



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

Applicants Closing Submission

Deadline 10 - November 2023

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CONTENTS

KEY ISSUES	1
Context.....	1
Need, Size and Scale	1
Site Selection and Alternatives	7
Heritage.....	11
Agricultural Land and Soil Quality.....	15
Cable Crossing of Network Rail or through Essendine Village.....	21
Time limit, Decommissioning and ES considerations/implications	24
Landscape and visual (inc RVAA)	29
Ecology	34
Transport and Noise.....	36
Water and Flood Risk.....	42
Climate Change and Carbon	46
Concluding Comments	49

ANNEX: UPDATED POSITION ON FEES

KEY ISSUES

Context

- 1.1 This document provides a summary of the Applicant's position on key technical matters, which have arisen during the Examination of the Proposed Development. The document does not introduce new material but provides clarity on the Applicant's final position on matters which have drawn attention from either/both the Examining Authority and/or Interested Parties, with reference to the previous submissions it has made.
- 1.2 This document does not take account of the submissions of Interested Parties submitted at Deadline 9. The Applicant's response to those submissions is set out in its Deadline 10 Cover Letter and as such, should be read alongside this Closing Submission as the Applicant's final position in this Examination.
- 1.3 The document also provides signposting to the Applicant's submissions which have been made over the course of the Examination. The signposting is included to assist the Examining Authority and Interested Parties in accessing submissions the Applicant considers relevant to the technical matter being discussed. The signposting is not intended to represent an exhaustive list of every submission on a given technical matter but draws attention to those the Applicant considers to be of most relevance.
- 1.4 This Closing Submission does not deal with Development Consent Order (DCO) drafting as a separate topic and as such the Applicant would like to note the following:
 - the key remaining area of dispute with the LPAs relates to the drafting in Schedule 16 about time limits and fees for discharge of requirements. Its position on the former is set out in its response to the ExA's Rule 17 Requests. An updated position on fees is set out in the Annex to this Closing Submission;
 - the position on Requirement 7 in respect of maintenance period is set out in the SoCGs with the LPAs; and
 - matters in relation to the archaeology requirement, and the various 'without prejudice' requirements submitted during Examination are set out in the relevant sections below.
- 1.5 This Closing Submission also does not deal with Compulsory Acquisition (CA) matters, but the Applicant would note that:

- as set out in the Deadline 9 Schedule of Negotiations [REP9-010], all but two of the main solar PV areas have been signed up to Options and that those remaining two are expected to sign up in due course after the Examination, including Mr Williams;
- the compelling case for compulsory acquisition remains as set out in the application Statement of Reasons [APP-021], with further submissions made in respect of the need for powers over the skylark mitigation/retained agricultural land made at CAH2 [REP7-035];
- the key issue remains in relation to justifying project size, which is discussed further below; and
- that the Applicant has made the amendments sought by the ExA to the DCO powers relating to land powers throughout the Examination.

1.6 The Applicant would also highlight the updated Planning Policy Tables submitted at Deadline 8A [REP8a-009]. These provide an updated response to the key policy issues at both National (NPS and NPPF) and Local level. Where relevant this document refers to the Applicant's position on particular policy matters made in the relevant submissions, however, the Policy Tables provide a comprehensive response on all relevant planning policy matters which are not repeated here.

1.7 The key update during the Examination by the Applicant was to impose a 60-year time limit on the Proposed Development instead of a non-time limited consent. This update was made in response to concerns from Interested Parties. The Environmental Statement ('ES') assessed effects on a permanent basis and therefore its conclusions remain robust, as confirmed by the Applicant's Statement on the 60 Year Time Limit [REP7-038] and discussed further below.

1.8 The Applicant considers that all parties present during the course of the Examination recognise the potentially devastating effects of climate change and that a change is needed in the way humans source energy. The Applicant considers that the majority of persons involved in the Application process acknowledge that solar is part of a suite of renewable energy generating technologies that the Government is relying upon to decarbonise our energy supply and achieve Net Zero by 2050.

1.9 As set out in its Rule 17 Response following the change to 60 years [REP8-021] Mallard Pass Solar Farm would provide sufficient energy, over the first 40 years, to power c. 85,000 homes, with an additional 73,000 households supplied for the next 20 years that would otherwise require to be supplied from an alternative source of generation.

1.10 The Need for the Project is strongly supported through national and local planning policy as well as strategic governmental policy and legislation. The following section summarises the Applicant's submissions on Need, drawing on relevant Government policy.

