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Nationally Significant Infrastructure Project: EN01027 Mallard Pass Solar Farm

RCC Summary position at close of examination
November 2023

The response below is provided as a summary of the position of Rutland County Council in respect of the proposed Mallard Pass Solar Farm at the close of the examination. It does not supersede any comments made by Rutland County Council during the examination, and does not contain the level of detail included in specific responses submitted to earlier deadlines.

Residential Amenity

RCC set out in its Local Impact Report at the outset of the examination that it considered the main residential amenity impact was related to impacts on private views over the application site, and this has not changed throughout the course of the examination. It is satisfied that the proposed landscaping is secured by the relevant documents however as set out in its LIR the time taken for the proposed landscaping to achieve meaningful screening of the development in this regard will result in a negative impact on residential amenity.

The LIR also contained a separate concern related to negative, albeit temporary, impacts to residential amenity as a result of the construction phase, in particular those properties located in the vicinity of both the construction activities themselves and the proposed access routes. The detail provided through the examination has provided further clarity and welcome restriction in relation to the operation of the proposed delivery routes, in particular to avoid clashes with school pick-up and drop-off times in Great Casterton, however RCC remains of the view that the scheme will result in detrimental impacts on residential amenity as a result of the construction phase impacts (and by association any similar decommissioning phase – although this is discussed later).

During the course of the examination discussions have taken place between the applicant and RCC with regard to limitations on the hours of construction and the proposed operations to take place during those construction times. RCC has not been able to agree with the applicant a final position in this respect, and maintains its original stance that there should be no operations undertaken at weekends throughout the construction phase due to the impact of such works in part on the residential amenity of the residents in the vicinity of the site, and also due to the detrimental impact such operations would have on the enjoyment of the countryside and the footpaths located within and throughout the area for the duration of the construction phase.

Landscape and Visual Impacts

RCC set out in its Local Impact Report at the outset of the examination that “given the particular characteristics and quality of the countryside in this location and the nature of the landscape impacts arising from the overall significant scale of the development proposals, it is considered that the development would have a significantly negative impact on the landscape character of the area.”

RCC maintains this position, identifying concerns regarding the landscape and visual impacts of the development over such a large area of countryside where access to and enjoyment of the countryside form a significant part of day-to-day life for the residents of the nearby settlements.

Natural Environment

RCC set out in its Local Impact Report at the outset of the examination that it had concerns regarding the permanent loss of land from agricultural production as a result of the scheme, and the manner in which the loss of such land had been assessed in relation to the proposal. It also identified concerns around impacts on wildlife, surface water and flooding.

RCC has not been able during the examination process to come to an agreed position with the applicant in respect of the loss of BMV agricultural land. RCC considers that this loss is a matter of significant weight in the consideration of the proposal with the high proportion of land classed as BMV within the proposed site and in light of appeal decisions considering this matter.

In respect of surface water drainage and flooding, RCC has agreed in the Statement of Common Ground with the applicant that detailed drainage design is controlled through the proposed DCO requirements and therefore the LLFA has the opportunity to review these matters ensuring that the scheme does not result in flood risk. It is still contended however that due to the period over which flood risk has been assessed in association with the application the proposed 60-year time limit for the operation of the solar farm fails to accord with the period over which flood risk has been assessed, and that if the development is granted permission then the time period for that consent should be limited to 40 years, not 60.

RCC welcomes the securing of BNG uplift within the site through specified figures within schedule 2 requirement 7 of the DCO.

Historic and Cultural Environment

Archaeology

RCC set out in its Local Impact Report at the outset of the examination that it had concerns regarding the assessment undertaken by the applicant in respect of the archaeological potential of the site, specifically that insufficient investigation had been undertaken to establish what mitigation measures may be required to adequately protect the archaeological resource from the proposed development.

This topic has been the subject of much debate and consideration throughout the examination process however the applicant has undertaken no further field investigation in respect of the proposal and therefore RCC maintains its original position that the submission does not provide sufficient information to allow for a proper understanding of the archaeological resource at the site. The consequence of this is that the information provided is insufficient to allow for suitably informed mitigation proposals as part of the scheme.

Recreation & Tourism

RCC set out in its Local Impact Report at the outset of the examination that it had concerns regarding the impact of the proposal on the use of the countryside in this area for recreational and tourism purposes, specifically that the presence of the development would be likely to discourage use of Public Rights of Way in the area due to the visual impact of the development on the views currently afforded by those rights of way. It considers that this is still a significant concern associated with the development, and is not mitigated by the proposed provision of additional permissive paths, which will simply provide additional walking routes within the solar farm development itself, which due to the nature and scale of the development and/or the screen planting proposed will nullify the benefits generally sought by the use of such paths in the countryside.

Noise

RCC set out in its Local Impact Report at the outset of the examination that it had concerns in this respect with regard to the impact of the proposed hours of construction – this matter is covered under Residential Amenity above however and so is not repeated here.

Emissions

RCC set out in its Local Impact Report at the outset of the examination that it had no concerns regarding emissions from the development. This position has not changed and RCC does not consider that the controls proposed would result in unacceptable adverse impacts in this respect.

Odour

RCC set out in its Local Impact Report at the outset of the examination that its only concern relating to odour was regarding the construction phase and the controls imposed on this to ensure no impact. This position has not changed.

