority or authorities (South Kesteven, Rutland and Lincolnshire), and where relevant in 	

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		<p>consultation with Historic England.</p> <p>b) where shown necessary by the results of the pre-determination assessment and evaluation, and/or the post-determination trial trenching (a) above), a programme of mitigation has been undertaken and all on-site mitigation completed. The mitigation must be undertaken in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the relevant planning authority or authorities, where relevant in consultation with Historic England. The development shall be undertaken in accordance with the provisions of the programme of mitigation b) above.</p> <p>The wording makes reference to the 'relevant planning authority', which is intended to include Rutland County Council, where those development works occur within the authority area.</p> <p>Reference is also made to consultation with Historic England. HE in their SoCG have stated that 'Historic England refers the Applicant to the expertise of the Local Authority, archaeological curators with regard to the sufficiency of pre-determination / post-determination archaeological surveys.'</p> <p>The proposed Requirement retains the original reference to phased development. In the event that development will be undertaken in phases, the archaeological programme will need to reflect the development sequence as well as the</p>	

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		two-stage character (trenching followed by mitigation) of the archaeological investigation.	
Rutland County Council; Lincolnshire County Council	SWQ5.5.1	<p>b) Discussions have taken place and although the Applicant has proposed a longer timeframe of 10 weeks for certain matters, RCC maintains the timeframe should be the same for ALL requirements - this being 10 weeks and not 8 weeks.</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. It is understood the Applicant feels certain matters justify a shorter timeframe due to the issues they cover, however, under the TCPA system no such distinction is given for the approval of details pursuant to a planning condition where the timeframe is the same regardless of the subject matter. NSIP projects are much larger in size and as such the issues requiring approval are much greater in detail and extent. Therefore a timeframe longer than the 8 weeks given under the TCPA system is justified.</p> <p>Furthermore, a single, universal timeframe for all requirements to be determined will enable the approving authorities to adopt procedures that are consistent and clear when consulting and discharging requirements and avoid the risk of deadlines being missed by consultees and/or decisions being issued late resulting in the consequential accidental 'deemed approval' of</p>	<p>b) The Applicant's position remains as set out in the answer to Q5.5.1a) in the Applicant's Response to Examining Authority's Second Written Questions [REP5-012], the Applicant's Response to Deadline 4 Submissions [REP5-014] and in the Applicant's position described in the Oral Submissions at ISH3 [REP4-040].</p> <p>The Applicant has taken onboard the comments received from the relevant planning authorities in respect of Schedule 16. The dDCO submitted with the DCO Application [APP-020] allowed 6 weeks for the discharging of requirements. The dDCO [REP4-027] submitted at Deadline 4 amended this period to 8 weeks rather than 6 weeks for the discharging of the majority of the requirements, except for requirements 6, 7, 11, 12 and 18, where a longer period of 10 weeks is deemed appropriate given the nature of those Requirements.</p> <p>The Applicant requires the requirements to be discharged within these timescales so that there is no unacceptable delay to the implementation of the Proposed Development. The Applicant does not intend to make any further changes in this regard and considers this is a 'agree to disagree' position, and the Secretary of State can determine the position accordingly.</p> <p>c) In its answer to Q5.5.1 c) in the Applicant's Response to Examining Authority's Second Written Questions [REP5-012], the Applicant was clear that applications to different relevant</p>

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		<p>certain matters.</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 until the appeal relating to the matter that has been refused has been determined.</p>	<p>planning authorities on the same matter are treated separately.</p> <p>Where a planning authority refuses the application, the Applicant will need to amend and re-submit the application or appeal the determination using the process detailed in Part 4 of Schedule 16. In the event that a relevant planning authority does not determine the application within the relevant prescribed period, the application is either deemed to have been granted or refused depending on which circumstance applies in Part 2 of Schedule 16. The refusal of one relevant planning authority does not affect the decision of another relevant planning authority.</p> <p>Consequently, as they are separate applications it is the Applicant's view that it would not be appropriate for the start of works under an approved application to be conditional on the outcome of another application or appeal to that application.</p>
Rutland County Council	SWQ6.0.2	<p>a) We accept that a range of evaluation techniques have been utilised, however we do not agree that it has concluded into an acceptable archaeological assessment. In the absence of adequate archaeological assessment, it is not possible to evidence the statement that the proposed scheme will offer any greater protection to the archaeological resources than currently afforded by the on-going land use. It is likely that the impact of the scheme will vary across the site, based upon local ground conditions, current and future land use, and the character and sensitivity of the</p>	<p>The Applicant maintains the position that sufficient assessment work has been undertaken to determine, with a suitable degree of confidence, the likely location, extent and heritage significance of buried archaeological remains. The rationale for this position is set out in ES Chapter 8: Cultural Heritage [APP-038], also within the Outline WSI [REP5-075] and in the Applicant's responses to the ExA's first and second questions [REP2-037 and REP5-012] and its Written Summary of Case from ISH2 [REP4-041].</p>

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		<p>archaeological resource and the impact of decommissioning works. As it is not possible to predict with sufficient certainty the impact of existing land use upon archaeological remains, future impacts in the context of the inadequate information submitted by the developer cannot be properly evaluated. Proportionate investigation of the application area should amount to a level of investigation that achieves the above outcome, i.e. an understanding of the impact of development upon the significance of the underlying archaeological resource. There are large areas of the application area that have not had any intrusive archaeological investigation to confirm the results of the non-intrusive investigations (geophysics, etc) as discussed below in b).</p> <p>The extent of the scheme's ground disturbance, most notably the proposes piles and subsequent decommissioning, etc., is not, in our opinion, directly comparable to the percentage of the proposed archaeological evaluation and mitigation, due to the very different outcome they generate. Archaeological investigations have an archaeological outcome (report, finds, community outreach, etc.), whereas piling, putting aside the variable sensitivity and significance of any archaeological deposits, cannot be satisfactorily mitigated, as no useful or meaningful archaeological record can be made in the context of the works proposed.</p> <p>b) The current trial trenching has been targeted upon areas of focus geophysical response. However, the spread/extent of both the</p>	<p>The Outline WSI includes provision for further archaeological trial trenching to inform the detailed design process and the scope of proportionate mitigation measures.</p> <p>The position taken by RCC does not recognise the very limited extent of ground disturbance caused by the piling associated with the Proposed Development. Emerging government policy (draft NPS EN-3) recognises this at paragraph 2.53.2, noting that archaeological finds may be protected where shoes or low-level piling is stipulated. ES Chapter 8 and the Outline WSI similarly acknowledge this point. The recently consented Longfield DCO adopted the policy compliant position of no further (post-consent) archaeological trial trenching within the areas of piled solar arrays. The Proposed Development adopts the same approach. As a result, the Applicant does not believe it is necessary to amend the Outline WSI to accommodate a requirement for an unsubstantiated 5% sample programme of trial trenching.</p>

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		<p>geophysical responses and underlying archaeological remains, has not been adequately examined. It is likely that archaeological remains occur around the periphery of the geophysical clusters and trenching is needed to determine the boundary of appropriate mitigation areas.</p> <p>In addition to those areas targeted by the trenching programme, a significant proportion of the anomalies detected have not been examined by any intrusive investigation, it is therefore unclear whether the detected anomalies represent underlying archaeological remains, and similarly uncertain as to the significance of those remains where present.</p> <p>It should also be recognised that geophysical survey is neither a definitive indicator of archaeological remains, nor can it characterise the nature of the remains detected. Geophysical survey does not determine depth or quality of survival and cannot be used with certainty to determine the significance of the underlying archaeological evidence. Geophysical survey is particularly weak at characterising features with a lower differential to the background geology and soils. This occur where features/fills have a lower magnetic response, or where the natural geology or soils obscure the legibility of the archaeological remains. Notably in the local area and across much of Rutland is the difficulty to identify the presence of earlier prehistoric (Palaeolithic, Mesolithic and Early Neolithic) and Anglo- Saxon archaeological remains. This difficulty to identify archaeological remains solely</p>	

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		<p>by geophysical survey, can extend to feature types, such as burials, discrete pits and post-built structures. It is therefore expected that trial trenching should be undertaken to corroborate and clarify the results of the geophysical survey, examining anomalies that cannot definitively be attributed to non-archaeological origins and additionally testing areas of negative geophysical response. As has been repeatedly stated, it is considered that the level of trial trenching undertaken so far is inadequate. Typically c.2-5% sample of a rural development area will be examined, in order to understand the archaeological significance and development impact of a given scheme. The anticipated character of the archaeological resource (known and potential), the nature of the development impact, and the results of on-site investigations will determine the methodology and intensity of the archaeological investigation. The amount of trial trenching, with the exception of areas P12, PF1 and PF7, falls well below an adequate investigation of the archaeological significance of the application site.</p>	
	SWQ8.0.5	<p>b) This will depend on the detail of any submission made for detailed design proposals and how the design guidance is used to influence that detailed design.</p> <p>The design parameters are useful for understanding the potential maximum impact however it is noted that good design often comes with accompanying increased costs and that as a commercial project there will be pressure to minimise costs. There is no provision within the Design Parameters or the</p>	<p>The Applicant does not believe it appropriate to reference costs within the Design Guidance. The Applicant agrees that the chosen design solution should not be driven by cost alone nor securing the cheapest option but does recognise that cost will be a factor, as it is in any design decision. The purpose of the Design Parameters and Design Guidance is to ensure that good design is achieved through the detailed design process for the Proposed Development.</p>

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		<p>Design Guidance to indicate that efforts will be made (or evidence provided to demonstrate that such efforts have been made) to minimise the impact beyond the stated parameters or 'worst case' scenario. RCC would therefore like to see a commitment to design beyond the 'cheapest possible alternative' in relation to the project.</p>	<p>LPAs will have final sign-off of the detailed design, which must accord with the Design Guidance and the parameters pursuant to Requirement 6 of the dDCO, to ensure that the design solution proposed is suitable and of appropriate quality to demonstrate good design.</p> <p>To make reference to 'minimising' the impact within statutory drafting creates a subjective judgement that would not provide sufficient certainty as to its meaning and would likely immediately lead to dispute.</p>
	SWQ10.0.7	<p>a) The document at paragraph 4.1.3 requires that any supplier uploads its modern slavery and human trafficking statement to the Home Office Register in order to allow monitoring by the relevant planning authorities. It does not however indicate that there will be a mechanism by which those authorities can access a list of suppliers to appropriately check those statements. The document should therefore ensure that a full list of suppliers is available to the relevant local authority on request.</p> <p>b) No other comments.</p>	<p>The Applicant considers that the provision of a full list of suppliers is already provided for under paragraph 4.1.2 of the Outline Employment, Skills and Supply Chain Plan (OESSCP). Under this paragraph, the Applicant is required to make supply chain and employment information available to the local planning authority on request, subject to General Data Protection Regulation obligations.</p> <p>However, in response to the concern raised by RCC, the Applicant has updated paragraph 4.1.3 of the OESSCP at Deadline 6 to expressly include this requirement, as follows:</p> <p><i>4.1.3 The Applicant is committed to the requirements of the ethical procurement policy in Section 6 of this plan being delivered. It will require that any supplier will upload its modern slavery and human trafficking statement annually to the Home Office Register which is maintained by the government and will mean that such statements are subject to monitoring by the relevant planning authorities. <u>A list of suppliers would be made available prior to</u></i></p>

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			<p><i>commencement of development to the local planning authority to enable this monitoring and it would be updated as necessary.</i></p>
	SWQ12.0.1	Rutland County Council Lead Local Flood Authority are not aware of any sequential test being carried out.	<p>Section 4.1 of the Flood Risk Assessment [APP-086] submitted with the Application outlines the Sequential Test which states that the PV Arrays, ancillary infrastructure and the Compound is located outside of the 1 in 100-year (+20 %) event extent within Flood Zone 1 and minor areas of PV Arrays in Flood Zone 2, demonstrating a sequential design approach to remove PV Arrays from the extent of the Proposed Development within the floodplain.</p> <p>The Order limits have been identified through an ongoing site search exercise undertaken by the Applicant with an Alternative Sites Assessment set out in Chapter 4: Alternatives and Design Development of the ES [APP-034].</p> <p>The majority of the Order limits are in flood zone 1, with areas close to river closer to zone 2 and 3 and those sections have been designed accordingly as discussed above. The solar stations are not able to be located within flood zone 3. The design guidance, parameters and work plans have been developed accordingly meaning that the sequential test is able to be passed.</p>
	SWQ12.0.2	Rutland County Council Lead Local Flood Authority have commented before that there is little detail within the documents to show the effects of the proposal on surface water. Whilst it is acknowledged that these are outline documents, there is insufficient information in	The beneficial effects of the proposed vegetation management on surface water run-off are outlined in Section 3.1 of the Outline Surface Water Drainage Strategy [REP5-053], which was informed by 2D rainfall analysis modelling.

