



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer: 0303 444 5000
Services:
e-mail: MallardPassSolar@planninginspectorate.gov.uk

To:

The Applicant
Lincolnshire County Council
Rutland County Council
South Kesteven District Council
National Grid Electricity Transmission
Natural England
Environment Agency

Your Ref:

Our Ref: EN010127

Date: 18 October 2023

Dear Sir/Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Request for further information

I am writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended). The ExA requests further information, and has questions, on the matters set out below. The parties from which responses are sought are in brackets.

- 1) **Archaeology** (Applicant, Lincolnshire County Council (LCC) and Rutland County Council (RCC))
- 2) **Land Use and Soils** (Natural England (NE), LCC, RCC and South Kesteven District Council (SKDC))
- 3) **Existing Ryhall Substation** (Applicant and National Grid Electricity Transmission Plc (NGET))
- 4) **Water and Flood Risk** (Applicant, Environment Agency, LCC, RCC and SKDC)
- 5) **Climate Change and energy generation** (Applicant)

All responses should be submitted by **Deadline 8 (Wednesday 25 October 2023)**.

1) Archaeology

Questions for the Applicant, LCC and RCC:

Paragraph 3.10.101 of the draft National Policy Statement (NPS) EN-3 (March 2023) recognises that archaeological deposits may be protected by a solar PV farm if the site is removed from regular ploughing and shoes or low-level piling is stipulated. The Design Parameters [REP7-013] state that the maximum depth of the Mounting Structure piles will be 2.5m. Table 3-3 of the outline Environmental Construction Management Plan [REP7-015] states that the Written Scheme of Investigation (WSI) will allow for identification of any areas where concrete shoes/blocks may be required, and also where preservation in situ is the preferred strategy. Further detail of this is set out in paragraphs 3.14 to 3.18 of the outline WSI [REP7-033]. The general comment of Historic England [RR-415] is also noted that sufficiency of field evaluation is vital because some features would be both of high importance and high sensitivity to the insertion of panel mounting piles.

- a) Given the above, on what basis would the use of such mitigation measures be determined for the solar PV areas in the absence of any further trial trenching for these areas?
- b) Bearing in mind the wording of paragraph 3.10.101 of the draft EN-3, how would the protection it envisages be secured in this instance in the absence of the use of shoes or low-level piling?
- c) To what extent does the existing knowledge of the archaeological resource at the site, lead to any particular likelihood of there being further, as yet unidentified, important and sensitive archaeological deposits being located within the proposed solar PV areas?
- d) **The Applicant** is requested to provide further explanation of its position that, based on the proposed number of piles required, the impact on any potential archaeological material would be so de minimis that any damage or loss would be insignificant, such that sufficient remains would be left undisturbed, and their significance remained.

2) Land Use and Soils

Questions for Natural England, LCC, RCC and SKDC:

At Deadline 7, the Mallard Pass Action Group submitted a report that provides a review and analysis of the findings of the soil surveys submitted by the Applicant [REP7-060]. The report was informed by additional soil testing, predominantly in Field 2. Amongst the conclusions of the report is an indication that there is a larger area of Grade 2 agricultural land within Field 2 than that identified by the Applicant. Conversely, the amount of Grade 3b and Grade 4 land within Field 2 may have been over-estimated by the Applicant. A lack of soil pits assessed by the Applicant within Field 2 is also cited as a concern along with call for a more detailed assessment across the Order limits.

It is noted from the Statement of Common Ground between the Applicant and Natural England [REP7-028] that Natural England advised the Applicant that additional soil survey work would be required in all areas identified as BMV and all areas permanently lost. The Applicant subsequently undertook additional surveys “*across the majority, but not all, of these areas*”. Natural England appear to be satisfied with this approach, stating

“Nonetheless, we acknowledge the rationale provided that all areas to be permanently lost have been surveyed at a detailed level and that detailed survey of high-quality areas that are only to be used for panels would not alter decision making RE soils. NE raise no further concern with the ALC survey methods.”

- a) Can **Natural England** please provide comments on the conclusions of the report submitted by the Mallard Pass Action Group and confirm if it has any implications for their current position on soil surveys and sampling as set out in the Statement of Common Ground?
- b) Do **Lincolnshire County Council, Rutland County Council or South Kesteven District Council** have any comments on the report submitted by the Mallard Pass Action Group and related implications for the consideration of the Proposed Development?

3) Existing Ryhall Substation

Questions for the Applicant and NGET:

At Deadline 7, the Applicant provided a response [Appendix B of REP7-036] to Question 1.0.8 of the ExA’s second written questions [PD-014] regarding the implications for the existing Ryhall Substation, including comments on NGET’s response [REP5-034] to each part of the question.