Vehicular Access and Traffic

RCC set out in its Local Impact Report at the outset of the examination that it had no significant concerns over the proposal providing the requirements set out are enshrined within any confirmed DCO.

RCC has agreed with the applicant through the Statement of Common Ground the outline Construction Management Plan, negligible impact from operational traffic, a separate side Agreement to provide protections similar to a s278 agreement. Its initial safety concerns regarding the proposed access at the junction of The Drift with the B1176 have also been addressed and are agreed in the SOCG.

Grid Connection

RCC set out in its Local Impact Report at the outset of the examination that it considered the proximity of the grid connection was beneficial to the proposal, but it identified that it had concerns that the final proposal in terms of how the connection was to cross the railway line was not yet available given its fundamental importance to the project. RCC's position has not changed in this respect.

Form and Siting

RCC set out in its Local Impact Report at the outset of the examination that it considered that the form of the proposal was likely to be relatively fixed due to the nature of the development and the solar arrays proposed, but that the development itself due to its nature, scale and extent would have a negative impact. RCC's position has not changed in this respect.

Mitigation

RCC set out in its Local Impact Report at the outset of the examination that it was seeking to enter into discussions with the applicant regarding a package of measures to compensate the local community for the impacts of the proposed development. It is acknowledged that such matter lies outside the NSIP process, however a statement on the current position in respect of such a package is set out below.

The applicant has made an offer of a one-off payment with a preference for it to be made as direct payment to projects or causes to benefit locally impacted communities. RCC considers that the figure offered is very low compared to other such payments within the UK and is disappointed that the applicants have not engaged directly in discussions around these contributions. It would also prefer provision of an ongoing index linked fund for the project lifetime rather than a one-off lump sum payment so as to ensure that the compensation measures endure for the same period as the financial rewards to the applicant. RCC will be requesting that the applicant reconsider their offer and commit to a level of contribution identified by Solar Energy UK as good practice when its proposals in this respect are published (currently expected in the first half of 2024).

We note the applicant's offer to provide a one-off sum based on £ 1,500 per MWp of the overall Direct Current (DC) installed capacity, which is anticipated to be 350 MWp, resulting in a one-off payment of the order of £ 525,000 which would be available from the date of connection (ie after the end of the disruptive and prolonged construction phase). The applicants have advised that some projects may be funded in advance of this date. We welcome this commitment to provide

the fund regardless of whether agreement is reached with the Local Authorities in relation to the administration of the fund.

Our UK wide research suggests that the applicants figure of £ 1,500/MWp DC is very low compared with others who are offering several times this figure for a one-off payment or providing an ongoing series of payments over the lifetime of the scheme.

We are keen to ensure that the local community here receives contributions commensurate with best national practice and representing the losses they would suffer because of the development. We would also like to express our disappointment that neither Windel, nor Canadian Solar have offered to meet directly with us to discuss community contributions but have relied on their consultants to do this in their stead thereby depriving us of the opportunity to make the case for an enhanced community fund with those who will make the eventual decisions.

Community funds for renewables can either be a single lump sum up front payment, as offered in this instance, or an income stream over the lifetime of the development. Index linked payments over time provide a much better opportunity to undertake meaningful mitigation and create buy in between the operator and the local community.

Ongoing payments are established practice in relation to wind developments and are increasingly seen in relation to large scale solar PV projects. We also understand that Solar Energy UK (SEUK) are currently consulting with their members in relation to good practice for community benefits with a proposal due to be published in the first half of 2024 and likely to be agreed with DESNZ in the same fashion as the onshore wind industry.

Our strong preference would be for an ongoing index linked fund for the lifetime of the project. This would enable the community to assess its needs over time and make sustained investments. The owner's financial rewards are significant and will last for the duration of the scheme, so it is not unreasonable to ask that mitigation measures should also last for that period. The financial returns from this scheme will be very significant over time, and what is on offer represents around 0.25% of the construction costs, less than 10% of the first year's maintenance costs and less than the annual rent for a single year of the scheme.

Decommissioning

RCC set out in its Local Impact Report at the outset of the examination that as the proposal was for a permanent consent then any reduction in site area of the panel arrays due to efficiency improvements should result in the return of that land to agriculture or to provide biodiversity enhancement to the scheme.

During the course of the examination the applicant has proposed an amendment to see the proposal limited to a period of 60 years.

RCC has made representations on this matter at a number of deadlines in the examination following its proposal and considers that the 60-year period is excessive given the impact assessments are on the basis of a 40-year period. It does however welcome the principle of limiting the period of consent for the development and the requirement to ensure decommissioning is undertaken in accordance with a scheme to be submitted.

Minerals

RCC set out in its Local Impact Report at the outset of the examination that it did not consider the proposal would permanently sterilise the mineral resources in the area and the introduction of a time-limited consent only reinforces this view. RCC therefore has no objection on the grounds of the impact of development on such resources.

Other matters

During the course of the examination a number of discussions have taken place in respect of fees for discharging the requirements of the DCO, should consent be granted. RCC considers that such fees should be in line with the new fees regulations and index-linked as per the equivalent planning fees being introduced on the 6th December 2023.