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		<p>the form of modelling and assessment to demonstrate that the proposal will not result in flooding, nor any detailed mitigation. We are the view that during construction, when inevitably the ground will be compacted, there will be high risk of surface water being unable to infiltrate the ground and thus flow overground, which will be further exacerbated by the topography of the fields. The impacts of construction and compacted ground without adequate mitigation have recently been witnessed within Rutland causing significant flooding to existing ditches, highways and properties from a one hour down pour. Given the proposal, it is therefore vital that full details of mitigation and procedures during construction are provided to prevent and ensure that surface water during a flash flood event does not cause flooding on any of the surrounding areas, beyond the extent of the site. Until these details are provided the Lead Local Flood Authority are unable to support this proposal. In our view, topography and alignment of the panels, as well as restoring the compacted ground as quickly as possible in small areas by harrowing or similar, are key to ensuring that the flood risk is eliminated.</p> <p>Note: Black Sluice Internal Drainage Board does not cover this area and there are no internal drainage boards within the area of Rutland, therefore Rutland Lead Local Flood Authority are solely for managing local flood except for main rivers.</p>	<p>The Applicant agreed with LCC during pre-application, that SuDS measures should focus on the Onsite Substation and surface water management for the PV Arrays could be implemented through Rural Sustainable Drainage Systems (RSuDS) techniques. The same approach has been applied to the RCC area, in accordance with the RCC scoping response which stated "<i>The RCC's LLFA are not concerned about the main areas for the panels, as the installations will not affect the overall area of drainage which will remain permeable, however full details of surface water drainage of all buildings and hard surfaced access roads will be required for further review</i>".</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.</p> <p>Section 2 of the Outline Surface Water Drainage Strategy provides that discharge from the areas of hardstanding (substation) will be restricted to greenfield rates, as modelled using Micro Drainage software.</p> <p>Regarding compaction, the effects of construction activities including plant and machinery on the underlying clay soils will be managed through the oSMP [REP5-069], which includes measures to identify when the soils are suitable for construction activities to take place.</p>

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			<p>The location of construction sites on clay soil is not considered to be rare or unique, and any effects will be managed through delivery of the oSMP.</p> <p>Regarding topography and alignment, 90 % of the PV array area is located on land with slopes of 2 % or less and only 2.5 % of the PV array area is located on slopes of greater than 6 %.</p> <p>Gradient vector analysis of the topography within the Order limits shows that surface water flow direction is very rarely orientated north-south or east-west for more than a few metres, meaning the alignment of PV arrays is unlikely to concentrate flows downhill, especially taking into account the shallow slopes on which the majority of the PV arrays are located.</p> <p>RCC refer to examples of construction projects which are deemed to have contributed to surface water flooding during intense precipitation events. Freely available imagery (Google Streetview May 2023) of the Braunston Road development at Oakham shows extensive soil stripping including up to the boundary of the site. The oCEMP commits to having 10 m vegetation buffers from watercourses and 6 m from drains, along with other measures in the oSMP, and therefore the potential for the Proposed Development to contribute to offsite flooding is vastly reduced compared to the cited example.</p>
	SWQ12.0.6	a) Rutland County Council Lead Local Flood Authority have witnessed various flooding conditions as a direct result of topsoil being stripped from a site alone, the most recent	The outline Soil Management Plan (oSMP) [REP5-069] will inform the preparation of detailed SMP (s) that will provide further detail

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		<p>one a couple of months ago at a site in Braunston Road, Oakham, during summer. In this case, only the first phase of the enabling works had taken place, with the site topsoil being stripped. After a heavy one-hour downpour, the adjacent ditches were not able to cope due to the lack of infiltration so overflowed which resulted in the nearby highways and residential properties being flooded as a direct result. In terms of how to avoid and manage this, we are of the view that mitigation in the form of harrowing/amelioration of the compacted soil as soon as possible will be key. Furthermore, it would not be acceptable to implement the mitigation field by field, due to the highly likely risk of flood whilst the soil is compacted, it is vital that mitigation is implemented on a row-by-row basis, or within small areas, to ensure the risk is very limited. Whilst we acknowledge that broad details are within the oWMP and oSMP regarding mitigation along these lines, we would wish to see a detailed methodology of mitigation including maximum areas/rows/panels including timings.</p> <p>b) Rutland County Council Lead Local Flood Authority do not feel the response goes far enough in any level of detail regarding mitigation, as explained in point 'a' above. However, if the ExA are of the view that it would be acceptable for this level of detail to be provided, for written approval, under</p>	<p>on mitigation measures once construction methodology and detailed design is developed.</p> <p>The example referred to by RCC relates to an incident of rainfall after topsoil had been stripped. Freely available imagery (Google Streetview May 2023) of the Braunston Road development at Oakham shows extensive soil stripping including up to the boundary of the site. Topsoil removal is very limited for the Proposed Development. In terms of the creation of the tracks and bases for fixed infrastructure, these are small areas running through the site, and all areas will be surrounded by other undeveloped land so the potential for any run-off to leave the site will be minimal.</p> <p>The Onsite Substation is the largest area to be stripped. That area will have a drainage system in place as described in the oWMP [APP-214]. There are wide swathes of undeveloped land around the Onsite Substation which will buffer the potential for run-off.</p> <p>The oSMP sets out the methodology for minimising any effects, such as rutting, on farmland. Rutting of farmland by farm traffic is a common occurrence already, as inevitably there will be times when farming activities in fields have to take place when indentations occur. In all cases and at all times, however, these are localised effects in usually central parts of fields, and any excess water that follows a rut will then run out over unrutted land and drain naturally. Therefore, the risk is not increased.</p> <p>Overall, there should not be a situation whereby, even in a heavy storm, the potential for run-off from the fields associated with the Proposed</p>

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		<p>one of the Requirements, and that the Lead Local Flood Authority will have the ability to review and make comment on its acceptability, we would accept that.</p> <p>c) Applicant to respond. However, Rutland County Council Lead Local Flood Authority are of the view that the scope of stripping back and subsequent mitigation must be limited to small areas/rows to limit the impact to ensure flooding does not occur.</p>	<p>Development is created by, or even increased by, the installation works.</p> <p>Following construction the land will all be down to grassland with reduced run-off potential compared to the existing arable cropping.</p>
Lincolnshire County Council	SWQ1.0.1	<p>As stated in our Deadline 4 submission [REP4-044] LCC considers an operational time-period should be imposed. All utility scale solar DCOs issued to date are time- limited and so to issue a non-time-limited solar DCO would be unprecedented. In other DCO cases where the loss of BMV land has arisen this loss has, on balance, only been deemed acceptable and justified by the ExA and SoS because the DCOs are time-limited and as such ensures the development is temporary and reversible.</p> <p>The Mallard Pass proposal will result in the loss of BMV and if a non-time limited DCO is issued this does not give any certainty that this highly valuable resource will be returned. Therefore any loss should be viewed as permanent and LCC does not feel a compelling case has been made to justify such permanent loss and as such would be contrary to the Written Ministerial Statement dated 25 March 2015, the updated NPPG and NPPF as well as Policies SP1 and Policy RE1 (inc. Solar Criterion 9 of Appendix 3 of the South Kesteven Local Plan).</p>	<p>The Applicant has agreed to the imposition of a 60 year time-limit on the Application. As set out in the Applicant's response to Q1.0.2 of the ExA's Second Written Questions [REP5-012] any necessity to extend the life of the consent beyond this at a later date would be considered in light of the relevant planning policies and material considerations that would be applicable at the time by the Secretary of State pursuant to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, as amended at the time.</p> <p>As the Applicant has consistently set out, the change in use of land to solar does not involve a loss of BMV land – the land is still BMV, it is just being used not for agricultural purposes. The Applicant has set out its position on its case for BMV requirements and its compliance with the various policies; noting that the NPS is the overriding policy in question, as recognised by recent decisions such as Longfield.</p>

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	SWQ1.0.5	Should the SoS decide to impose a restriction then LCC submits that this should be 40 years as this is consistent with the timeframe the Applicant has used in carrying out its decommissioning assessment. LCC has already recommended revised wording within the dDCO to reflect this [REP4-043].	The Applicant is seeking a 60 year time-limit as this allows flexibility in ensuring that the operational life of the equipment and the delivery of renewable energy can be maximised. In terms of the ES, all effects have been assessed as permanent with decommissioning assessed at an indicative 40 year life time for the Proposed Development. It is not considered that there are any material or significant differences between decommissioning at 40 years and decommissioning at 60 years, therefore the conclusions of the ES remain valid. The Applicant's response to SWQ 1.0.3 [REP5-012] considers the change to 60 years means for the ES assessments.
	SWQ3.0.4	a & b) LCC considers the number of boxes to be provided as arbitrary and instead should be based on site assessment work. There will be more than 100 trees in which to place bird or bat boxes across the whole of the site and boxes need not solely be placed in trees. Boxes can and often are also placed on freestanding poles across sites and so given the size of the site and the new habitats proposed which would appeal to a variety of both birds and bats then more boxes than 100 should be secured. LCC has no other comments to make at this stage but would suggest the advice of SKDC/RCC's ecologist and/or Natural England and Lincolnshire Wildlife Trust be taken into account.	There is no formal guidance on bird or bat box densities to be provided as part of solar developments. It is acknowledged that more trees are available but it is questionable whether adding significantly more boxes would be beneficial on the whole in light of the limited Proposed Development impacts. Additionally, only certain species of bird will use boxes and over provision may benefit certain species which readily use boxes (such as blue tit or great tit) to the detriment of open nesting species such as farmland SPIs which would then have less invertebrate prey available. The proposed enhancements are centred around the habitat creation or enhancement of existing habitats to increase the value of the Order limits for

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			<p>farmland bird SPIs such as yellowhammer, linnet and bullfinch.</p> <p>In any event, the bird/bat box proposals, in line with the commitments set out in the oLEMP as a minimum starting point (in light of the DCO Requirement requiring the detailed LEMPs to be substantially in accordance with the oLEMP), would be approved by the LPAs, who would be able to consider if the proposals are sufficient.</p>
	SWQ3.0.5	<p>The oLEMP suggests that following completion of construction, monitoring of the LEMP(s) will be undertaken every 5 years. The current wording of the oLEMP suggests that the focus of this report will be on monitoring the success of planting and not specifically the impacts upon flora of the site and ecological receptors as advised by draft EN-3. LCC would therefore welcome revisions to the oLEMP to make it clear that monitoring will go beyond just monitoring the success of planting but also that the development is not having an adverse impact on flora and any ecological receptors present. The proposed timeframe of a report every 5 years also appears too long in the first instance and consideration given to a report every 12 months for the first 5 years (so that any issues can be identified early on) with the scope for this to increase to reports every 5 years after Year 5 once planting etc has become more established.</p>	<p>There appears to be a misunderstanding between monitoring and replacement within the oLEMP, which the Applicant has sought to clarify in the updated oLEMP submitted for Deadline 5 [REP5-065]. Monitoring of LEMP(s) will be undertaken periodically for the duration of the operational phase of the Proposed Development, as set out within Appendix 1 of the oLEMP, with a full review report produced every 5 years suggesting recommendations as required for the next rolling 5 year LEMP period. The 5 year period is considered sufficient to allow planting and habitats to 'bed down' and establish. Other species monitoring surveys could be undertaken more regularly and feed into the 5 year LEMP review.</p> <p>Monitoring for replacement of planting would be undertaken taken periodically during the first 5 years of establishment with any failures being replaced in the next suitable planting season. This is standard practice in landscape planting and maintenance contracts. It is not considered a replacement period beyond 5 years is needed as by this time it will be clear if new planting is successful or not.</p>

