



Submission by Mallard Pass Action Group (MPAG)

– unique ID ref. 20036230

Deadline 7:

ISH5

Development Consent Order (DCO)

Written Summary of Oral Case

MPAG representatives: Mrs Sue Holloway; Mr Tony Orvis; Mrs Helen Woolley

Issue Specific Hearing 5

1.1 Cumulative effects

REP6-004a cumulative list of planning applications including speculative/pipeline should also consider the proposed re-build of Casterton Colleges which could coincide with the proposed development.

1.2 Definition of maintain and implications

1.2.1 The definition of 'maintain' implies the ad hoc drip feed of maintenance activities. It is quite clear that all the panels will need replacing at a relatively similar point in time as also confirmed by Mr Gillett for the Applicant who acts on behalf of Gate Burton which also has a 60 year time limit. Chapter six Climate Change, Paragraph 6.4.29 states, "Operational maintenance from the replacement of components during the design lifetime of the Scheme are based on replacement rates for similar schemes and based on the design life of the components. It is assumed that all of the PV Panels will require replacement once during the Scheme's design life, with a further 10% requiring replacement to cover equipment failures, at a constant rate throughout the 60-year project life." It is clear the panels need to be replaced. MPAGs concerns are twofold though:

1.2.2 That the Applicant seems to think the replacement of all 530,000 panels and associated equipment, fencing etc will not have a material impact such that the effects would need to be scoped back into the ES during operation. This seems to completely underplay a whole host of potential impacts such as traffic, highway improvements, noise, carbon effect, soil compaction, possible environmental impacts on species, archaeology, recycling. This is not routine maintenance and whilst not on the scale of full construction, should not be scoped out of the ES.

1.2.3 The Applicant seems to get around the issue by setting a parameter just for transport which in reality, the only way to know if that one parameter is being breached, will be through external monitoring and ultimately LPA enforcement activities as the maintenance schedule is unlikely to detail the minutiae as indicated by the Applicant. Alternatively an application will have to be lodged to do a wholesale replacement or material, which is an 'after the fact' review of the effects of the scheme during operation, and therefore will not be on the radar of the SoS when considering whether to give consent.

1.2.4 The DCO and oEMP is only reflecting the positions set in each ES chapter for effects of the scheme during operation. MPAG feels strongly now that 60 year time limit has been introduced that the ES should reflect some of the implications of that change. Day to day maintenance should be split out from the replacement of the panels and assessed accordingly, and replacement should not be regarded as a 'no material change' activity, it should have its own definition in the DCO and the oEMP adjusted accordingly.

1.2.5 The headline of **no effects during operation** is what the Applicant is looking to convey and it is misleading as outlined above.

1.3 Article 20: There is some concern over the interpretation of “(b) *use any land so acquired for the purpose authorised by this Order or for any other purposes in connection with or ancillary to the authorised development.*” It seems very broad and all encompassing.

Do the oCEEMP and OEMP provide the security of what is proposed for layout design such that they cannot be changed once it has gone through the final design stage and been signed off by the LPAs?

When the Applicant was asked for an example of ‘for any other purpose’ he was unable to give one which created some doubt as to why clause b) is required. His explanation of it being specific to ‘land powers’, and was not the same thing as the ‘work powers’ which is dealt with separately.

1.4 Article 22 If this gives the Applicant the ability to do less rather than more (ie. pink permanent powers going to blue temporary powers), then why is it needed?

1.5 Article 44. MPAG were enquiring about the commitment the Applicant made at the Compulsory Acquisition meeting in Essendine on 20th September not to require residents to seek legal representation to secure compensation payments. The Applicant now indicated it is not a matter of the DCO which may or may not be the case, but perhaps it could be a commitment in the oCEMP or other relevant ES document. The Applicant indicated there was something on the website (which we cannot locate right now), but if there was a way of giving a firmer assurance through the Examination process mechanism, that would be welcomed by residents.

1.6 Schedule 2 Requirement 6:

1.6.1 Detailed design approval. MPAG’s concern was that once detailed design was completed, there seems to be no mechanism to secure a reduction in the order limits if not all the land was needed for solar. The Applicant indicated there was no mechanism in the management plans but agreed would check. Whilst the Applicant says they won’t build out they did indicate the unwanted land would just be reallocated to mitigation or retained arable which seems an unnecessary land take.

1.6.2 The Applicant already has a one of the highest land takes per hectare compared to other solar farm applications, as discussed in some detail in earlier submissions. When you consider the areas that the Applicant allocated for the order limits and solar area from stage 1 to stage 2 consultations to final application submission, with not a huge amount of time in between these stages, there were continual changes to the sizes of those areas. Latterly the solar area reduced from 584Ha to 531Ha including margins. Therefore if the solar area were to be reduced again, our point is that land should not just be re-assigned to mitigation, that the Order Limits should be reduced further to minimise the impacts on landscape and residential receptors. e.g. field 4 in the west of the site which has a small solar area and has to have a dedicated secondary construction compound despite there being 2 just a few hundred yards up the road. In terms of a logical red line boundary, field 37 serves no useful purpose across the north side of Carlby Road. The Applicant would argue it needs it for skylark plots however not only should skylark plots be positioned where the skylarks normally breed (as opposed to the Applicant’s random assignment of them, but also there is plenty of mitigation to accommodate moving one skylark plot to another area within the remaining order limits.

1.7 Schedule 2, requirement 18: Decommissioning and Restoration

MPAG are concerned that there is no time limit set within which the decommissioning activity must be completed. Therefore the onus falls on the LPAs to negotiate and agree what is reasonable, rather than having a maximum baseline as a starting point.

1.8 Customer Liaison Group (CLG)

MPAG fed back they were supportive of the CLG in principle, but needed more time to review the terms of reference given the priority for now is focussed on the Examination. I would also imagine many people would not want to input more time to this until the decision had been taken by the SoS on whether to grant consent or not.

MPAG don't believe the ToR are correct as they stand and there would need to be an opportunity to review and agree the CLG ToR during early meetings.