Need, Size and Scale

Need

- 1.11 Chapter 5 of the Statement of Need [APP-202] provides evidence, supported by existing and emerging Government policy (e.g. both existing 2011 EN-1 and draft Revised 2023 EN-1) that the UK's future electricity demand will grow significantly through the decarbonisation-through-electrification of other industry sectors, including but not limited to transport and heat. The UK has a target to achieve a zero-carbon grid by 2035 to enable the decarbonisation of these sectors. Therefore, a significant capacity of new low-carbon electricity schemes is required to meet that demand.
- 1.12 The Government's view is that "A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar" (UK Gov, Energy White Paper, 2020 (p43)). The British Energy Security Strategy sets an aim for the UK's solar portfolio to increase to 70GW by 2035 in support of UK decarbonisation, energy security and affordability. The 2023 draft NPS EN-3 replicates this aim.
- 1.13 A multi-technology approach to the future electricity system is needed to ensure security of supply at all times including at times when renewable generation may be low. Chapter 8 of the Statement of Need [APP-202] provides evidence that solar generation contributes to security of electricity supply, both from an availability and a system operation perspective.
- 1.14 Section 8.9 of the Statement of Need describes that the Government's plan to decarbonise the UK power system by 2035 (an aim which continues to be supported by the Committee for Climate Change (CCC) as evidenced on p14 of their June 2023 Report to Parliament), which is essential for the decarbonisation of other sectors, is also essential to reduce the UK's reliance on internationally sourced fossil fuels, thereby improving security of energy supply. Such a move will also reduce consumer exposure to volatile global wholesale energy prices.
- 1.15 Chapter 10 of the Statement of Need provides evidence that solar power is economically attractive in Great Britain against many other forms of conventional and renewable generation, and that the energy generated by solar plants is already at or below UK grid parity cost. Low-cost technologies help to reduce the traded cost of electricity, and therefore consumer bills.
- 1.16 Chapter 5 of the Statement of Need describes that the need to decarbonise the UK's energy supply, deliver energy security of supply and protect consumer bills, is urgent. The Applicant provided, at ISH1 [REP4-022], a summary of The CCC June 2023 Report to Parliament. This report stated at p14 that "To achieve the NDC [2030] commitments the goal of at least a 68% fall in territorial emissions from 1990 levels, the rate of emissions reduction outside the power sector must almost quadruple

from what has been achieved so far... [but that] Some of the key planks of the UK Net Zero Strategy have substantial lead-times". At p25 the report stated that: "The Government's decarbonisation framework is currently missing coherent plans to mitigate the delivery risks to meeting the UK's 2030 NDC [Nationally Determined Contribution] under the Paris agreement and the Sixth Carbon Budget. The current strategy has considerable delivery risks due to its over-reliance on specific technological solutions, some of which have not yet been deployed at scale. This lack of balance carries considerable and increasing risks to meeting the emissions targets."

1.17 Large-scale solar meets the urgent need for low-carbon electricity generation. It is proven in operation. It is deliverable within shorter timescales following consent than other longer-lead time technologies, and investment in the technology is commercially rational.

1.18 Grid connection capacity is essential for low-carbon generation schemes, and Grid connection capacity in the UK is currently scarce, as evidenced by National Grid and Ofgem publications provided at Appendices D & E to the Applicant's response to the ExA's First Written Questions Q1.2.6 [REP2-038].

1.19 The context of an urgent need for the connection of significant capacities of low-carbon generation, but a scarcity of connections available within the required timeframes, underlines a particular compelling benefit of the Proposed Development: the agreement it has secured to connect to the (existing and available) National Grid Substation at Ryhall from 2028.

1.20 Solar irradiation levels at the location of the Proposed Development are also highly suitable (as the Applicant evidenced in its response to the ExA's Second Written Questions, Q1.1.2 [REP5-012]). The Applicant explained in its Summary of Oral Submissions at ISH1 and Appendices [REP4-022] how overplanting at the scheme seeks to optimise the level of generation at the Proposed Development through the existing and available grid connection capacity. The Applicant's position in relation to the Proposed Development comprising a standalone solar scheme without energy storage capacity and the relationship to overplanting is set out under Agenda Point 3, Summary of Applicant's Oral Submissions at CAH2 & Appendices [REP7-035]. It is the Applicant's clear position that there is not a simple choice or relationship between overplanting and storage, as Interested Parties seem to suggest.

1.21 The meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical for continued progress along the path to achieving Net Zero. The Proposed Development addresses all important aspects of existing and emerging government policy.

Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

Size and Scale

1.22 The Applicant has adopted a design-led approach from the early stages of project development, from the Early Site Environmental Red Flag Review [REP2-038 Appendix F), through the design iteration as set out within the Design and Access Statement [APP-204]. The Applicant's landscape led approach identified the following key design considerations as being fundamental in considering the size and scale of both the Order limits and PV Arrays:

- Treading Lightly
- Ecological Enhancement at the Landscape Scale
- Respecting Residential Amenity
- Realising Recreational Opportunities
- Maintaining Agricultural Production

1.23 Through this landscape led approach the Applicant has sought to maximise the amount of renewable energy generated by the scheme, whilst ensuring that impacts are minimised as far as possible. Part of the design process has been to retain flexibility for the use of Single Axis Trackers and Fixed South Facing technologies, which have a different amount of land-take per technology. However, despite the difference in land take between technologies the land-take per MW is within the range (2-4 acres per MW) provided within paragraph 3.10.8 of the draft NPS EN-3. The Applicant set out its position that this paragraph relates only to solar areas (see response to SWQ 1.0.13 [REP5-012] and the discussion at CAH2).

1.24 It is not in the Applicant's interest to have more panels or take more land than is required as there is a commercial imperative to reduce land-take and supply chain procurement of a project. As set out at ISH5 [REP7-037], through utilising the mechanisms in Requirements 6 and 7, the LPAs will be able to approve the detailed layout of the Proposed Development. The relationship between the project size, overplanting, and the need for flexibility is also discussed in the Applicant's responses to FWQs 1.0.16, 1.0.17 and 1.0.18 [REP2-037] and the discussions at item 3a of ISH1 [REP4-022] and CAH2 [REP7-035]. The Applicant's desire to maintain flexibility is reflected in paragraphs 3.10.61 and 3.10.62 of Draft NPS EN-3 and the principle of overplanting is also acknowledged to help maximise efficiency over the lifetime of a project (at para. 3.10.46). The relationship referred to above is

complex and impacted by a number of variables that will be defined at detailed design stage, approval of which is secured in the DCO. Some of the key factors and points of note are summarised below:

- Utility scale PV plant equipment is advancing and therefore it is difficult to predict precisely what the future capacity of a PV module will be.
- By installing more efficient panels, the Applicant may install less panels but the total coverage across the site is not expected change significantly.
- The consideration of which layout will be taken forward will be dependent on technological advances and the detailed engineering design which will be based on a better understanding of the ground conditions and results of any further archaeological work which may be required.
- The overplanting ratio proposed is representative of the zone in which the benefits of overplanting are maximised (1.3 – 1.5 time grid connection capacity) over the lifespan of the project.
- As overplanting ratio increases so does Grid utilisation, however, the incremental benefits of a ratio over 1.5 reduces. The Proposed Development sits within the ‘sweet spot’ for maximising the benefits of overplanting.

1.25 The Applicant does not consider that the Proposed Development has a significantly larger land-take than other schemes for the solar area (noting that the need for mitigation land will vary depending on the baseline for each project), as when considering the schemes in terms of hectares per MW generated there is only 0.7 difference with Cleve Hill and c.0.5 hectares per MW difference with other schemes that have been considered [see Appendix A to REP7-035].

1.26 The Applicant therefore considers that the correct balance has been struck between delivering much-needed renewable electricity as well as enhancements which will improve how the solar scheme sits within its local environment and provide community benefits, whilst ensuring that the scale is not unreasonable or larger than it needs to be.

Concern Raised	Applicant Response
The Proposed Development is too big	The need for low-carbon generation is massive and urgent. The proposed location is highly suitable for a large-scale ground mount solar scheme because of the available land, grid connection capacity and attractive levels of incident solar irradiation.

	<p>The Proposed Development has been sized to optimise the output of the scheme through its operational life given the constraints of grid connection and available land. An overplanting strategy, plus flexibility in design for different panel layouts, go towards this aim. Overplanting is a rational development decision for sites where local attributes such as land availability, topography, planning restrictions and grid availability allow.</p>
<p>There is no BESS because the grid connection is not suitable</p>	<p>Availability of grid is a critical enabler to UK decarbonisation and the Proposed Development has an agreement to connect to the grid via the Ryhall Substation from 2028. The grid connection does not provide for a BESS, but it is able to accommodate 240MW of export from a local low-carbon generator to the grid. Connecting a solar scheme to available connection point at Ryhall therefore goes towards achieving Government’s decarbonisation targets. The absence of a BESS does <u>not</u> make the grid connection unsuitable because the Proposed Development seeks to optimise its use of the available connection capacity. The proposed overplanting strategy supports this aim. The absence of a BESS has <u>not</u> caused the Applicant to propose a larger overplanting ratio than would be the case if a BESS was included as part of the Proposed Development.</p>