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	SWQ5.2.5	<p>a) A copy of the Applicant's outline WSI was provided to LCC on 17 August 2023. Having reviewed the WSI LCC maintains that further pre-determination evaluation needs to be carried out in order to be able to properly identify, understand and assess the potential impacts and for an appropriate mitigation strategy to be developed. If the Applicant is not agreeable or forthcoming in carrying out such further work pre-determination and the ExA is minded to grant the DCO then there will be a need for Requirement 10.</p> <p>On the basis of their being no necessity for additional trial trenching prior to construction then LCC submits that the wording of Requirement 10 should make it explicitly clear that the WSI that is required to be submitted for approval will need to provide for the Archaeological Strip Map and Record (SMR) in all areas not previously evaluated. SMR means that all overburden (topsoil and subsoil) is removed in spits to the archaeological horizon to expose any surviving archaeology. In the absence of sufficient pre-determination evaluation having been carried out SMR is considered to be the only reasonable mitigation that can be secured to ensure any surviving archaeology can then be mapped, investigated and recorded as necessary. Suggested revised wording would be as follows:</p> <p><i>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</i></p>	<p>As set out in the Applicant's Response to Examining Authority's Second Written Questions [REP5-012], the Outline Written Scheme of Investigation [REP5-075] was submitted into the Examination at Deadline 5. Following comments from the relevant planning authority, the dDCO (Rev 5) has been updated to provide simply that the authorised development must be carried out in accordance with the WSI. The Outline WSI provides the relevant planning authorities with the ability to approve the site specific WSIs and sets out the processes by which the various authorities will be involved in the development of the detailed archaeological mitigation measures. As a point of principle, any further amendments in respect of controls for relevant planning authorities should be made to the Outline WSI, or even more appropriately, the site specific WSIs, rather than to Requirement 10.</p> <p>On the specific matter of the works described in the Outline WSI, the Applicant maintains the position that sufficient investigations have been undertaken to support the submission and determine the consent. The approach taken by the Applicant is wholly in accordance with policy and industry best practice, with further details on this point provided in answers to Q5.2.5 and Q6.0.7 of the ExA's Second Written Questions [REP5-012]. As a result, the Applicant does not believe it is necessary to amend the Outline WSI to accommodate a requirement for an unsubstantiated 2% sample programme of trial trenching within the entirety of the Order limits.</p> <p>LCC's updated position that Archaeological Strip, Map and Record (SMR) or 'total area excavations' in all locations not evaluated is</p>

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		<p><i>Investigation for that phase has been submitted to and approved in writing by Lincolnshire County Council, 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, Rutland County Council and Lincolnshire County Council, such approval to be in consultation with Historic England.</i></p> <p><i>(2) The approved scheme must— (a) identify areas where archaeological work is required; and (b) provide for the Archaeological Strip Map and Record (SMR) in all areas not previously evaluated. SMR means that all overburden (topsoil and subsoil) is removed in spits to the archaeological horizon to expose any surviving archaeology which can then be mapped, investigated and recorded as necessary.</i></p> <p><i>(3) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with the 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.</i></p> <p>On the basis of additional trial trenching being required prior to construction, then LCC notes the Applicants suggested drafting (as contained within [REP4-041]) but disagrees that the scheme would need to be made to the</p>	<p>entirely disproportionate, contrary to policy directions and in direct conflict with best practice. The Applicant believes this request from LCC demonstrates a misunderstanding of the scale of the potential impacts of the piled footings. For these reasons, the Applicant does not believe it is necessary to amend the Outline WSI to accommodate this scope of work.</p> <p>The level of disagreement here demonstrates the necessity of, if the Applicant's without prejudice requirement is deemed to be required (noting this would be entirely unprecedented), the need for the question of trenching to go to the Secretary of State, not the LPAs.</p>

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		<p>SoS and instead can and should be made to the relevant planning authority and/or LCC. We also suggest that part (b) would need to be amended to make it explicitly clear that the additional trial trenching should consist of 2% trenching across the red line boundary.</p> <p>Also see response to Q6.0.7.</p>	
	SWQ6.0.2	<p>a). The archaeological evaluation process is a phased approach, and areas of potential identified from the desk-based assessment should be subject to ground- truthing by trial trenching. Features may be identified for example as cropmarks on air photos or identified on old maps, but there will also be archaeology surviving in the development area which desk-based work cannot identify. For example archaeological features may be masked by geology or by later archaeological activity, like Medieval ridge and furrow on top of earlier Prehistoric features, and there are types of archaeology such as burials which don't show up in geophysical survey.</p> <p>Like all the other NSIPs currently being considered within Lincolnshire, and indeed like any site with unknown potential which would be impacted by a proposed development, the field evaluation phase needs to be reasonable, appropriate and fit for purpose and the trenching needs to target not only known areas of potential but also the 'blank' areas where previous phases of evaluation have not successfully identified archaeology. An effective trenching programme needs to be undertaken across the redline boundary, on all</p>	<p>As set out in the response to RCC's response to SWQ6.0.2 above, and already provided in responses to earlier raised matters, the Applicant takes the position that sufficient investigations have taken place to inform the determination of the Application.</p> <p>The approach taken by the Applicant is in accordance with emerging policy (draft NPS En-3, paragraphs 3.10.100, 3.10.101 and 3.10.105) as well as best practice, and is directly comparable to other recently consented DCO solar schemes (such as Longfield). There is no evidence for buried archaeological remains within the Order limits that cannot be adequately addressed via the mitigation measures proposed in the Outline WSI [REP5-075].</p> <p>LCC refer to the scope of work that has been adopted in other NSIP schemes within Lincolnshire. No evidence has been offered by LCC as to why solar schemes in Lincolnshire, or this specific scheme, should adopt a different methodological approach from other schemes within England or Wales.</p> <p>LCC offer no evidence as to why this scheme should depart from the policy provision given at 3.10.105 of draft NPS EN-3, which states that</p>

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		<p>other NSIPs in Lincolnshire we have agreed to 2% trenching, which targets both areas of known or suspected archaeology and the 'blank' areas. In all other NSIPs trenching has revealed areas of archaeology in those blank areas which would be impacted by the development. Once the archaeologically sensitive areas have been identified across the development we can then agree how to deal with them in a mitigation strategy which would be a combination of either preservation in situ or preservation by record and the archaeology impacted by the development would thus be effectively dealt with.</p> <p>If sufficient evaluation including trenching is not undertaken then the ground impacts of the development will damage and destroy archaeology without it being saved or recorded, whether that ground impact is through spikes, shoes, compaction, or any other ground impact including pond creation and scrapes. Mitigation measures cannot be deployed effectively unless the archaeologically sensitive areas have been identified and their depth, extent and significance is determined, otherwise so-called mitigation measures such as the use of shoes would destroy archaeology such as the Saxon skeletons which were close to the surface and would be crushed as well as unrecorded.</p> <p>As we have made clear in our Local Impact Report [REP2-044] and in follow up submissions following the Issue Specific Hearings [REP4-044] we do not consider</p>	<p>"In some instances, field studies may include investigative work [...] to assess the impacts of any ground disturbance...". LCC position is that in 'all instances' a standard and non-site-specific approach must be taken. This is plainly contrary to government policy on this matter.</p> <p>Any further detail in relation to mitigation measures can be resolved by the site specific WSI which will be developed during the detailed design process and account for a developed understanding of the proposed construction methodologies and design.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>sufficient investigative work to have been carried out. As a result, we are unable to say with any confidence that the development would have a positive effect in terms of protecting archaeological assets when compared to potential impacts from ploughing etc. For example, we do not yet know if or what type of shoes would be used and given the absence of sufficient evaluation cannot be certain that given the location, extent, number and depth of piling that this would not have a significant impact on archaeological assets. Therefore it is not possible to conclude that this development accords with paragraph 3.10.101 of the Draft NPS EN-3.</p> <p>b). As indicated above, notwithstanding the work that has been completed thus far (including desk-based review, geophysical survey and limited trenching) we simply don't know enough at this stage to know where specific areas need further work - whether that be further evaluation or mitigation measures. The Outline WSI [also submitted by the Applicant at Deadline 5] states that there are archaeological features which showed in the geophysical survey which haven't been trenched and so it is those areas that would need investigating as a minimum. However, the bigger picture is that in every other NSIP currently being considered in Lincolnshire we have also required the promoters to carry out trenching in the so-called "blank areas" and in such case this has revealed significant areas of archaeology within the impact zone, including for example Roman settlements, and completely unexpected Saxon skeletons within</p>	

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		<p>20cm of the ground surface.</p> <p>Also see response to Q.06.0.3.</p>	
	SWQ6.0.3	<p>Heckington Fen Solar Project - Most of the mitigation areas for Heckington Fen NSIP were only identified through trial trenching. Geophysical surveys were carried out in relation to this project but these failed to identify features that were later identified through trenching. See two attachments which accompany this response which identify the geophysical survey results (in purple) and archaeological features later identified in trenches (in black). This shows that the geophysical survey results bear little resemblance to what was found in the trenches which in this case is a Roman settlement.</p> <p>Cottam Solar Project – trenching carried out in relation to this project resulted in the discovery of burials in the south-east of site known as Parcel G. The promoter of the scheme agreed to opening up further trenches to try and better understand the extent/significance of a potential burial ground and this additional trenching work has aided in establishing a mitigation strategy for any proposed development in this section of Parcel G. Attached to this response is a plan taken from the Cottam project showing the location of the trenches and identified burials which in part were not readily identifiable through geophysical survey alone.</p> <p>The above examples demonstrate that there is a likelihood of previously unidentified assets being</p>	<p>Each project should be examined on its own merits. Each location would have its own specific ground conditions and potential for previously unrecorded buried remains. Bespoke programmes of archaeological work would have been designed to assess the likelihood of encountering buried remains. The over 200 trial trenches undertaken for the Proposed Development have provided a robust assessment of the quality of the geophysical survey (and other desk-based research). Further archaeological works are proposed within the Outline WSI [REP5-075], to explore the potential for buried remains within areas of greatest impact at the pre-construction phase.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>located within the Order Limits of the Mallard Pass project despite the work that has been conducted to date and hence why more ground truthing and trenching should have been conducted pre-determination in order to ensure an appropriate mitigation strategy can be identified which could also include the removal of areas proposed for development.</p>	
	SWQ6.0.6	<p>Further details could be included and secured as part of DCO Requirement 6 (Detailed design approval) and/or with reference and cross over to details that could also form part of the WSI (Requirement 10) if these are to form part of the mitigation techniques. The wording of Requirement 6 for example could be amended as follows:</p> <p><i>6. No phase of the authorised development may commence until details of—</i></p> <p><i>(a) the layout;</i></p> <p><i>(b) scale;</i></p> <p><i>(c) proposed finished ground levels;</i></p> <p><i>(d) external appearance;</i></p> <p><i>(e) hard surfacing materials, including any concrete shoes used for solar panel mounting frames;</i></p> <p><i>(f) drainage, water, power and communication cables and pipelines;</i></p> <p><i>(g) vehicular and pedestrian access, parking and circulation areas; and</i></p> <p><i>(h) refuse or other storage units, signs and lighting,</i></p>	<p>As set out in the Applicant's answer to this question, no changes are required to this Requirement.</p> <p>Controls in relation to this matter are set out in the CEMP, the Outline WSI and the Deadline 5 update to Requirement 6 for the discharge of that requirement to demonstrate how the design has taken account of the results of archaeological investigations and evaluations.</p>

