

**Alicia Kearns MP Closing Summary Statement – Mallard Pass Solar Plant Application**

*The following is a summary of concerns previously raised in my Relevant Representation and Written Representation to the Planning Inspectorate regarding the proposed Mallard Pass solar plant. They do not encapsulate the entirety of my concerns. Following the Examination, I have concluded that this application should not be recommended for approval to the Secretary of State. I hope the wide-ranging concerns I hold and those of the affected community's will be adequately communicated to the Secretary of State in the Planning Inspectorate's final recommendation to the Secretary of State.*

**Loss of Best and Most Versatile Agricultural Land**

- The Department for Environment, Food and Rural Affairs has guidance that there should be a 'strong presumption' against the development of energy infrastructure on Best and Most Versatile (BMV) agricultural land classified as grade 3A and above.
- The proposed site for the Mallard Pass solar plant consists of:
  - 6% grade 2 land.
  - 47% grade 3A land.
  - Therefore, with 53% BMV land, this proposal should not be recommended for approval.
- National food security is a high priority for the Government, particularly following the pressures on global food security following the Russian renewed illegal invasion of Ukraine. Rutland has unique farming capabilities to contribute to national food security.
- Therefore, this proposed development contradicts specific DEFRA guidelines as well as National policy to protect agricultural capacity and food security. Given the land will be lost for up to sixty years this development should not be given consent.
- The remaining 47% of the site is grade 3B, which is also farmable despite not classifying as BMV.
- The developers have not proven that they reasonably considered alternative sites with lower grade land before applying to build on this site. At over 2000 acres, the project would represent a substantial and unjustifiable loss of agricultural capacity.
- Therefore, because of the proportion of the site, which is classified as BMV land 3A and above, because the developers have not considered alternative sites, and because of the high priority of national food security, this application should not be recommended.

**Evidenced Forced Labour in Canadian Solar's Supply Chains**

- As set out in my previous submission to the Planning Inspectorate ([EN010127-0007020-Alicia Kearns MP](#)), the primary developer behind the proposed Mallard Pass

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solar plant, Canadian Solar, has been linked to forced labour of Uyghur and other minorities in the Uyghur Region of the People's Republic of China. Forced labour is a crime against humanity, and Parliament voted unanimously to declare the situation in Xinjiang a genocide.

- Below is a summary of Canadian Solar's exposure to forced labour:
- The Sheffield Hallam University Report [‘Over-Exposed’](#) (2023) classifies Canadian Solar as having a HIGH risk of exposure to forced labour for their manufacturing facilities in China.
- In 2021 four shipments from Canadian Solar were seized by the US authorities in a crackdown on goods linked to forced labour, a crime against humanity, in the Uyghur Region.
- Canadian Solar previously operated a solar plant in the Xinjiang Production and Construction Corps (XPCC) 3<sup>rd</sup> division city of Tumxuk, Xinjiang. The XPCC are sanctioned by the US Government for their contribution to the Uyghur genocide. The XPCC are a state run branch of the Chinese state, functioning as a regional government, a paramilitary organisation, a bureau of prisons, a media empire, and an ‘education’ system, as set out in the [‘Until Nothing is Left’](#) report by Sheffield Hallam University. The XPCC are responsible for extrajudicial internment and imprisonment, land expropriation, forced migration, repressive policing, social engineering, religious persecution and forced labour of Uyghur and other minorities.
- Canadian Solar's largest supplier of polysilicon from 2008 - 2021, GCL-Poly, has a subsidiary, GCL-New Energy Technology Co Ltd, sanctioned by the US Commerce Department [REDACTED]  
[REDACTED]  
[REDACTED]
- Canadian Solar has operated a joint venture with GCL-Poly in Jiangsu.
- As of December 2021, Canadian Solar's primary suppliers were Longi Green Energy Technology Co. Ltd, Hongyuan New Material (Baotou) Co. Ltd and Tongwei Solar Co. Ltd. Open-source research shows all three suppliers are Chinese companies with exposure to either Xinjiang, the XPCC and state-sponsored [REDACTED]  
[REDACTED]  
[REDACTED]
- In June 2022 shareholders in Canadian Solar working with an ethical advisory group (SHARE) attempted to have several board members deselected due to their failure to address forced labour in the companies supply chains.
- In an April 2022 email, Canadian Solar's CFO Huifeng Chang attacked Western human rights groups, saying they “mistakenly regard any employment of Uyghurs as forced labour, which has caused sever harm to the Uyghurs we all love.” Action taken by the US Government and research presented in the 2021 [‘In Broad Daylight’](#) and

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2023 '[Over-Exposed](#)' Sheffield Hallam reports demonstrate the solar industry has been actively involved in Uyghur forced labour.