Cross Reference Table for key submissions (Need)

Document Title	PINS Document Reference	Page Numbers/Question Numbers
7.1 Statement of Need	APP-202	All
9.7 Responses to ExA’s First Written Questions (ExQ1)	REP2-037	P18 – 43, Q1.0.16 (P18) and Q1.2.4 (P38)
9.8 Applicant’s Responses to ExA’s First Written Questions Appendices A-S	REP2-038	Appendices D, E

9.30 Summary of Applicant's Oral Submissions at ISH1 & Appendices	REP4-022	P42, 5(a) P46, 5(b)
9.38 Applicant's Response to Examining Authority's Second Written Questions	REP5-012	P17, Q1.0.14 P24, Q1.1.2
9.43 – Summary of Applicant's Oral Submissions at CAH2 & Appendices	REP7-035	P6, Agenda Point 3a

Cross Reference Table for key submissions (Size and Scale)

Document Title	PINS Document Reference	Page Numbers/Question Numbers
7.3.2 Design and Access Statement	REP5-058	Section 5 (pages 47 – 60)
9.8 Early Site Environmental Red Flag Review	REP2-038	Whole document
9.15 Applicant's Responses to Interested Parties' Deadline 2 Submissions' – Site Selection, Design and Sizing	REP3-023	Whole document
9.38 Applicant's Response to ExA's Second Written Questions	REP5-012	Answer to Q1.0.13
9.43 Summary of Applicant's Oral Submissions at CAH2 & Appendices	REP7-035	Agenda Item 3

Site Selection and Alternatives

- 1.27 The Applicant set out its approach to site selection in Appendix 1 of the Planning Statement [APP-203]. The approach follows an established process, starting at the point of connection and drawing on publicly available data to provide an informed decision on the planning and environmental constraints of the land in proximity of the Ryhall substation.
- 1.28 The Applicant considered several important factors before arriving at the preferred site. As solar schemes are not referred to directly in the current suite of NPS, the Applicant has considered and referenced the site selection criteria referred to in draft NPS EN-3. The draft NPS EN-3 outlines the key factors which are likely to influence site selection. No amount of weight is ascribed to the individual topic areas and the Applicant considers that the balanced approach it sets out, aligns with the intentions of the draft NPS.
- 1.29 The question of whether the Applicant considered agricultural land and land type in this process featured prominently during Examination (please also see paragraphs 146 to 152 of this document). These questions were asked in the context of the draft National Policy Statement for Renewable Energy (EN-3), paragraph 3.10.14, which emphasises that land type should not be the primary determining factor when evaluating the suitability of a site location for Solar Photovoltaic Generation, recognising that there are other factors that may be determinative, such as the availability of a suitable grid connection.
- 1.30 The Applicant refers to the response to the ExA's First Written Questions [REP2-037] Q1.3.6 which, alongside the Site Selection Report [APP-203], confirms its approach to reducing impacts upon Best and Most Versatile agricultural land which is considered to be in line with paragraphs 3.10.14 and 3.10.16 of the draft revised NPS EN-3. The Site Selection Report also explains the Applicant's consideration of non-agricultural land, or land of any agricultural grades, and why such sites within the vicinity of Ryhall substation are not suitable. The Design and Access Statement [REP5-058] also explains how the design of the Proposed Development has developed to account for grade 2 and grade 3a land. The Applicant also notes that Figure 12.1 of the ES [APP-201] should be viewed alongside the Green Infrastructure Strategy Plan [appended to REP7-021] and the Field Numbering plan [APP-112] where it can be seen that Grade 2 and 3a land fields are not in fact just proposed for solar, but instead either just or also for green infrastructure or Mitigation and Enhancement Areas and/or mingled with other grades.
- 1.31 To remove areas of Grade 3a and / or Grade 2 from the Order limits above and beyond those which have already been undertaken, would result in the need for a much wider distribution area for the

Proposed Development. Further, as the Applicant has made clear, the land quality is not affected further to the measures in the Outline Soil Management Plan (oSMP) [REP8a-004]. As such, BMV land is not 'lost' or does not become land that is not 'BMV', it is simply not used for agricultural purposes whilst the solar farm is in place.

1.32 Paragraph 3.1.12 of the Site Selection Report explains that other nearby areas that could facilitate a connection to Ryhall Substation, would likely involve even higher impacts to BMV land.