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		<p><i>relating to that phase have been submitted and approved in writing by the relevant planning authority for that phase or, where the phase falls within the administrative areas of both the District of South Kesteven and the County of Rutland, both relevant planning authorities.</i></p>	
	SWQ10.0.5	<p>a) There are some omissions in the CEMP such as a need to specify the widths of PRoW as there is no minimum legal width identified. Additionally, the temporary diversion / closure process needs to be defined.</p> <p>Additionally, the oOEMP and the oDEMP lack detail on the diversion process and notice process. The oDEMP does not detail footpaths but only bridleways.</p> <p>b) All details are included when the plans are read as a whole, with the exception of those omissions listed above. There is not considered to be a specific need for a PROW management plan, provided that the oCEMP / oOEMP / oDEMP provide the details listed above.</p> <p>c) No further comments</p>	<p>a) Table 3-10 in the outline Construction Environmental Management Plan (oCEMP) has been updated to clarify the minimum legal limits for PRoW widths (1m for footpaths and 2m for bridleways). The process for agreeing a temporary diversion with the local authority and notifying the public will be set out in the detailed CEMP.</p> <p>The outline Decommissioning Environmental Management Plan (oDEMP) and outline Operational Environmental Management Plan (oOEMP) have been updated to contain the same measures in the oCEMP relating to any potential PRoW diversions should the repair of access tracks (where they cross a PROW) be required.</p> <p>The oCEMP, oDEMP and oOEMP only detail bridleways as no other PRoW will require a temporary diversion to facilitate the Proposed Development.</p> <p>b) The oCEMP, oDEMP and oOEMP have been updated to include the further detail requested, to address LCC's concerns.</p>

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	SWQ13.0.2	<p>LCC disagrees with the list as it stands. As confirmed in our response to ExAQ1 [REP2-045] the cumulative list needs to be updated as it does not take into account other Solar NSIPs (beyond 10km) of the site is out of date. In addition to those listed, a number of additional NSIP scale solar projects are also currently registered with PINs and/or have been publicly announced including:</p> <ul style="list-style-type: none"> • Beacon Fen Energy Park • Temple Oaks Renewable Energy Park • Tillbridge Solar Park • Fosse Green Energy • Springwell Solar Farm <p>The documentation and any assessments considering cumulative impacts arising from these proposals should therefore be updated to take these into account too.</p>	<p>The Applicant agrees there is no need for a separate PRow Management Plan.</p> <p>The Applicant has updated the Cumulative Long List and submitted this as an Appendix to this document (Appendix 1) at Deadline 6 on the basis of these comments. We would welcome comment from the other Local Authorities on the schemes included by Deadline 7, and if any further updates are required the Applicant will develop the assessment and respond to these at Deadline 8.</p> <p>Cumulative BMV land affected by proposed solar NSIPs in Lincolnshire and Rutland as listed by LCC was considered by the Applicant in [REP3-037] and concluded that 0.5% of BMV land in that area will be affected.</p>
Richard Williams	SWQ 4.0.8	<ol style="list-style-type: none"> 1. Since the first Compulsory Acquisition Hearing ("CAH1"), I have taken advice from specialist compulsory purchase solicitors and wish to make the following comments in addition to my written submissions [REP4-066] and in response to the submissions made by Mr Fox and Mr Phillips on behalf of the applicant summarised at REP4-042. 2. At CAH1 concerns were raised by myself, other interested parties and the Examining 	<p>The Applicant's objective throughout has been to reach agreement with affected landowners and this continues to be the case. The Applicant is negotiating with Mr Williams and those negotiations are advanced as Mr Williams notes and it is believed that agreement will be able to be reached. Mr Williams notes some of the details of the outstanding points that are being negotiated. The Applicant does not wish to disclose the details of negotiations with</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>Authority that the amount of land subject to compulsory acquisition was significantly greater in extent than that required for the project. In response Mr Fox and Mr Phillips stated that this was because the project was at outline design stage and the land requirements would be reduced as the scheme progresses through detailed design.</p> <p>3. Mr Phillips went on to say that there was a further opportunity (i.e. after the DCO has been made) to test whether land was required for the project. Mr Phillips' submissions are summarised at REP4-042 as follows:</p> <p><i>“Once the detailed design has been approved by the local planning authority, then there is a second stage of consenting in terms of land acquisition as it is not the case when a DCO is granted that a developer can seize the land. Mr Phillips described how the developer could use one of two ways to compulsorily acquire the land (GVD or notice to treat) with each process having notice provisions, providing the landowner the opportunity to contest the acquisition and if there is a dispute it can be decided at the Lands Tribunal like a court case to decide if it is an appropriate use of the land”</i></p> <p>4. This is simply untrue. The Lands Tribunal no longer exists having been replaced by the Upper Tribunal (Lands Chamber) in 2009. The Upper Tribunal does not have any jurisdiction whatsoever as to whether</p>	<p>individual landowners in public written submissions to the examination.</p> <p>The Applicant has set out in its Deadline 4 and Deadline 5 submissions why Mr Williams land is required for the Proposed Development – including a significant proportion of the solar PV site and associated LEMP measures.</p> <p>The Applicant does however wish to make it clear that although it considers such a claim would be ungrounded, it is entirely possible to judicially review the way in which compulsory acquisition powers are exercised if Mr Williams considered it necessary to do so, as was done for example in:</p> <ul style="list-style-type: none"> • <i>Simpsons Motor Sales (London) Ltd v Hendon Corporation</i> [1964] AC 1088, 1118 • <i>Meravale Builders Ltd v Secretary of State for Environment</i> (1978) 36 P&CR 87 • <i>R (Argos Limited) v Birmingham City Council</i> [2011] EWHC 2639 (Admin); and • <i>Dawes, R (On the Application of) v Birmingham City Council</i> [2021] EWHC 1676 (Admin) <p>None of these cases suggest that it is not possible to do this against a private body exercising powers under a DCO. In any event, in that instance, the company will still be acting as</p>

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		<p>the compulsory acquisition of land is appropriate or lawful. With respect to compulsory acquisition the Upper Tribunal's sole jurisdiction is in relation to disputes as to question of compensation following acquisition. It is not possible for a landowner to contest a decision by an acquiring authority to make a GVD or notice to treat through proceedings at the Upper Tribunal or otherwise. The jurisdiction of the Upper Tribunal is set out at its website at the link below. https://www.gov.uk/courts-tribunals/upper-tribunal-lands-chamber</p> <p>5. Where a public body decides exercise compulsory acquisition powers, it is possible in very limited circumstances to seek a judicial review of that decision. No such remedy is available where a private body exercises compulsory acquisition powers.</p> <p>6. Therefore, once the DCO has been made, the applicant has sole discretion as to whether to exercise compulsory acquisition (or temporary possession) powers. The Examining Authority Secretary of State must therefore be satisfied that every parcel of land included within the Order limits is required for the project and that compulsory acquisition powers are justified applying the guidance set out in the Department of Levelling Up Housing and Communities Guidance on Compulsory Purchase and the Crichel</p>	<p>an 'acquiring authority' and taking on a 'public' (for JR purposes) role as if under the 1981 Act, as provided for by article 24 of the draft DCO.</p>

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		<p>Down Rules1 dated July 2019 ("the Guidance").</p> <p>7. Mr Phillips further stated that the applicant was under an obligation pursuant to the Crichel Down Rules ("the Rules") to return land no longer required for the project to the owner. The written submissions qualified this somewhat by noting (correctly) that the Rules do not apply to private bodies but that such bodies may choose to follow them. No commitment has been given by the Applicant that they will follow the Rules and therefore no account should be taken of those rules as a mitigating factor in relation to the compulsory acquisition powers sought. In any event the Rules only require land to be offered back to the original landowner where the character of the land concerned has not been materially changed since its acquisition. The installation of solar panels and related equipment would constitute a change in the character of the land and the Rules would not in any event apply.</p> <p>8. The Guidance states that compulsory acquisition is a last resort and that acquiring authorities should seek to acquire land by agreement. As the Applicant correctly notes, negotiations are ongoing and most terms have been agreed. A significant issue is that I am not satisfied with the covenant strength of the Applicant, which is effectively a special purpose vehicle for the purposes of the DCO application. I am concerned as to the payment of rent and as to the</p>	

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>restoration of the land at the end of the lease including the removal of panels and equipment.</p> <p>9. Those concerns could be rectified by the provision of a parent company guarantee by Canadian Solar but the Applicant refuses to provide one. This is inconsistent with the Applicant's reliance on Canadian Solar for the purposes of its funding statement. Alternatively, I have suggested the provision of a two year rent deposit.</p> <p>10. The requirement in the Guidance that acquiring authorities should seek to acquire land by agreement extends to authorities negotiating in good faith and offering reasonable market terms to landowners.</p>	
MPAG	Local Health Impacts	MPAG has prepared a note on the implications of the Proposed Development on both mental and physical health, along with the well-being of residents.	<p>The Applicant provided details on this topic in its response to SWQ10.0.8 [REP5-012] and in the Applicant's Responses to Interested Parties' Deadline 2 Submissions – Socio-economic Effects' [REP3-033].</p> <p>The Applicant has assessed the impact of the Proposed Development on environmental factors relevant to wellbeing and mental health throughout the Environmental Statement, including those raised in the MPAG note [REP5-030].</p> <p>As set out in the responses listed above, the Applicant understands that some individuals may face adverse mental health impacts through</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			<p>some of the concerns and types of feelings listed in the MPAG note [REP5-030] whilst noting that feelings of uncertainty and the Examination process frustration will be alleviated to some extent by the Secretary of State's decision on the project in due course.</p> <p>Guidance on Health Impact Assessments in the planning process, such as the widely recognised Institute of Environmental Management and Assessment (2022) Guide to Determining Significance for Human Health in Environmental Impact Assessment, identifies that in EIA, health impacts should be considered against a framework that identifies the significance of a health effect at a population health level.</p> <p>As previously identified, the Applicant considers that given the extent of the changes in environmental conditions, any impact on mental health would not be significant at that level. This includes health impacts resulting from changes to the landscape character of the area and the amenity of recreation noted in the MPAG note [REP5-030], which have been assessed separately through the EIA.</p> <p>The Applicant notes MPAG's focus on local residents in particular, and notes its previous submissions that:</p> <ul style="list-style-type: none"> the impact on amenity of PRoWs will be to one small part of a journey in the overall community resource of walking routes in the local area and these effects will reduce over time. Each individual will have a different subjective view as to impact to the pleasuresableness of that route due to the presence of the