- a) **NGET** is requested to review the Applicant’s response and comments [Appendix B of REP7-036] and provide comments on its agreement or otherwise, along with appropriate justification. This should include the matters set out below.
 - i) Can NGET provide any further update on the progress being made with the Front End Engineering Design [FEED}, including any potential impediments that have been identified?
 - ii) Does NGET agree with the Applicant’s summary of the works required to the existing substation to achieve a grid connection to the Proposed Development? Please provide any further relevant details.
 - iii) Does NGET expect to use relevant permitted development rights (Class B(f) of Part 15 of Schedule 2 of the General Permitted Development Order 2015) for these works?
 - iv) In its previous response, NGET states that the network surrounding Ryhall has no further electrical capacity and that further network reinforcements are required in the region to accommodate more capacity. Please can NGET provide further details of the likely extent and timescales of the network reinforcements that are likely to be required in order for the Proposed Development to be able to fully connect to the network?
 - v) Can an indicative timeline be provided for the processes and works necessary in order for the proposed grid connection of 1 January 2028 to be achieved and operable?
- b) **The Applicant** is requested to provide details of any cumulative effects that might arise from the proposed works necessary at the existing Ryhall substation in addition to the Proposed Development.

4) Water and Flood Risk

Questions for the Environment Agency, Lincolnshire County Council, Rutland County Council and South Kesteven District Council:

In response to discussion at ISH4 regarding the implications of the proposed 60 year operational time limit for the Flood Risk Assessment in the 2080s, the Applicant provided further assessment of this issue in its Statement on 60 Year Time Limit at Deadline 7 [REP7-038]. This followed liaison with the Environment Agency on the approach to further modelling. The Environment Agency also committed to review the analysis and results when available [REP7-051]. The subsequent proxy modelling undertaken indicates that 4.1ha of the PV array area could be submerged under the leading PV array edge. If this modelling continues to be the case in 2078 when further consideration is proposed, the Applicant concludes that this could be mitigated by changing the pitch of the arrays and that mechanisms in the oOEMP would ensure that such measures are put into place. However, the latest version of the oOEMP submitted at Deadline 7 removes provisions to address the issue with revisions to Table 3-7. As an alternative, a new Requirement (R19) is proposed in the latest dDCO regarding long term flood risk mitigation. It is understood that this is the Environment Agency's preferred method.

Please note, the ExA raises questions separately on R19 in its commentary and questions on the dDCO published on 18 October 2023.

In terms of the overall implications for the conclusions of the Flood Risk Assessment [APP-086] and Chapter 11 of the Environmental Statement [APP-041], the Applicant states they *"remain unchanged with the introduction of a 60 year time limit on operation i.e. no displacement of flood waters and no significant effects."*

a) Please can the **Environment Agency** provide comments on the flood risk modelling submitted by the Applicant at Deadline 7, including confirmation of whether the conclusions and suggested approach to mitigation are satisfactory?

b) Can the **Environment Agency, Lincolnshire County Council, Rutland County Council and South Kesteven District Council** confirm if they agree with the Applicant's position that the conclusions of the Flood Risk Assessment and Chapter 11 of the Environmental Statement remain unchanged with the introduction of a 60 year time limit?

c) Do **Lincolnshire County Council, Rutland County Council and South Kesteven District Council** have any further comments on the Applicant's updated consideration of flood risk?

Question for the Applicant:

A Written Representation from Mr Gresty [REP2-160] identified the presence of privately owned domestic water pipelines along the B1176 and The Drift. Concerns were raised in the representation regarding the potential for impacts to the pipelines and water supply arising from the Proposed Development that do not appear to have been addressed by the Applicant in its subsequent response to Written Representations [REP3-035].

Furthermore, it is not clear from Chapter 11 of the Environmental Statement [APP-041] and Figure 11.5 [APP-199] if the water supply in question has been identified and assessed.

d) Can the Applicant please clarify how the above has been considered and addressed?

5) Climate change and energy generation

Questions for the Applicant:

The Applicant's Statement on 60 Year Time Limit [REP7-038] provides commentary on the implications of the time limit on climate change. However, unlike the other topics considered in this statement, the climate change section does not draw direct comparison with the findings of the corresponding chapter of the Environmental Statement (Chapter 13) [APP-043].

a) The **Applicant** is requested to provide further commentary on the implications of the 60 year time limit for the findings of Chapter 13 of the Environmental Statement.

b) Can the **Applicant** please provide a direct comparison of the carbon cost, carbon benefit and net carbon benefit between the 40 and 60 year time frames assessed?

The Applicant stated at Deadline 4 [REP4-022] that *"the 40-year average annual generation from the Proposed Development is approximately 315,000MWh, which is equivalent to the annual average consumption of approximately 85,000 homes over a period of 40 years, which is of the same order of magnitude of the number of households in the Local Authority areas of South Kesteven and Rutland combined"*. Paragraph 1.1.48 of the 60 Year Time Limit Statement provides an updated average annual generation figure of 300,777MWh per year but it is unclear how many homes this would support.

c) Can the **Applicant** please provide an updated estimate of the number of homes that the Proposed Development is likely to power over the 60 year time frame?

As noted above, all responses should be submitted by **Deadline 8 (25 October 2023)**.

Other Interested Parties may also wish to respond to these requests as deemed appropriate.

Yours faithfully

David Cliff

David Cliff
Lead Member of the Panel of Examining Inspectors

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.