1.33 The Applicant's position is that 'land type' refers to both agricultural land and brownfield land, as the rest of the paragraph goes on to clarify the approach to each [see response to SWQ 1.2.3 [REP2-037]]. This interpretation is consistent with the approach applied by the ExA and Secretary of State at Longfield (see paragraph 5.7.5 of ExA report and 4.58 of SoS's decision letter). Therefore, the Applicant considers that while ALC is clearly an important consideration during site selection it is not the predominating factor and that the site selection approach taken by the Applicant correctly attributes weight to the varying factors in accordance with the draft NPS EN-3.

1.34 The weight that should be afforded to the availability of the connection at Ryhall substation is significant and, as the Statement of Need [APP-202] clearly demonstrates, the use of existing capacity within the network is a policy priority. Indeed, paragraph 3.10.38 of Revised Draft EN-3 states that "to maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity". In its response to FWQs 1.3.2 and 1.3.3 [REP2-037], the Applicant explained the suitability of Ryhall Substation as a connection point compared to other substations in the region. Furthermore, in its response to the ExA's Rule 17 Request, building on the Grid Connection Statement, the Applicant and NGET have explained how this will be deliverable to meet the 2028 connection date [REP8-021].

1.35 These key facets of Government policy are critical to the understanding of why the Application Site has been pursued to deliver a NSIP scale solar proposal, particularly in relation to the availability of the Grid Connection and capacity at the Ryhall substation in a location which would also minimise disruption to existing local community infrastructure and biodiversity.

1.36 In accordance with the National Policy Statement (NPS) EN-1 paragraph 4.4.1, which confirms that from a policy perspective, there is no general requirement to consider alternatives or to establish whether a development represents the best option (which is reinforced by paragraph 4.2.11 of the Draft Revised NPS EN-1), the Applicant's view is that this is a good site for solar which is suitable in planning and environmental terms.

1.37 The approach is supported at the National Policy Statement level: paragraph 4.2.21 of draft EN-1 states that only alternatives that can meet the same objectives of the Proposed Development need to be considered. Paragraph 4.2.2 states that the Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity in the same timescale as the proposed development. Smaller scale alternatives would not meet the project vision or objectives in terms of capacity to the extent that the Proposed Development does; they would not be considered reasonable alternatives in the meaning of paragraphs 4.2.21 and 4.2.22 of draft EN-1¹.

1.38 Therefore, considering the need to assess alternative proposals is not necessary insofar as they would not meet the project objectives, and the delivery of larger utility scale solar is more efficient from a cost, environmental impact, and expediency of delivery perspective. It is considered that this is actively supported by paragraphs 4.2.21 and 4.2.22 of draft EN-1.

1.39 The RAG review was only focused on the land available for development, which is in accordance with the National Policy Statement (NPS) EN-1 paragraph 4.4.1, which confirms that from a policy perspective, there is no general requirement to consider alternatives or to establish whether a development represents the best option. This is reinforced by paragraph 4.2.11 of the Draft Revised NPS EN-1. The Applicant's view is that this is a good site for solar, which is suitable in planning and environmental terms.

1.40 The Applicant has sought to maximise the amount of renewable energy generated by the Proposed Development whilst ensuring that impacts are minimised as far as possible. The revised draft NPS EN-1 (paragraph 3.1.2) and adopted NPS EN-1 (paragraph 3.2.3) recognise that: "it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. These effects will be minimised by the application of policy." This is a recognition by the Government that large-scale infrastructure projects will have local impacts – the emphasis is then, therefore, on minimising those impacts as far as possible.

1.41 Whilst this is a large scheme, it is necessary to deliver multiple large-scale projects to meet the ambitious target in the British Energy Security Strategy (April 2022) and revised draft NPS EN-3

¹ The Applicant notes the existence of the Common Law test of alternatives needing to be considered in exceptional circumstances, but notes that no party has suggested this is the case here, which can only be correct given the conclusions of the ES. It is noted also that the alternatives tests from a HRA and WFD perspective are also not engaged by the Proposed Development.

(paragraph 3.10.2) of 70GW of solar by 2035. Solar is a technology that can be deployed quickly, and so it has a critical role in meeting Net Zero. See Statement of Need [APP-202] and the Applicant’s response to ExA’s FWQs Q1.2.6 [REP2-037], which explains the role of large-scale ground mounted solar in reaching Net Zero. In light of decisions in Cleve Hill, Little Crow and most recently Longfield determined, and Sunnica due to be determined imminently, it cannot also be said that such developments are unprecedented or untested.

Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
7.1 Planning Statement and Appendix 1	APP-203	Section 4.5 and Appendix 1
9.7 Responses to ExA’s First Written Questions (ExQ1)	REP2-037	Topic 1.3 Site Selection and Alternatives, Page 46
9.15 Applicant’s Response to Interested Parties’ Deadline 2 Submissions on Site Selection, Design and Sizing	REP3-023	Whole document
9.30 Summary of Applicant’s Oral Submissions at ISH1 & Appendices	REP4-022	Agenda Item 6 – Site selection and Alternatives - Page 52 – 55
9.38 Applicant’s Response to the Second Written Questions	REP5-012	Topic 1.2 Site Selection and Alternative, Page 28

Heritage

1.42 As the Applicant has made clear throughout Examination, in considering this topic, it is first important to understand the position in the emerging National Policy Statement (NPS EN-1), which sets out that “the level of detail [of assessment] should be ... no more than is sufficient to understand the potential impact of the proposal...” (paragraph 5.8.8). The need for the assessment to be “proportionate” is an industry standard and good practice. In specific regard to buried archaeological remains, the draft NPS EN-3 draws particular attention to the fact that the potential impacts of solar PV developments are “generally limited” (paragraph 3.10.100). This Government policy position is a particular and deliberate recognition that one must not adopt the same approach for solar PV development as one would take for, say, an application for a residential development or other form of development, where below ground impacts (due to large-scale construction earth moving activities) are wholesale. This proportionality matter is further expressed within the EN-3 (paragraph 3.10.105), where it states that “in some instances” (not all) investigative work (such as trial trenching) may be required.

1.43 On the matter of the other issues related to cultural heritage assets, it is important to note that the key legislative and policy tests regarding the effect of development within the setting of heritage assets has been met, as set out in the Planning Statement [APP-205].

1.44 Most notably, the impacts to built heritage and scheduled ancient monuments are of such little effect that the Infrastructure Planning (Decisions) Regulations 2010 do not need to be invoked. Furthermore, there is no question of any form of substantial harm being caused to heritage assets as a result of the Proposed Development.

1.45 With these starting points in mind, the Applicant has responded to concerns raised in Examination on heritage matters as follows:

Concern Raised	Applicant Response
Insufficient trial trenching to inform the application	<p>The Applicant’s position on this matter has been consistent throughout, from the scoping stage through the submission and examination, and can be summarised as:</p> <ul style="list-style-type: none">• The submission documents present a proportionate and bespoke level of assessment, which comprised an iterative programme of detailed desk-based research, geophysical survey and targeted trial trenching;

	<ul style="list-style-type: none">• The results of the desk-based research were corroborated by the geophysical survey and further supported by the results of the trial trenching. The trial trenching (over 200 trenches) was targeted to the investigate those areas which had/have the greatest potential for buried archaeological remains;• The effects of the piles on any known or likely buried archaeological remains will be insignificant. The effect of the construction associated with the substation, the compound(s), inverter stations and other “materially ground disturbing activities” may require archaeological mitigation;• The approach to concrete shoes is set out in the outline CEMP [REP8a-006], and Requirement 6 of the DCO provides that the detailed design of the Proposed Development must take account of the results of archaeological investigations and archaeological evaluations undertaken;• The suite of mitigation measures described in the Outline Written Scheme of Investigation (OWSI) [REP8-017] is more than sufficient to further explore the potential for buried remains and avoid or record buried archaeological remains to off-set any harm. No further trial trenching is proposed within the areas of solar PV development (i.e., within the locations of the piled solar arrays). The current outline design does not allow for the specific measures to be described; however, the available mitigation measures are the industry standard responses to developments of this nature;
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	<ul style="list-style-type: none"> • The adopted approach is comparable and consistent with other recently consented DCOs for solar PV development, namely Longfield, Essex. <p>The LPAs' position is that over 1,000 additional trial trenches should be employed to inform the decision. The rationale for the position is not informed (in any way) by the specific site conditions (i.e., the results of the completed assessment – both desk-based and site investigations) nor is it informed by the specific government policy position regarding proportionate assessment, noting the 'generally limited' impacts of solar PV developments. The LPAs' position is that a 'standard approach' to trial trenching should be adopted, the same approach that would be employed for any (and all) types of development. This is wholly contrary to government policy on the matter.</p>
DCO Requirement	<p>The Applicant has set out that the approach to the outline WSI being the one document that needs to be considered in terms of next steps for archaeological matters, and the DCO simply referring to that document is an acceptable approach, consistent with the approach on DCOs such as A303 Stonehenge (being a highly sensitive heritage environment) and Tilbury2.</p> <p>As set out above, the LPAs take a completely different approach to the baseline trenching requirements for the Proposed Development to the Applicant. The Applicant considers that its position is appropriate and supported by policy, however, it has acknowledged that the Secretary of State may decide to take a different view on this, and in that scenario, has therefore suggested a without prejudice requirement in its ISH2 summary [REP4-041], which provides for the position on baseline trenching to be approved by the Secretary of State post-consent. As set out in its response to the ExA's Rule 17 Request, given the position of the LPAs, this drafting provides for the level of trenching to be approved by the Secretary of the State, rather than the LPAs, as</p>