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			<p>Proposed Development in that context and more generally;</p> <ul style="list-style-type: none"> • the routes will be able to be used throughout the operational lifetime of the Proposed Scheme and so there is not a loss of the community resource that is used for physical health purposes; • the scheme has been deliberately broken up, and accounted for local residents' views through the RVIA process, to ensure there is not a 'decimation' of landscape character, and particularly not in any one view nor a complete loss of being able to see the view in any distance, particularly given the topography of the area; • there is no impact to food security from the Proposed Development; and • one could also consider that others in the local area may feel positive feelings that its local area is 'doing its bit' to fight climate change, with concerns about the latter known to be a mental health issue, as identified by the IPCC in February 2022. <p>The Applicant recognises the strength of feeling of those involved in the Examination and throughout project development has sought to mitigate its impacts to the local area and be a good neighbour as set out in its scheme vision set out in the DAS [REP5-058]. The Applicant considers that its design and mitigation measures have achieved this.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			<p>The Applicant has in its application materials and in Examination set out its position on why this is an appropriate site and the robust site selection process that has been undertaken (to an approach supported by policy and precedent), explained the design development that has been undertaken, and justified the size of the Proposed Development (supported by policy and precedent), all in the context of the objective overriding need for the Proposed Development prescribed by national policy, which also recognises that renewable energy projects will have landscape and visual impacts. These matters will ultimately need to be balanced against the statements in REP5-030 by the Secretary of State.</p>
	SWQ1.0.7	<p>In addition to the cabling across the arable fields, the Applicant should also provide method statements on the railway culvert, A6121, and Pickworth Road cabling back to the substation. (The A6121 cabling option is still 'on the table' due to the recent arrangement of a public meeting on 'land powers being sought' being set up by the Applicant at Essendine village hall on 20th September.)</p>	<p>The Applicant provided details on this matter in response to SWQ1.0.7 [REP5-012] and the commitments made in the OCEMP submitted at the same deadline [REP5-059]. With regards to the cables passing through the railway culvert, the Applicant provided concept design drawings within Appendix B of the Applicant's 'Summary of Applicant's Oral Submissions at CAH1 & Appendices' [REP4-042].</p>
	SWQ1.0.10	<p>The Applicant should confirm that any requirements for insurance cover, for any part of the development, have been discussed with prospective insurers and that those insurers are satisfied to give the appropriate level of cover given the security levels proposed. This to include, but not limited to, the detailed</p>	<p>The Applicant provided a response to its position regarding insurance in response to SWQ1.0.10(d) [REP5-012] and provided evidence from Insurance Brokers (AMI Speciality) within Appendix 1 of the Applicant's</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>specification of all fences. Clarity on this matter is required so that the worse case impacts can be assessed on landscape and visual terms, as well as any biodiversity impacts.</p> <p>Note a recent solar theft: The Energy Portal reported on 26th August "<i>Police authorities are seeking witnesses and relevant information regarding the theft of solar panels worth approximately £10,500 from an energy farm located in the eastern part of the county. The incident occurred between 10pm on Monday, August 21, and 7.50am on Tuesday, August 22, when unidentified individuals gained access to Chelveston Renewable Energy Park. The offenders managed to enter the site by severing the gate from its hinges, then proceeded to drive across fields off the B645, causing damage to the fencing surrounding the park</i>".</p> <p><i>According to a police spokesperson, the culprits subsequently dismantled and stole 80 solar panels from the site, carefully removing them using a vehicle. The stolen panels have a substantial value, posing a significant financial loss to the energy farm. This incident highlights the significance of implementing robust security measures in energy farms and the surveillance of remote sites to deter crime</i>". Sources: Northamptonshire Police.</p> <p>This is small scale solar theft, but given the current fencing specification is the same as these small solar farms, the Applicant leaves themselves open to organised crime gangs attracted by the substantial value of materials, that in itself is a huge concern and source of anxiety for local residents in the adjacent villages.</p>	<p>Response to Deadline 4 Submissions [REP5-014].</p> <p>As set out within the outline Construction Environmental Management Plan (oCEMP) [REP5-059], construction site security during the construction phase will be managed by the appointed principal construction contractor. Perimeter fencing will be implemented in accordance with details approved by the relevant planning authority, at the start of the construction phase.</p> <p>The outline Operational Management Environmental Plan (oOEMP) [REP5-061] provides for a security risk management threat assessment to be conducted by suitable qualified and experienced (SQEP) to determine security risks.</p> <p>The detailed OEMP will contain information on the security procedures to be implemented at the Site following the completion of the security risk management threat assessment, which will be based upon detailed design.</p> <p>If any amendments to fencing were required, this will be controlled by Requirement 5 of the dDCO. Requirement 5 ensures that approval for any amendments to the approved details should not be given except 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 ES.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response									
		<p>The Applicant, although acknowledging the use of CCTV, has not indicated how any incidents will be handled should the CCTV be triggered. Certainly there is not sufficient resource to expect the police to attend such incidents and in a timely way.</p> <p>MPAG are still concerned that the worst case fencing scenario needs to be assessed in respect of the EIA so that if a circumstance arose post consent, that security fencing was not just accepted as a non-material change. The difference between deer fencing and security fencing designed to deter thieves from accessing the site within a 15-20 minute window is huge in visual, landscape and amenity terms.</p>	<p>Considering the evidence provided at Deadline 5 regarding the suitability of the security measures and the controls within the dDCO, the Applicant disagrees that an alternative fencing scenario needs to be assessed in respect of the EIA.</p>									
	SWQ1.1.1	<p>The Future Energy Scenarios Report - 10 July 2023 page 132 supports the argument about the collocation and inclusion of BESS as being the "leading the way" scenario and the maximum solar generation scenario. Thus the report highlights the inclusion of a BESS within projects such as the Proposed Development as a means of "maximising solar generation". A BESS cannot be included in the Proposed Development for technical/economic reasons and also due to inappropriate unsafe siting close to rural populations.</p> <p>The Applicant intends to attempt to overcome this failing by overplanting solar panels and, when addressing point 5(b) of the agenda "consideration of proposed benefits of the proposed Development" during ISH1, Mr Gillett for the Applicant stated that overplanting and BESS</p>	<p>National Grid's Future Energy Scenarios is introduced in the Statement of Need [APP-202] at Para 5.2.4. The FES includes "three pathways involving radical change across many industry sectors, which will deliver the required 100% reductions in carbon emissions by 2050 and one scenario which will not"</p> <p>The table below sets out future capacity projections of solar and storage across the three net-zero compliant scenarios in National Grid's 2023 FES, both in 2030 and in 2050.</p> <table border="1" data-bbox="1301 1206 1901 1436"> <thead> <tr> <th data-bbox="1301 1206 1503 1254">Solar (GW)</th> <th data-bbox="1503 1206 1704 1254">2030</th> <th data-bbox="1704 1206 1901 1254">2050</th> </tr> </thead> <tbody> <tr> <td data-bbox="1301 1254 1503 1361">Consumer Transformation</td> <td data-bbox="1503 1254 1704 1361">30.7</td> <td data-bbox="1704 1254 1901 1361">78.7</td> </tr> <tr> <td data-bbox="1301 1361 1503 1436">Leading The Way</td> <td data-bbox="1503 1361 1704 1436">41.4</td> <td data-bbox="1704 1361 1901 1436">91.2</td> </tr> </tbody> </table>	Solar (GW)	2030	2050	Consumer Transformation	30.7	78.7	Leading The Way	41.4	91.2
Solar (GW)	2030	2050										
Consumer Transformation	30.7	78.7										
Leading The Way	41.4	91.2										

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response		
		<p>are not as related as they have been made out to be. However, in the Statement of Need para 11.5.1 the Applicant writes "In the absence of electricity storage facilities, the Proposed Development's overplanting strategy (see Section 7.7) seeks to maximise use of the grid connection capacity through its operational life".</p> <p>Mr Gillett for the Applicant (technical consultant), who wrote the Statement of Need, gave the example of a solar plant in the Bristol area commissioned in June which is overplanted and is not operating with storage as would be the case for the Proposed Development. However subsequent research by MPAG has revealed the project in question was granted planning permission for a BESS in the original application and one will be operational on that site from 2024. Therefore the point Mr Gillet is making is not backed up by the reality in this particular example. Indeed, Ian Harding, co-founder and director of Enso Energy (the developer of Larks Green - the solar farm in question), described as only having solar panels by Mr Gillet said "Completion of this project is a major milestone for renewable energy in the UK and provides further evidence that co-located solar and battery storage projects connecting directly to the transmission network will play an important role in the delivery of the UK's net zero plan".</p> <p>EN-3 paragraph 3.10.17 encourages the inclusion of co-located functions such as storage in maximising efficiency. "where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/pr can be co-located with other functions (for</p>	System Transformation	24.8	56.9
			Battery Storage (GW)	2030	2050
			Consumer Transformation	15.9	31.7
			Leading The Way	20.4	35.5
			System Transformation	14.0	21.8
			<p>In all scenarios at 2030 and 2050, this data clearly shows that the capacity of solar generation outstrips that of storage capacity, and it is the Leading the Way scenario in which the gap between solar capacity and storage capacity is largest. This means that in all scenarios and at all times, the number and capacity of stand-alone solar generation facilities is likely to grow in the race to achieve Net Zero. Of course, the number of co-located schemes is also likely to grow.</p>		
			<p>Paragraph 11.5.2 of the Statement of Need [APP-202] describes that solar has a core contribution to decarbonising the electricity network, whether co-located or stand alone.</p>		
			<p>Mallard Pass Action Group seek to make the point that a co-located solar-and-storage site is</p>		