- In December 2022 Canadian Solar was found guilty by the US Commerce Department of tariff dodging via a factory in Thailand. This tariff dodging demonstrates intent to disguise that their product was manufactured in China to avoid US sanctions designed to combat forced labour.
- Canadian Solar's alleged links to forced labour have been reported in the UK press outlet [The Times](#).
- Therefore, due to Canadian Solar being one of the most exposed solar companies to forced labour, evidenced by its shareholder action, independent reports and US sanctions, this developer should not be recommended for approval to the Secretary of State.

### **Compulsory Acquisitions**

- At a meeting in the House of Commons with Canadian Solar on 19<sup>th</sup> October 2022 I asked whether the Applicant expected to issue any compulsory acquisitions (CA). I was told they hoped not to. At no point in the consultation period was the possibility of CA raised with me.
- The possibility of compulsory acquisitions was not adequately raised with residents of Essendine and other affected individuals. The CA rights placed on Essendine residents has already caused undue stress and concern. The cabling issues could have and should have been resolved if the developers had begun negotiations earlier in the process. It is unacceptable that they are unlikely to be resolved by the end of the Examination.
- Given the failure to consult with the community early and comprehensively on this pivotal issue, the application should not be recommended for approval.

### **Inappropriate Approach to My Office by Canadian Solar**

- On 20<sup>th</sup> October 2022 a representative of Canadian Solar telephoned my Parliamentary office and strongly suggested to my staff member that I should consider dropping my opposition to the proposed development in exchange for investments into the local community by Canadian Solar.
- I collected statements from the four individuals who heard the call and reported the incident to the relevant authorities. It was also reported in [the media](#).
- In my view this represents a clearly inappropriate effort to prejudice my view of the application and applicant. As such, this applicant should not be recommended for approval.

**Inadequate Consultation and Poor Public Engagement.**

- Following complaints from local residents that the consultation undertaken by the developers was inadequate I organised a public meeting to be held in Essendine on 7<sup>th</sup> April 2022. The developers agreed to participate months before the event before abruptly dropping out on 29<sup>th</sup> March, claiming that they had no new information to share.
- Subsequently, residents informed me that representatives of Windel Energy had told attendees at the later formal consultation events that they did not attend due to me having organised and chaired the meeting. Residents also informed me that Windel Energy representatives at the Ryhall consultation hearing had said I only opposed the development for political gain and speculated that I was receiving money from the Chinese Government. I consider this unprofessional, unacceptable, and libellous. A senior representative of Canadian Solar later apologised to me for this incident at a meeting in the House of Commons.
- In the Applicant's summary of the issues discussed with me during consultation published in the Planning Documents every issue raised in my consultation is listed as having been discussed at a meeting I held in the House of Commons on 19<sup>th</sup> October 2022. This is a misrepresentation as the only issues discussed were forced labour, Windel Energy's financial record, compulsory acquisitions, and the accusations me against me to residents at the formal consultation hearings. I have a copy of both my own minutes and those of Canadian Solar to prove this.
- Residents reported to me that their enquiries were ignored by the developers, including a resident with epilepsy, whose condition could be aggravated by the solar plant. Their concerns were ignored, and no engagement took place.
- All of the above demonstrate the disregard shown by the developers towards the residents and communities who would be most affected by this development. This should be communicated to the Secretary of State by the Planning Inspectorate in the formal conclusions of the investigation.
- The 1,042 consultation responses from a small rural community demonstrate the level of opposition to the development.
- I have also collected over 2,800 signatures for a Parliamentary petition against the development, which I will be presenting to the House of Commons.
- Given the inadequate consultation, poor engagement with the local community, repeated misrepresentations to and about me by developers and the near unanimous local opposition to the development, it should not be recommended for approval to the Secretary of State.

**Windel Energy and Windel Energy Director's Financial Record**

- Full information on Windel Energy and Windel Energy Leaderships concerning financial record can be seen in my previous submission ([EN010127-0007020-Alicia Kearns MP](#)), and on [Companies House](#).
- Gary Toomey is listed as a Director of Windel Energy. Gary Toomey has held over 70 directorships, many of which have been liquidated, are insolvent or have been struck-off whilst owing large sums to creditors. This information should be considered and communicated to the Secretary of State as it raises concerns over the reliability of the developer.
- The total sums owed to creditors by companies with Gary Toomey listed as a Director on Companies House surpass £11,000,000.
- At the time of writing (14.11.23) Windel Energy's Confirmation Statement to Companies House was overdue. It is highly concerning that simple issues of company governance are being missed.
- There are also questions over Windel Energy's lack of previous experience in successfully delivering solar developments, particularly at such a large scale.
- Therefore, Windel Energy is not a credible provider of major infrastructure, and this application should not be recommended for approval to the Secretary of State.

