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## Nationally Significant Infrastructure Project: EN01027 Mallard Pass Solar Farm

Response of Rutland County Council to The Examining  
Authority's commentary and questions on the draft  
Development Consent Order

Part 1: Preliminary		
Q1.0.1	Article 2 (Interpretation) “maintain” a) Confirm whether or not you agree with the related wording in section 2.2 of the updated outline Operation Environmental Management Plan (OEMP) [REP7-018]. If disagreement remains, including in relation to the maintenance schedule approval provision, please provide justification along with any alternative suggested drafting for consideration. b) Can the Applicant confirm whether or not it agrees to LCC’s [REP7-040] suggested drafting for paragraph 2.2.2 of the outline OEMP? Please provide clear justification for any disagreement in addition to your preferred drafting.	RCC can confirm it is satisfied with the revised wording in section 2.2 of the outline Operation Environmental Management Plan (OEMP) on the basis of the limitation to maintenance operations resulting in no more than 5 daily HGV two-way movements.
Schedule 2: Requirements		
Q6.0.1	R5 (Approved details and amendments to them) The ExA seeks views on whether it would be appropriate to add the following wording to R5(2) in order for certainty that any proposed changes are non-material: ‘Approval under sub-paragraph (1) for the amendments to any of the Approved Documents, Plans, Details or Schemes must not be given except for <u>non-material changes</u> and 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 <del>unlikely</del> would not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.	RCC considers that the proposed additional wording does provide more certainty around the non-materiality of any proposed changes and therefore supports the amendment of the wording as set out by the ExA.
Q6.0.2	b) With further regard to the proposed cabling, would a requirement for the submission and approval of a method statement for the construction and maintenance of the proposed cabling be necessary for the Proposed Development in this case?	RCC considers that a requirement for the submission and approval of a method statement for the construction and maintenance of the proposed cabling would be beneficial for the relevant Local Planning Authorities to allow them to ensure that all appropriate safeguards are in place to mitigate against the potential for harmful impacts arising from these operations.
Q6.0.6	R10 (Archaeology) Notwithstanding the other considerations relevant to this Requirement, the current drafting of R10 is inconsistent with that for	RCC considers that R10 should be consistent with the other requirements where final documents require approval, particularly so in view of the issues raised

	<p>other Requirements where final versions of documents (which must be substantially in accordance with the relevant outline plan) require approval. For consistency, should it be amended to require the approval of a detailed WSI for each phase which must be substantially in accordance with the outline WSI?</p>	<p>in respect of the archaeological investigation undertaken to this point.</p>
Q6.0.8	<p>R19 (Long-term flood risk mitigation)  a) If still required, please provide an update on whether the wording of this newly proposed Requirement has been agreed with the EA along with the relevant authorities. If not required, please provide reasons. b) Is it appropriate for the matters in R(2)(a) to be approved by the EA, rather than in consultation with the EA. What is the justification for this when usually such matters would fall for the approval of the relevant planning authority (and local lead flood authority)? c) Comments from relevant interested parties are invited on this proposed Requirement and related flood risk matters</p>	<p>RCC Notes that in the updated version of the draft DCO submitted at Deadline 8, Requirement 19 has been deleted from the proposal. RCC also notes the without prejudice drafting proposed for the reinsertion of Requirement 19 (if considered necessary by the ExA) set out in their response to question 6.0.8 in REP8-020. RCC considers that this revised drafting would be the preferred option for any reinsertion of Requirement 19 should the DCO be granted.</p>
<p>Schedule 16: Procedure for Discharge of Requirements</p>		
Q8.0.2	<p>Please provide any final comments on the drafting of Schedule 16 by Deadline 8A (Wednesday 1 November 2023), including justification for any proposed change and any proposed alternative drafting where any disagreement remains.</p>	<p>RCC has had no discussion with applicant on this issue and would request further clarity on how the proposed fees have been established as they seem to be based on the 'other operations' category of the planning fees schedule.</p> <p>RCC would seek clarity over whether the initial fee set out in paragraph 5(2)(a) applies per phase of development, or for the development as a whole, and would strongly consider that this should be per phase to ensure appropriate provision is made for the full and proper consideration of such matters when the requirement is sought to be discharged.</p> <p>Given the fee structure aligns with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(a), RCC would request that the fees stated should also be subject to change in line with the fees stated in that document.</p>