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>example, onshore wind generation, or storage) to maximise the efficiency of land use”.</p> <p>In the Statement of Need for the Proposed Development 11.5.1 the Applicant explains that storage will play an important role and that in the absence of storage will impact on the “overplanting strategy” of the Proposed Development. There is no evidence that MPAG can find which supports the use of overplanting as an acceptable alternative to a BESS due to its potential impact on land take, but equally a BESS located in close proximity to a number of rural populations would be totally inappropriate, deeming this application to be unsuitable.</p> <p>Appendix 1 of this document gives more detail and support on the essential need for a BESS as part of any utility scale solar application.</p> <p>Rooftop solar provides such a key opportunity to help meet the solar target, whether it be residential or commercial. CPRE state on their website: “A major new CPRE report has found that over half of solar panels needed to hit national net zero targets could be fitted on rooftops and in car parks. The research, by the UCL Energy Institute, for CPRE, shows that decarbonising the national energy grid requires far less land than feared. Installing solar panels on existing buildings and car parks would enjoy near-universal public support and help minimise objections to large solar farms in the countryside, the research finds. It also reveals that the potential of brownfield sites to generate renewable energy is dramatically underused”.</p>	<p>likely to be less overplanted than a stand-alone solar site. This is not the case. It is important to understand that all schemes are different and have different constraints, be that available and suitable land, grid connections or other constraints which must be respected in designing the scheme.</p> <p>At a location which is grid constrained but not land constrained, a site which is developed with BESS could overplant more than a site which does not have BESS, because the BESS would store the generation which cannot be exported, and export it later in the day.</p> <p>It is simply inaccurate therefore to suggest that the Applicant is proposing to overplant the Proposed Development to mitigate the lack of a BESS at Mallard Pass Solar Farm. The Applicant is seeking to maximise generation from the available resources through its operational life, in order to deliver the greatest possible decarbonisation, energy security and affordability benefits from the Proposed Development. This is its aim for the proposed stand-alone site, and would still be its aim at a co-located site. Overplanting would support achieving those aims in both scenarios.</p> <p>Regarding the Bristol site, at ISH1 Mr Gillett stated that “there is a solar plant in the Bristol area which commissioned in June, which is overplanted and is not operating with storage” which remains factually correct. Because the BESS at that site has not been commissioned.</p> <p>The Applicant's Appendix C of REP4-022 concludes that “Co-located BESS will be appropriate for many schemes, however, it is not</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>The UK Warehouse Association (UKWA) also fully endorse rooftop solar . They state on their website: "UK warehousing has the roof space for up to 15GW of new solar, which would double the UK's solar PV capacity. This could meet National Grid's minimum requirements for solar expansion by 2030 according to their 2022 future energy scenarios (FES), producing up to 13.8 TWh of electricity per year enabling the warehouse sector to become a net producer of green electricity." Unfortunately as it stands there are too many barriers in the way which the government needs to address before it is too late and valuable productive agricultural land could be lost for up to 40 years and beyond in some cases.</p>	<p>a policy requirement to provide BESS with solar and in this case the Applicant came to a balanced view that its benefits did not outweigh its impacts"</p> <p>The Statement of Need [APP-202] provides evidence on brownfield sites at Para 7.6.2 - 7.6.4. For clarity, the Applicant's position is that many low-carbon technologies at many different scales will be required to play a role in reaching Net Zero, critically this includes both rooftop and large-scale ground mount solar.</p> <p>Pursuing one of these solar sectors alone will be unlikely to meet the required scale with the required urgency and therefore, and a parallel approach has government policy support: "Government does not believe that decentralised and community energy systems are likely to lead to significant replacement of large-scale infrastructure" NPS EN-1 (2011), Para 3.3.29.</p> <p>The Appendix provided by Mallard Pass Action Group, appears to suggest that because the need for BESS has been demonstrated for other projects which have the capability to co-locate with BESS, the Proposed Development is somehow worthless because it is not proposed to be developed with BESS. This argument does not hold water.</p> <p>The Statement of Need [APP-202] clearly sets out the benefits would arise as a result of Proposed Development being delivered, through the generation of significant quantities of low-carbon solar electricity which would not be generated if the Proposed Development was not taken forwards. All Statements of Need cited by Mallard Pass Action Group are aligned on the</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			<p>urgent need for large capacities of low-carbon solar generation as part of the UK's pathway to Net Zero.</p> <p>Without the generation of sufficient quantities of low-carbon electricity, Net Zero will not be achieved, as is demonstrated by National Grid's FES 2023 Falling Short scenario.</p>
	SWQ3.0.4	<p>One bird box and one bat box for around forty acres is a tiny amount and appears like a token gesture. At preapplication the woodlands were still part of the Order Limits, it is only since the application was submitted the woodlands have been removed.</p> <p>If the only constraint is the availability of mature trees within the order limits, in the interests of protecting the species habitat every help and support should be given to landowners whose woodlands are now completely isolated by the rest of the Order Limits. Some form of agreement and maintenance regime should be required to ensure ongoing protection and development of these woodlands. The Applicant cannot expect a landowner to take any or limited interest in woodland parcels surrounded and inaccessible due to the solar.</p> <p>It is not clear where these bat and bird boxes were planned to be installed given the limited number of trees within control of the Applicant. It is also not clear what the objective is – to attract new species (if so what and why); to stop the loss of certain species because of changes to their habitat (if so which species). The Applicant could, with permission from the landowners, install these bird and bat boxes themselves in the mature woodland parcels which would allow for a</p>	<p>The provision of bird nest boxes will benefit a range of species, but the focus of the proposed enhancements is to increase the value of the Order limits for farmland birds, including SPIs which do not typically use nest boxes. Therefore, increasing the number of this type of provision may not necessarily be beneficial overall. Similarly, the bat boxes will include a mix of types so as to benefit as wide a range as possible of bats, including crevice dwelling and cavity dwelling species. Neither of these types of provisions will be mitigation or compensation for losses occurring as a result of the proposals – they are an enhancement measure.</p> <p>It is noted that the woodlands were from the Order limits as the landowners wanted to retain and manage the woodlands.</p> <p>In any event, the bird/bat box proposals, in line with the commitments set out in the oLEMP as a minimum starting point (in light of the DCO Requirement requiring the detailed LEMPs to be substantially in accordance with the oLEMP), would be approved by the LPAs, who would be able to consider if the proposals are sufficient.</p> <p>The Applicant has reviewed the referred to in MPAG's submission and have been in touch directly with the authors. This is a preliminary</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>significantly higher number to be installed. This would need some kind of monitoring to ensure they are being used.</p> <p>The Applicant is also planting many trees, over the lifetime of the operation they could progressively install more boxes as the trees mature or alternatively not all boxes need to be on trees, some could be erected on posts. It begs the question as to why the woodlands were removed from the Order Limits, perhaps to lower the BNG baseline for trees, it certainly shows a lack of interest and responsibility in looking after the wider ecological environment. This also applies to the many hedgerows and some trees that will be removed during construction to make way for the solar farm.</p> <p>Of note a recent study in the Journal of Applied Ecology highlights a significant decrease in bat activity across various solar farm sites. Co-author Professor Gareth Jones highlighted the significance of this novel research, indicating the lack of understanding regarding the impact of solar farms on wildlife, especially bats. Given the animal's ecological contributions in pest control, the potential consequences of reduced bat activity are concerning. Bat detectors placed within fields revealed lower activity levels of various bat species—common pipistrelle, noctule, myotis species, serotine, soprano pipistrelle, and long-eared species—at solar farm sites compared to control sites. The findings prompt a call for more comprehensive assessments and thoughtful mitigation strategies, ensuring that the benefits of renewable energy can be harnessed without</p>	<p>study which compared bat activity on solar farms already constructed to older designs in the South-west of England, to nearby areas of comparable habitat characteristics (but no details given on their locations). It is not a study which compares the pre- and post-construction value of a given site for bats. Spatial variation in bat foraging and commuting levels can be significant across even a small area, as is shown in many baseline studies. The study is also based on a very limited sampling effort (seven days from each site). It essentially recommends the protection and enhancement of important habitats such as hedgerows with wide margins and the creation of suitable habitats for bats within these types of proposals. The proposals within the Order limits include the replacement of arable land, generally of poor value for bats, with solar PV areas on grassland and new diverse grassland areas being created with no solar PVs. The hedgerows are also protected by 5 m or 10 m buffers with new areas of grassland, an enhancement of the value of these habitats for bats. The West Glen River will also be bolstered by sympathetic planting, such as wet woodland and meadow areas.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		jeopardizing the vital ecosystems that bats support.	
	SWQ4.0.1	<p>The "land take" per MWp of the Proposed Development is greater than all of the other solar projects by a considerable amount.</p> <p>The solar area of Proposed Development occupies 20% more land per MWp than Sunnica - the second highest.</p> <p>The Order Limit for the proposed Development is 46% greater than that for Cottam - the second highest.</p> <p>Only the Applicant can explain the reasons for the significant differences. MPAG hypothesis is that the topography of the site and consequent landscape and visual impact, residential impact from the presence of many nearby villages (quite a few conservation), requires a larger area for mitigation than that required in other projects questioning the appropriateness of the scheme.</p> <p>Additional overplanting of panels, in an attempt to overcome the disadvantages of not having a BESS, is also suggested as being the reason for the larger PV area required in relation to other projects.</p> <p>The NPS for Renewable Energy Infrastructure EN-3 March 2030 deals with overplanting with regard to panel degradation. Para 3.10.46 "<i>The direct current (DC) installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. Light induced degradation affects solar panels</i></p>	<p>The Applicant has set out within Appendix A of the Applicants 'Summary of Applicant's Oral Submissions at CAH1 & Appendices' [REP4-042] the land take per MW in comparison with other Solar DCOs. Whilst the figure is higher than that of Sunnica's it is comparable to Little Crow and West Burton and is within the range set out within paragraph 3.10.8 of the draft NPS EN-3 as set out within the Applicants response to SWQ1.0.12 [REP5-012].</p> <p>It should be noted that the Order limits for Sunnica (981ha), Cottam (1451.23ha) and West Burton (886.4ha) are all larger than that of Mallard Pass Solar Farm (852ha). It should also be noted that the extent of Work Number 1 for these schemes also significantly exceeds that of Mallard Pass Solar Farm.</p> <p>Care should also be taken in comparing land take as each scheme has different characteristics, for instance, in terms of whether they include BESS and how they respond to site specific circumstances in terms of landscape and biodiversity net gain. The point made by the Applicant in the table referred to above is that the land area to installed MW ratio of Mallard Pass is not significantly above that of other solar NSIPs.</p> <p>The Applicant has retained agricultural land within the Order limits in order to provide green infrastructure and skylarks plots as a number of skylarks have been recorded within the Solar PV Site. Please refer to the Applicants Response to</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p><i>differently depending on the technology used to construct the panels and is one factor, along with price, that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by over-planting solar panel arrays".</i> Cross reference 84 reads – <i>"in the case described in paragraph 3.10.46 solar generators may install but not initially use additional panels to act as a back-up for when panels degrade, thereby enabling the grid connection to be maximised across the lifetime of the site. For planning purposes, the proposed development will be assessed on the impacts of the over-planted site".</i></p> <p>It is clear from the above that the Applicant can overplant panels for the purposes of ameliorating the effect of panel degradation but that those panels should be used for that purpose only and should not be used from day one. Given the Applicants response to MPAG Deadline 3 Submissions Q1.0.16 it appears that the Applicant has no intention of complying with EN-3 para 3.10.46, cross reference 84.</p>	<p>REP4-067 [REP5-014], SWQ7.0.4 and SWQ4.0.2 [REP5-012] for further information. The <i>'topography of the site and consequent landscape and visual impact, residential impact from the presence of many nearby villages (quite a few conservation)'</i> are not underlying factors as to the size and extent of the Order limits. These factors have influenced size and location of the PV Arrays within the Solar PV Site. All of these matters have been considered together as part of 'good design' and is presented within the Design and Access Statement [REP5-058].</p> <p>In terms of MPAG's analysis of the draft NPS policy on overplanting, the point made by the Applicant is that the draft NPS acknowledges that overplanting may be necessary to allow for degradation of panel efficiency over time, but it does not provide that over planting for other reasons is not acceptable. The Applicant will only be able to export electricity generated by the installed panels up to the maximum grid capacity allowed by National Grid and so some electricity generated by those panels may at times of high solar irradiance initially be curtailed. Overplanted panels will be fully utilised on days when efficiency is lower for other reasons, e.g. cloudy days, mornings, evenings and winter days. The draft NPS does not prevent overplanting in such situations, its main purpose is ensuring that the assessment is carried out on the full overplanted position.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			<p>The Proposed Development has been designed to ensure peak efficiency and optimise its grid connection.</p>
	SWQ5.0.6	<p>1) MPAG kept a close eye all through the pre-application stage at any consultation materials distributed widely or specifically to individual residents. I dont believe there was any correspondence during stage 2 consultation that used the words compulsory acquisition of rights which instantly would have raised a red flag to residents. Much of the correspondence focused on the statutory consultation period and events, any references to CA was in a language most residents would be totally unfamiliar with (including ourselves). e.g. 'an interest in land'. If Ardent Management had some query about land ownership/land registry issues they sent out ambiguous letters with plans asking for more information but not explaining why. See H Woolley's REP4-067 (last para), this is less likely to have related to A6121 APs but is a reflection of the confused and unclear communications throughout the process.</p> <p>2) Tracking back through the Schedule of Negotiations and Consultation Report MPAG found Section 42 letters issued on 3 different dates, namely 23rd May, 17th June and 13th September. The first 2 letters are identical, the letter on 13th September '22 had to be changed as it was issued after Stage 2 consultation ended on 4th August (effectively consulting about a consultation retrospectively). This letter was sent to 6 properties, 8 names and did make reference</p>	<p>The Applicant's pre-application consultation was fully compliant and adequate as is evidenced by the Examining Authority's Acceptance of the application for examination and in the Adequacy of Consultation Responses received [AoC-001 to AoC-005]. Responding to MPAG's specific points in their submission:</p> <ol style="list-style-type: none"> 1- Statutory consultation carried out in May 2022 made clear that the Proposed Development includes, amongst other things, acquisition of rights and the imposition of restrictive covenants. The Section 48 notice (which was enclosed with Section 42 letters that were issued) states that "the proposed DCO will, among other things, authorise...the permanent and/or temporary compulsory acquisition (if required) of land and / or rights; the overriding of easements and other rights over or affecting land". It is also compliant with section 48(1) Planning Act 2008 and Regulation 4 of the Infrastructure Planning (Applications Prescribed Forms and Procedure) 2009. See Appendix 3 of the Consultation Report [APP-026].

