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To:  
The Applicant  
Lincolnshire County Council  
Rutland County Council  
Natural England  
Environment Agency  
Upper Witham Internal Drainage Board

Your Ref:  
Our Ref: EN010127  
Date: 3 November 2023

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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 Examining Authority (ExA) requests further information, and has questions, on the matters set out below. The parties from which responses are sought are shown in brackets under each heading.

- 1) **Land Use and Soils** (Applicant)
- 2) **Water and Flood Risk** (Applicant, Environment Agency, Lincolnshire County Council / Upper Witham Internal Drainage Board and Rutland County Council)
- 3) **Archaeology** (Applicant, Lincolnshire County Council, Rutland County Council)
- 4) **Development Consent Order** (Lincolnshire County Council / Upper Witham Internal Drainage Board)
- 5) **Applicant's Response to Mallard Pass Action Group's Deadline 8 Submissions on Carbon** (The Applicant)

All responses should be submitted by **Deadline 9 (Friday 10 November 2023)**.

## 1) Land use and soils

### *Questions for the Applicant:*

At Deadline 8, Greatford Parish Council provided comments [REP8-023] on the Applicant's newly proposed Grassland Establishment Management Plan that forms Appendix 3 to the outline Landscape and Ecology Management Plan [REP7-022]. The Applicant responded to some of these comments at Deadline 8A [REP8a-001].

a) Can the **Applicant** provide a fuller explanation of the circumstances where advance sowing will not be suitable and why sowing further in advance to that suggested is not appropriate?

Natural England's response to the ExA's Rule 17 question 2a [REP8-029] regarding the Landscape, Land & Property Report – Critique of ALC Report submitted by the Mallard Pass Action Group posed queries for the Applicant. In relation to the possible use of existing trenches to inform the Applicant's soil survey, Natural England raised no concerns. However, it was stated by Natural England *“that data derived from all soil pits and archaeological trenches should be presented, and that further clarification should be provided regarding how the information gained from the soil pits and trenches has been used to inform the ALC survey results.”*

b) Can the **Applicant** respond to Natural England's request that that data derived from all soil pits and archaeological trenches should be presented, along with further clarification how the information gained from the soil pits and trenches has been used to inform the ALC survey results?

## 2) Water and flood risk

### *Questions for the Applicant, Environment Agency, Lincolnshire County Council, Upper Witham Internal Drainage Board and Rutland County Council*

The Environment Agency's response [REP8-027] to Question 4b of the ExA's previous Rule 17 Letter states that it agrees with the Applicant's position that *“the residual risk from fluvial flooding to the development itself, and to third parties, remains negligible with the introduction of a 60 year time limit.”* However, the Environment Agency goes on to state that *“Assessment of risk from other sources, such as surface water, would also need to incorporate the appropriate climate change allowances for the 2080 epoch, as there may be an impact on the volume of surface water attenuation required. This would need to be agreed with the Lead Local Flood Authorities.”*

a) Please can **Lincolnshire County Council, Upper Witham Internal Drainage Board and Rutland County Council** comment on the Environment Agency's advice in respect of surface water attenuation and advise if any such agreement has been reached with the Applicant? If an agreement has not been reached and is unlikely to be concluded before the close of the examination, please outline your position on the implications of this for the consideration of the Proposed Development.

b) Can the **Applicant** comment on the Environment Agency's feedback in relation to the consideration of surface water in the context of the 60 year time limit?

c) Can the **Environment Agency** confirm the extent to which it considers any surface water issues in relation to fluvial flood risk, particularly in this case where surface water run-off might occur in close proximity to a river?

### 3) Archaeology

*Question for the Applicant, Lincolnshire County Council and Rutland County Council*

The Applicant's response to our Rule 17 Q1b [REP8-021] explains that the tiny fractions of a percentage of the total site area (0.06%) that would be disturbed by the insertion of piles is by definition 'low-level'.

For the avoidance of doubt, the Applicant, Lincolnshire County Council and Rutland Council are asked to describe what they consider 'low-level' piling to consist of in the context of paragraph 3.10.101 of the draft National Policy Statement EN-3 (March 2023). In particular, does it mean low-level in the context of a low level of potential impact or does it mean low level in terms of the depth of the proposed piles?

### 4) Development Consent Order (DCO)

*Questions for the Applicant, Lincolnshire County Council / Upper Witham Internal Drainage Board as Local Lead Flood Authority*

a) Article 6 (Application and modification of statutory provision): Further to section 150 of the Planning Act 2008, can the **Upper Witham Internal Drainage Board/Lincolnshire County Council** as the Local Lead Flood Authority confirm whether it consents to the disapplication of the relevant statutory provisions under article 6 of the draft DCO [REP8-006]?

b) Schedule 16 (Procedure for discharge of requirements): Can the Applicant respond (and provide any suggested drafting as necessary) to the comments made by Rutland County Council [REP8a-012] and South Kesteven District Council [REP8a-013] regarding fees.

### 5) Applicant's Response to MPAG's Deadline 8 Submissions on Carbon (REP8a-010)

*Question for the Applicant*

a) The Examining Authority requests that **the Applicant** provides any relevant references and copies of relevant parts of the documents cited for the source of the data and information contained in the fourth, seventh and eight bullet points of its 'Response to Issue 3'.

b) Could **the Applicant** also clarify what document paragraph 9.3.4 relates to in the fifth bullet point?

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

As noted above, all responses to the above should be submitted by **Deadline 9 (Friday 10 November 2023)**.

Should you have any queries about the contents of this letter, please contact the case team.

Yours faithfully

*David Cliff*

**Lead Member of the Panel of Examining Inspectors**

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