	it is apparent that the LPAs would be highly likely to reject any proposals put forward by the Applicant at that stage.
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Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
8.5.2 SoCG with Historic England (re the matter associated with the settings of heritage assets)	REP9-018	Table 2.
9.7 Applicant's Response to the First Written Questions	REP2-037	Section 6.0 – Historic Environment
9.31 Summary of Applicant's Oral Submissions at ISH2 and Appendices	REP4-041	Agenda Item 11 – Page 29 to 35
9.38 Applicant's Response to the Second Written Questions	REP5-012	Topic 5.2: Schedule 2 – Requirements. Question Q5.2.5 and Q6.0.7 Topic 6.0 – Historic Environment
9.44 Summary of Applicant's Oral Submissions at ISH4 and Appendices	REP7-036	Agenda Item 6 – Page 14 to 15

Agricultural Land and Soil Quality

1.46 There is general agreement, including from Natural England, that the installation of solar PV arrays does not cause a 'loss' of agricultural land – it is simply not used for agriculture in the same way whilst the Proposed Development is in place (see Appendix A to [REP8-019]). As summarised below, there is agreement from Natural England that all aspects of the development, even the tracks and substations, can be restored to their current quality on restoration.

1.47 On the predictive maps of Best and Most Versatile (BMV) Likelihood, the area of the Proposed Development is mostly in the low category, i.e. land with the lowest likely proportion of BMV. Across the Solar PV Arrays and field margin areas, just over 40% has been identified as of BMV quality following ALC surveys [APP-042]. The Applicant removed all fields that are purely Grade 2 land prior to submission.

1.48 Agricultural matters have been raised frequently during the Examination, in particular by MPAG. Essentially their argument condenses down to two points:

- Whether the Best and Most Versatile land should be used because, they consider, it should instead be used for food production;
- Whether the whole area should be seeded with grass at least 18 months before installation starts, so as to prevent some soils becoming surface damaged in some conditions, requiring mechanical husbandry before re-seeding.

1.49 MPAG's position on the non-BMV land, which statistically is just over half the site, is not clear. It is argued that this land sometimes yields more than the BMV land, but there is no clear argument for not developing at least half the Solar PV Arrays for agricultural reasons.

1.50 If MPAG's position that BMV land should be retained for arable farming for food production was accepted, there would be a need to search wider to identify non-BMV land around the periphery of the site for the displaced arrays, spreading the solar farm over a wider area to achieve the production, and resulting in oddly-shaped remaining fields within the current order limits following BMV boundaries rather than existing field boundaries.

1.51 The benefits would also be very small. As set out in the ES [APP-042, section 12.4.83], and which has not been challenged during the Examination, the effect of moving the panels from the 216ha of BMV within the site to poorer quality land around the wider area would be about 250 tonnes of production per annum. The UK yields of the order of 24 million tonnes per annum of cereals, so these benefits are negligible.

1.52 The Applicant responds to the matters raised, summarising the position as follows:

- Whether the ALC surveys are adequate
- The amount of land “lost” by the Proposed Development
- The implications of the use of BMV (as distinct from the loss of BMV)
- The implications for food production and security
- The effects on soil
- Issues regarding establishing grassland
- Decommissioning

Concern Raised	Applicant Response
ALC surveys are inadequate	The application is accompanied by an Agricultural Land Classification (ALC survey), carried out at a detailed and semi-detailed level. There was a late challenge to the veracity of the results, but the survey has been reviewed and Natural England has confirmed that it considers the results to be correct. There is agreement from Natural England that the level of detail provided is adequate. The survey data is therefore appropriate for the assessment. See further [Appendix A to [REP8-019].
Use of BMV agricultural land	<p>The ES assumed 4.2ha of BMV land would be lost. As set out above, following decommissioning no BMV (or other) agricultural land will be lost. Therefore, the focus of the concerns has turned to the use of BMV land for solar.</p> <p>The site and its land quality needs to be considered in context. BMV is not a rare resource nationally, with Natural England estimating that 42% of agricultural land falls into this category. That equates to 3.7 million hectares in active agricultural use. The site is shown on the Likelihood of BMV maps produced by Natural England as mostly falling in the “low likelihood” of BMV, which is the lowest in the area. Within the Solar Site and</p>