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>to cabling but still no mention of compulsory acquisition rights. See MPAGs Written Representation REP2-090 para 9.39 – 9.50 for a summary of the correspondence. See Appendix 2 for copies of the correspondence by way of an example.</p> <p>3) After the application had been submitted to PINs a letter with a version of Land Plans attached was sent out to Affected Persons. Again this was wholly confusing for residents, the information was unclear especially as the maps had no plot numbers, and residents could not understand the relevance of the letters. The Applicant may be able to provide clarity on any other correspondence mentioning 'compulsory acquisition' sent to residents which MPAG may have missed. MPAG held 2 meetings in the village hall and the overriding feedback from residents was many had not received anything and those that did either didn't realise it related to them and/or if it did what it all meant.</p>	<p>2- All three of the Section 42 letters listed were posted to stakeholders, with a hard copy of the accompanying Section 48 notice enclosed. Section 9 of the Consultation Report explains the chronology for why the various letters were sent out.</p> <p>3- The Applicant is unclear which letter MPAG is referring to but assumes this means the section 56 notice. That notice and covering letter pointed respondents to the PINS website version of the Location, Order Limits and Grid Coordinates Plans, not the Land Plans, as there is no requirement to circulate Land Plans with a section 56 notice.</p> <p>4- The Applicant has also provided its own response to SWQ5.0.6 of the ExA's Second Written Questions [REP5-012].</p>
	SWQ7.0.4	Can the Applicant provide their ALC maps with field parcel numbers overlaid so it is easier to identify them.	The Applicant has provided a plan at Appendix 2 to this document.
	SWQ8.0.5	<p>a) Paragraph 5.10.36 of the draft NPS EN-1 is specifically referring to effects on landscape character, not on views, or 'appearance'. Clarification of this question would be helpful, as it appears to conflate 'landscape' and 'views'. GLVIA3 explains (see for example paras. 2.18 – 2.22) that 'landscape' must be dealt with 'as a resource of its own right', and almost always</p>	<p>a) The Applicant refers to its response to SWQ8.0.5 in relation to this matter vis-a-vis mitigation planting and landscape character [REP5-012].</p> <p>As explored at ISH2 and summarised in the Summary of Applicant's Oral Submissions at ISH2 & Appendices [REP4-041], the Applicant</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>affect the character of the landscape in some way, for better or worse, even if there is nowhere from which anyone can see (or experience) the change.</p> <p>If people are likely to see and / or experience changes in the landscape resulting from development, then an assessment of effects on visual (and other) amenity should be carried out separately (albeit the assessment relies heavily on the findings of the landscape studies).</p> <p>Unfortunately, as GLVIA3 para 2.22 points out, <i>“The distinction between these two aspects [landscape and visual affects] is very important but often misunderstood, even by professionals”</i>. The Applicant's LVIA demonstrates this lack of understanding, as explained in MPAG's Written Representation Appendix 1 of the Landscape and Visual Review (REP2-075) by Carly Tinkler CMLI - see for example para 5.1.45 – 52.</p> <p>Furthermore, Ms Tinkler has advised MPAG that in a consultation response to PINS, she drew attention to the error appearing in the March 2023 draft of EN-3 para 3.10.22, which states: 'Applicants should consider the potential to mitigate landscape and visual impact through, for example, screening with native hedges, trees and woodlands'. Clearly, given that judgments about effects on character do not factor in visibility, it is not possible to mitigate adverse effects on character by screening views. In fact, it is not possible to avoid adverse effects on character at all where they result from, for example, the replacement of a green field with built form. However, as stated in GLVIA paras 4.25 and 4.26, it is possible to reduce levels of adverse</p>	<p>strongly disagrees that effects on character are not influenced by visibility, being a position which, in the Applicant's view, represents a fundamental misunderstanding by MPAG. The LVIA recognises there will be impacts within the Solar PV site given the direct physical change that would occur. As assessed in the LVIA, these would be limited in extent to the Solar PV Site and an approximate radius of 500m. MPAG contests this finding. Ultimately, the ExA will need to form their own view on this point, but the Applicant would highlight That the methodology followed by the LVIA has been independently reviewed by Stantec on behalf of the Local Authorities and found to be sound.</p> <p>The Applicant also notes that an Examination is not the appropriate forum for criticism of national policy, which has been carefully written a position recently re-emphasised by recent challenges to various NSIPs.</p> <p>The Applicant has set out in its Examination submissions how it has undertaken careful planning, siting and design of the Proposed Development, including in the DAS. It also set out its view on the points made in respect of the function and role of its landscape planting (including that it has not 'double counted') in its Deadline 5 response to MPAG's Deadline 4 submissions on this point.</p> <p>The management of land, and vegetation within it, is entirely at the discretion of the landowner and does not require the consent of those that may be affected (subject to planning and legislative frameworks). It should also be noted that it is standard practice not to cut hedges</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>effects on character through mitigation in the form of 'careful planning, siting, and design'.</p> <p>Broadly speaking, through mitigation, it is much easier to reduce levels of adverse effects on appearance than effects on character. This can be through measures which result in the development being either camouflaged or exceptionally well visually-integrated, and / or through full or partial screening. However, GLVIA para. 4.26 explains that whilst "<i>sympathetic treatment of external areas can, in some circumstances, help the [visual] integration of a new development into the surrounding landscape...measures that are simply added on to a scheme as 'cosmetic' landscape works, such as screen planting designed to educe the negative effects of an otherwise fixed scheme design, are the least desirable</i>".</p> <p>Furthermore, GLVIA3 para 4.29 notes that "<i>Mitigation measures can sometimes themselves have adverse effects on landscape or on visual amenity</i>" as is the case here. For example, as set out in MPAG's Landscape and Visual Review, the proposed planting may screen views of the development from certain viewpoints; as such, the LVIA therefore assumed that levels of visual effects would be reduced accordingly. However, the LVIA failed to acknowledge that this would in fact result in the total loss of an existing open rural view, and – based on the LVIA's criteria – this would actually result in high levels of adverse visual effects.</p> <p>It must be noted that the Applicant has already directed landowners to not cut their hedgerows back. Since spring/summer of this year the</p>	<p>during the breeding bird season (1 March – 31 August inclusive) in accordance with DEFRA's Cross Compliance 2023 guidance. It should also be noted that, under DEFRA's Sustainable Farming Incentive scheme, there are a number of hedgerow management actions with the aim of creating different heights and width to provide habitat for wildlife and pollen, nectar and berries for mammals, birds and insects, which aligns with the Applicant's intended outcomes delivered through the Design Guidance and the oLEMP. To achieve DEFRA's Sustainable Farming Incentive scheme s this guidance states that landowners can manage their hedgerows in the followings way:</p> <ul style="list-style-type: none"> • cut each hedgerow incrementally; • on a rotation, cut each hedgerow no more than once every 3 years, cutting no more than one third of hedges each year; • on a rotation, cut each hedgerow no more than once every 2 years, cutting no more than half the hedges each year; or • managing them in a coppicing or laying rotation, which may mean they are left uncut for the duration of a 3-year SFI agreement. <p>This further demonstrates that hedgerow management will result in a dynamic hedge landscape, with widths and heights varying from year to year.</p> <p>The baseline for the ES is unaffected by any vegetation management that has taken place since the Application was submitted. The</p>

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		<p>residents are already experiencing some loss of their rural view and the landscape. This is not a one-off coincidence and has been done across the site for the very purpose of trying to set a different baseline for the level of screening already in place. MPAG ask that the ExA bears this in mind as it has clearly affected the perceived baseline for the landscape and visual assessment during the recent site inspection. There are also temporary measures put in place to achieve the same objective by the Applicant e.g the sunflower planting just 10m deep along the back wall of Manor Farm Lane.</p> <p>Also of relevance Ms Tinkler pointed out a further error in the March 2023 draft of EN-1 para. 5.10.5, which states: "<i>Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation</i>". Ms Tinkler explained that landscape (and / or visual) mitigation measures cannot be double-counted as landscape (and / or visual) enhancements / scheme benefits (see GLVIA3 para. 3.39). They may, however, be counted as benefits in relation to other topics, such as ecology. (Note: the terms 'impact' and 'effect' aren't interchangeable: the 'impact' is the car crash; the 'effects' are what happens as a result of the impact, which depend on a whole range of factors. Effects would be the correct term in this context).</p> <p>b) MPAG are not satisfied that the Design Guidance is suitably drafted to minimise harm to the landscape, since, as set out above, it is not possible to avoid, or reduce levels of, adverse</p>	<p>Applicant undertook an Arboricultural Impact Assessment [APP-103], which records the location and heights of all the trees and hedgerows across the Site and provides a record of the baseline at the point of the survey.</p> <p>In addition, it should be noted that the sunflowers referenced in this representation are located outside of the Order limits.</p> <p>B)The Applicant's position is that suitable control measures are set out within the Design Guidance that, in combination with other requirements within the dDCO, will ensure that potential harms can be avoided or mitigated to an acceptable level. The Applicant's response to SWQ8.0.5 [REP5-012] sets out how the Design Guidance aligns with the Clay Uplands and Kesteven Uplands objectives.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>effects on character where they result from the replacement of a green field with built form.</p> <p>GLVIA3 para. 5.37 explains that landscape effects assessments should consider:</p> <ul style="list-style-type: none"> i) <i>“The degree to which the proposal fits with existing character”</i>. MPAG’s opinion, and that of their professional advisors, is that it does not, especially because within the contextual landscapes, there is no existing reference to the type and scale of development proposed; and ii) <i>“the contribution to the landscape that the development may make in its own right, usually by virtue of good design, even if it is in contrast to existing character”</i>. MPAG’s opinion is that no amount of good design can reduce the landscape effect arising from the change from rural farmland to intensive and extensive industrialization. <p>Indeed, the Applicant’s LVIA concluded that the proposed development would give rise to significant adverse effects on the landscape character of the site, and on the landscapes within 500m of the main site boundary. The parties simply disagree about levels of adverse landscape effects beyond 500m from the site boundary. The LVIA concludes that at 500m from the site boundary, levels of effects on character would reduce from Major to Slight. Ms Tinkler’s assessment concluded that from the 500m point, levels of effects on landscape character would decrease gradually with distance, ie from Major, to Major - Moderate, to Moderate, to Slight, to Minimal / No Change.</p>	

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	SWQ10.0.6	<p>It would appear that the guidance has been adhered to. BHS does however make some fairly broad assumptions both about panel infrastructure specifications and their characteristics e.g. "Small developments may track the sun to optimise solar gain but this is not cost-effective in large commercial developments so, in England or Wales, panels will normally be fixed facing south and tilted at approximately 45 degrees." And "the panels do not make any noise or movement". BHS's typical experience to date will have been based on small scale utility solar giving an example of a 40 acre Site.</p> <p>BHS do helpfully state "<i>Closures without alternative routes should be avoided and, if necessary, construction traffic managed to reduce the length of closures, rather than an automatic blanket closure throughout the period of construction</i>". The Applicant has given no indication whatsoever of the length of closures particularly where construction access tracks cut across the PRow. Aside from the closures this forces horse riders on to the road which will be subject to all that issues that come with the construction of a major development.</p> <p>They also state "<i>when responding to a planning application for a solar farm, always consider the cable routing and its impact on bridleways and byways, it is often missed and the damage to surfaces can be very disadvantageous to equestrians, especially where not reinstated or where replaced by a sealed surface</i>". Again there appears to be little clarity with respect to cable routings across the Site.</p>	<p>Details on the road closures are provided within the Traffic Regulation Measures Plan – Temporary Road Closures [REP5-048] and the Access and Right of Way Plans [APP-011]. The length of any closures required is subject to construction phasing and will be confirmed by the principal contractor within the detailed CTMP, secured by way of Requirement 13 of the dDCO.</p> <p>As set out in the oCEMP [REP5-059], "Access to all existing PRow will be retained during the construction phase, with a limited number of temporary PRow diversions to allow the construction of access tracks where they cross PRow." The oCEMP sets out measures for how the diversion of PRows will take place, which will be approved by the LPAs.</p> <p>Responses to the impacts of construction on equestrians within the extent of the Order limits are provided in the Applicant's response to the Deadline 2 submissions [REP3-034].</p> <p>With respect to impacts of cable routing on the public highway, where any cable works are required the surface will be reinstated to a finish equivalent to the original condition, which will be monitored through the Highway Condition surveys that will be undertaken prior to construction, as provided for in the oCTMP [REP5-068]. The scope of the Highway Condition Surveys will be agreed with RCC and LCC prior to them being undertaken.</p> <p>This approach will also apply to temporary construction vehicular use of public rights of way (including bridleways).</p>