**Impact on Landscape and Amenity**

- The impact on the landscape of this development would be monumental and last up to and exceeding sixty years. The loss of the natural and agricultural landscape to fencing, screening and panels over three metres tall would fundamentally alter the area and communities based there. These changes will deeply affect residents, particularly in the village of Essendine which will be nearly entirely surrounded (c.90%) by the development.
- The over 2000 acres of development will have a negative impact on the health and mental wellbeing of residents, many of whom will be unable to escape them due to the disproportionate size of the proposal.
- The proposed walkways and permissive paths by the developers ignore the fundamental change in the landscape itself, forcing ramblers to either walk through thick concentrations of solar panels or choose alternative sites. This will be particularly isolating for residents in Essendine.
- Given the lasting and fundamental changes this development would bring to a substantive area and many communities, it should not be recommended for approval to the Secretary of state.

### **Community Compensation**

- The current offer of community compensation by the developer, whilst still being negotiated, is far too low and a one-off payment. Given the sixty years plus lifespan of the development, an annual payment should be offered derived from the expected high revenues and profits the site will generate. As a minimum the compensation offer should mirror that mandated for wind energy projects.
- There are currently no known benefits to the local community from this development and as such it should be recommended for approval by the Secretary of State.

### **Biodiversity and Environmental Concerns**

- The site is situated in a region which is home to many rare bird species including Ospreys at Rutland Water. Rutland Water is also the site of Global Birdfair, the world's largest bird watching festival. Recent conservation efforts have restored the number of Osprey's in the UK to 1500 and this progress should not be jeopardised.
- Whilst the development may register some limited and specific biodiversity gains the developers have not been able to satisfactorily demonstrate that the project will not damage wider ecosystems, some of which are unique to Rutland and Lincolnshire. Several species will be negatively affected by the extensive fencing around the development.
- Given the risk to Rutland and Lincolnshire's unique and fragile wildlife this development should not be recommended for approval to the Secretary of State.

### **Suitability and Efficiency of Site**

- The proposed site uses more land per MW than most NSIP schemes. The site is also unsuitable as it is incapable of co-locating with battery storage, a vital element which helps regulate energy delivery to the grid. This critical detail was not properly considered before the application was lodged, resulting in the late inclusion of Compulsory Acquisitions.
- Taken together these two shortcomings demonstrate that the site is a poor choice practically and the level of mitigation required to facilitate its feasibility is not proportionate. Therefore, it should not be recommended for approval to the Secretary of State.

### **Flooding Risks**

- The area around the proposed site of development has experienced flooding in recent years and continues to be at risk.
- Whilst the developers have sought to address the flooding risks that would arise on-site, they have neglected to properly investigate and mitigate enhanced flooding risks off-site. These issues must be urgently addressed and should have been during the

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Examination. Given they were not, this application should not be recommended for approval to the Secretary of State.

**Carbon Benefit**

- There are questions over where the panels will be built and with what energy source. Canadian Solar manufactures panels in China, Thailand, and Vietnam, likely relying on coal power stations for the required energy input.
- In 2022, 38% of Vietnam's energy came from coal, c20% of Thailand's energy came from coal and in 2021 61% of China's energy came from coal.
- These panels would then have to be shipped to the UK and questions remain over how they can be safely disposed of after decommissioning.
- Therefore, serious questions remain over the environmental benefit of the application, and it should not be recommended for approval by the Secretary of State.

**Conclusion**

*The Planning Inspectorate should recommend that the Secretary of State reject this application on the basis of:*

- *Loss of Best and Most Versatile agricultural land.*
- *Evidenced forced labour in Canadian Solar's supply chains.*
- *Lack of consultation and engagement on Compulsory Acquisitions.*
- *Inappropriate approach to my office by Canadian Solar.*
- *Inadequate consultation and poor public engagement.*
- *Windel Energy and Windel Energy's Director's financial record.*
- *Impact on landscape and amenity.*
- *Lack of community consultation.*
- *Biodiversity and environmental concerns.*
- *Suitability and efficiency of the site.*
- *Flooding risk.*
- *Questionable carbon benefit.*