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	SWQ10.0.7	<p>In the revised version of the Outline Employment, Skills and Supply Chain Plan para 4.1.3 the Applicant stated that it will require any supplier to upload its modern slavery and human trafficking statement annually to the Home Office Register which is maintained by the government and will mean that such statements are subject to monitoring by the relevant planning authorities.</p> <p>The update does not answer the concerns of MPAG. Statements alone are not enough unless they can be verified by independent audits. There is little point in Local Authorities and others trying to monitor a statement.</p> <p>The Modern Slavery Act 2015 states that businesses should ensure that slavery and human trafficking is not taking place in any of its supply chains, and in any part of its own business.</p> <p>The Government's Statutory guidance document "Transparency in Supply Chains: A Practical Guide" updated 13 December 2021 states in Annex B – Section 54, paragraph 4 that "a slavery and human trafficking statement for a financial year is a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place in any of its supply chains and in any part of its business or a statement that the organisation has taken no such steps".</p> <p>Canadian Solar has policies on human rights applying to both suppliers and to the Company. However, in spite of many promises including those to the MP for Rutland and Melton Mowbray,</p>	<p>The Applicant notes that the Outline Employment, Skills and Supply Chain Plan [REP2-023] sets out that any supplier will upload its modern slavery and human trafficking statement to the Home Office Register which is maintained by the government and will mean that such statements are subject to monitoring by the relevant planning authorities. The plan is to be agreed between the Applicant and the relevant planning authorities. In response to their Deadline 5 submissions, the Applicant is submitting an updated Outline Employment, Skills and Supply Chain at Deadline 6 stating that it will provide a list of suppliers to the relevant planning authorities. The relevant planning authorities have not raised concerns about this approach.</p> <p>MPAG appear to have made an inference that as Sheffield Hallam University have not received disclosures from Canadian Solar about suppliers from its 2023 supply chain and limited information predating that, that the XUAR risk is high. However, the Sheffield Hallam report has not published any evidence linking Canadian Solar's supply chain to forced labour. This is not the basis upon which assumptions should be made about Canadian Solar's supply chain. The oESSCP shows the Applicant's commitment to an ethical procurement policy which is secured through the development consent order.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>the Company has yet to carry out a full, transparent and verifiable audit of its operations. All of the audits carried out to monitor the application of the policies are carried out by internal staff.</p> <p>The latest follow-up report released by Helena Kennedy Centre for International Justice at Sheffield Hallam University August 2023 conclude the following on Canadian Solar: "There are no disclosures by Canadian Solar about specific suppliers of any inputs in 2023 and only extremely limited information about previous years9 suppliers. As a result, the XUAR (Xinjiang Uyghur Autonomous Region) risk for all modules produced by Canadian Solar, including those for the US market, is high". The report explains in details its findings. If Canadian Solar is not willing to be transparent with its supply chain sourcing globally, how can a modern slavery and human trafficking statement by the Applicant be assured to carry any credence?</p>	
	SWQ11.0.2	<p>MPAG are agreed to the updated paragraph "<i>to restrict HGVs from passing through Great Casterton at any time prior to 9:00 and any time after 15:00 with the intent of ensuring that there are no HGVs passing schools within Great Casterton during the drop off and pick up periods</i>". This should be the minimum requirement. However MPAG would like to raise the point that no HGVs are supposed to return via route 1 and are supposed to take route 3. Para 3.2.3 of the oCTMP (REP4-016) states "<i>As discussed, and agreed with key stakeholders, and to reduce the impact of two-way HGVs on Ryhall</i></p>	<p>As noted in ES Chapter 9: Highway and Access Appendix 9.3 [APP-073], the consultation summary shows that the routing arrangement has been agreed with all key stakeholders, including National Highways, RCC and LCC. This strategy was chosen to limit the likelihood of two-way construction vehicle movements from the Proposed Development along Ryhall Road.</p> <p>The routing strategy will be secured by way of Requirement 13 in the DCO through the detailed CTMP. The principal contractor will be made aware of this restriction on routing prior to the</p>

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		<p><i>Road, it is proposed for HGVs to be required (unless it is not possible) to access the Order Limits via Route 1, enter the primary compound, before departing via Route 3”.</i></p> <p>MPAG are extremely concerned that the Applicant has not reviewed the practicality of Route 3. If the start of Route 1 is where an HGVs comes off the A1 at Great Casterton, then the finish of Route 3 also needs to be there. This is definitely the case if the traffic has come from the North. The Construction Access Routes and Restrictions map below (APP-192) does not show this. It just shows Route 3 finishing on A15 at Market Deeping where it meets Route 2 (which is not allowed to be used due to restrictions in Stamford). Therefore the onward journey for HGVs on Route 3 after Market Deeping is to carry on until they reach the A47 nearer Peterborough which they can then take west back to the A1 at Wansford and up the A1 towards Great Casterton area. The round trip for Route 3 is in excess of 40 miles. Route 1 is only c5 miles to the substation. This is not a practical solution and therefore it is inevitable HGVs will either return via Route 1 or take the cross country narrow roads which have no weight restrictions.</p>	<p>appointment of the contract. Failure to comply with the DCO and agreed routing strategy is a criminal offence.</p> <p>For clarity, the Construction Access Routes and Restrictions Map] has been updated to more clearly represent the routing strategy at the respective A15/A43 junctions. This has been done through an update to Figure 9.1 of the ES, and updating Figure 3-1 of the oCTMP, both submitted at Deadline 5.</p>
	SWQ11.0.3	<p>Can the Applicant confirm the arrangements for staff over the lunch hour. It is entirely possible they leave the primary compound and park in the surrounding area and villages for some peace and quiet potentially causing damage to verges whether down Uffington Lane or elsewhere. Prior experience of the construction of the Ryhall</p>	<p>The Applicant is not aware of any controls on construction staff movements during the lunch hour being imposed on any recently granted solar DCOs. In any event, further controls are not necessary as the staff who will be transported by shuttle to the Order limits, which is likely to be the majority of staff, will not have their cars available and on that basis will not be</p>

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		<p>substation suggest very tight controls would need to be put in place.</p> <p>Looking on-site several times at field 19, it does not seem possible to fit car parking for 150 vehicles alongside all the temporary buildings, whilst leaving room for the substation and the area needed around the footprint to do the actual build.</p>	<p>able to park in the local area at lunchtime. With respect to the staff who do have their cars, section 2.4 of the oCTMP [REP5-068] notes that staff will not be permitted to park on any of the verges across the Order limits or local road network at any time (including lunchtime), which will be monitored by the principal contractor and the Traffic Management Working Group. Staff will be advised of this requirement by the principal contractor prior to commencement.</p> <p>In relation to the car parking provision, as stated in the oCTMP [REP5-068] detailed plans of the construction compounds and designated parking areas will be provided within later iterations of the CTMP by the principal contractor once the phasing and construction methodology is confirmed, which is secured by way of requirement on the DCO.</p> <p>Please also refer to the Applicant's response to the ExA's FWQ 1.0.6 and the Applicant's response to Mallard Pass Action Group's Deadline 3 response in relation to the same FWQ which explains the rationale with regard to temporary parking at the Primary Construction Compound. The Applicant considers that there is sufficient space in this Field for a car park.</p>
Helen Woolley	SWQ4.0.7(c)	<p>Concern about the impact of road closures on B1176 between Barbers Hill and the junction with The Drift and at the cross-roads with the junction of High St and the B1176 as shown on Traffic Control Measures Maps, in particular the length of the diversions that are available.'</p>	<p>Details on the road closures are provided within the Traffic Regulation Measures Plan – Temporary Road Closures [REP5-048]. Where road closures are required on the B1176, this will be associated with cabling works which are likely to be temporary and short term in duration (weeks as opposed to months), which will be outlined in the detailed CTMP by the principal</p>

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			<p>contractor and communicated in advance to residents. In this instance, there are suitable alternatives available for the impacted properties such as through Little Bytham Road to gain access to the A1 in the west and other routes via Elm Avenue to the east, which means the overall impact to the affected properties is non-significant.</p> <p>Details of traffic regulation matters will be approved by the LPAs, and in the oCEMP the Applicant has made commitments for continued access to properties.</p>
Greatford Parish Council	SWQ12.0.3(c)	<p>PV arrays are usually positioned to face south in order to maximise sun radiation receipts, in some parts of the order limits where slopes run east / west this could lead to water draining from panels at the lowest point (ie the bottom corner) which would concentrate the run off from the panel onto a very small area of soil, which would in turn increase the risk of soil erosion from these points. This needs to be addressed with appropriate vegetation establishment prior to construction so as to avoid runoff issues.</p>	<p>As outlined in the Applicant's response to SWQ12.0.2, gradient vector analysis of the topography within the Order limits demonstrates that surface water flow direction is very rarely orientated north-south or east-west for more than a few metres, meaning the alignment of PV arrays is unlikely to concentrate flows downhill, especially taking into account the shallow slopes on which the majority of the PV arrays are located.</p> <p>The oSMP [REP5-070] commits to the establishment of vegetation cover within the Order limits prior to construction to ensure runoff is managed appropriately.</p>
SKDC	SWQ9.0.5 (a)	<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</p>	<p>a) The proposed operational noise assessment secured by Requirement 16 of the dDCO, which specifically requires the Applicant to demonstrate that the design will meet the noise levels set out,</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>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 OEPM.</p>	<p>together with the measures set out in the oOEMP [REP5-061], which includes provisions for noise monitoring in the event of complaints, are considered sufficient and represent the appropriate and proportionate mechanism to control operational noise levels. However, the Applicant has in any event updated the oOEMP at Deadline 5 to provide for what SKDC have requested.</p> <p>b) Noted.</p>
	SWQ1.0.5	SKDC would recommend an operational time-period of 40 years.	<p>The Applicant is seeking a 60 year time-limit as this allows flexibility in ensuring that the operational life of the equipment and the delivery of renewable energy can be maximised. In terms of the ES, all effects have been assessed as permanent with decommissioning assessed at an indicative 40 year life time for the Proposed Development. It is not considered that there are any material or significant differences between decommissioning at 40 years and decommissioning at 60 years, therefore the conclusions of the ES remain valid. The Applicant's response to SWQ 1.0.3 [REP5-012] considers the change to 60 years means for the ES assessments.</p>
Sue Holloway	LVIA – Hedgerows	Before Mallard Pass Solar Farm was known about, the landowner used to keep the hedgerows neatly trimmed as shown in the picture below on	The management of land, and vegetation within it, is entirely at the discretion of the landowner and does not require the consent of those that

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
	and Baseline data	<p>the left. I could see into the distance* to the railway line and beyond all the way across field 36, as was the case when you looked at the view from the upstairs bedroom window.</p> <p>Even before anything has been approved landowners have been told not to cut their hedgerows by Mallard Pass and just to let them grow wild. This means the baseline for the assessment and the accompanied site visit has already been skewed as Mallard Pass has changed my visual amenity before any consent has even been granted. Of course I accept landowners could change their hedgerow management habits at any time, but in my case the landowner hasn't in the 18 years I have lived at the property, other than up until when Mallard Pass Solar Farm came on the scene.</p> <p>This has already changed the status quo of my visual amenity when before I could sit on the sofa and look out through the window and enjoy the expansive rural landscape.</p> <p>This action is not just in respect of my property but can be seen across the entire site. I doubt there were any hedgerows on the site visit that showed they had been trimmed, particularly in close proximity to sensitive residential receptors.</p> <p>I would ask that some consideration is given to the unrepresentative baseline you saw at the residential site inspection taking the above point into account. Also with the hedgerows being in full leaf that also gives a very different perspective to the winter months when you can see straight through them, whatever height they are.</p>	<p>may be affected outside of that land (subject to planning and legislative frameworks).</p> <p>The LVIA [APP-036] utilises winter photography to provide an indication of the winter visual conditions and the assessment itself is based on winter conditions representing a maximum visibility scenario (i.e. worst-case).</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		Please also note the difference to the trees when they are and are not in leaf, as shown on the RHS of the pictures.	
Anthony John Orvis	LVIA and existing baseline	Concern that unmaintained hedge growth and sunflower planting on Manor Farm Lane have degraded long-distance views and character of the landscape and that these are an attempt by landowners and the Applicant to 'adjust' the views to support the Applicant's case.	<p>The management of land, and vegetation within it, is entirely at the discretion of the landowner and does not require the consent of those that may be affected outside of that land (subject to planning and legislative frameworks). .</p> <p>The LVIA [APP-036] utilises winter photography to provide an indication of the winter visual conditions and the assessment itself is based on winter conditions representing a maximum visibility scenario (i.e. worst-case).</p>
Andrew Croft	Noise Impact	Concern about the cumulative noise impact of both Ryhall substation and the Proposed Development's Onsite Substation.	Noise from the Ryhall substation forms part of the baseline noise environment against which the effects of the Proposed Development were assessed, through consideration of the change in dB level to that baseline. The baseline noise survey, which is described in Appendix 10.4 of the ES [APP-080] and included monitoring at locations representative of the residential properties closest to the existing substation, did not observe noise from this substation as a particular source clearly noticeable at these locations.