	<p>field margins, 40.7% falls within the BMV category [APP-042 Table 12.1]. In its Response to Deadline 7 Submissions [REP8-019], the Applicant explains why MPAG's suggestion that this can be extended is unfounded.</p> <p>Across Lincolnshire an estimated 71.2% of agricultural land is BMV, and across Rutland some 45.2% is BMV.</p> <p>In terms of the impact on the BMV resource, there will be no loss and no long-term impact. In terms of the use of the BMV resource the amount used is 0.054% of the total agricultural land resource of these counties.</p> <p>Government Policy notes a general preference for the use of non-BMV land for development of any type, including solar. However, it is also noted that Draft NPS EN-3 specifically states that:</p> <ul style="list-style-type: none"> • land type should not be a predominating factor in determining the suitability of the location (paragraph 3.10.14); • the development of ground mounted solar arrays is not prohibited on agricultural land classified 1, 2 and 3a (paragraph 3.10.15); and • it is recognised at this scale, it is likely that some applicants' developments may use some agricultural land (paragraph 3.10.16).
Impacts on food security	<p>Food security is a land-use issue and is not one which is discussed in National Policy Statements. The Applicant reiterates that there is no government policy that requires agricultural land to be farmed, indeed there are financial incentives for farmers to convert arable land to grassland.</p> <p>The implications are also modest. As set out in the ES Chapter 12 [APP-042], if poorer quality land were to be used instead of</p>

	<p>higher quality land, the impact would be of the order of 250 tonnes of agricultural produce per year (12.4.83).</p> <p>Chapter 12 also specifically considers the agricultural uses of the specific farms affected by the Proposed Development and the impacts that arise.</p> <p>As set out at D3 the Applicant’s Response to the IP’s D2 Submissions [REP3-031], the Longfield and Hambleton decisions both made it clear that whilst food security is an important issue, there is no requirement to consider food security in decision taking. Critically, the Longfield decision also states that <i>“when considered through the lens of food security, the Proposed Development would successfully enable the needs of today to be met while preserving the land’s agricultural value for future generations”</i> (paragraph 5.4.78).</p> <p>No evidence has been advanced during the Examination that suggests this approach is not correct, and the comments of MPAG and their consultant Landscape at D7 [REP7-057 and REP7-060] make no reference to a policy basis for their concerns.</p>
Adverse effects on soils	<p>The ES Chapter 12 [APP-042] sets out some of the benefits of converting arable land to long-term grassland (12.4.63 – 12.4.65). Concerns raised by MPAG about soils losing fertility over the duration of the operational phase (e.g. MPAG at REP7-057] are without foundation. Soils benefit from conversion to grassland and this is a recognised benefit (see, for example, the Longfield DCO decision and the Hambleton decision [REP3-037]).</p> <p>With the measures set out in the oSMP, which are agreed by Natural England [REP9-019] secured by the DCO, no adverse impacts to soils are predicted.</p>
Difficulties of establishing grassland	<p>Grassland establishment under and around solar PV arrays is not difficult, especially where (as here) panels are at least 800mm off the ground. Grassland can be established before or after the</p>

	<p>solar PV arrays are installed. It is easier for the operator to sow the grass seed before panels are inserted, and this will be undertaken so far as possible. Sowing after the panels have been installed, and repairing any areas of grassland with surface disturbance during construction, is a common and achievable practice, as set out in the Grassland Establishment Management Plan (GEMP).</p> <p>This GEMP, which is appended to the Outline Landscape and Ecology Management Plan (oLEMP) [REP7-021] and secured via DCO Requirement, sets out the measures to be undertaken to enable the establishment of grassland.</p> <p>The Applicant has also responded to queries raised by MPAG and Greatford Parish Council in its submissions at [REP8-019] and [REP8a-001].</p>
<p>Damage caused at decommissioning</p>	<p>The oSMP has been expanded during the examination and covers the principles of the decommissioning phase. These measures are then secured pursuant to the outline Decommissioning Environmental Management Plan (oDEMP) [REP8-013].</p> <p>These measures include that a detailed soil investigation will be carried out prior to decommissioning, as the timings for handling soil may be different then depending upon how successful, or otherwise, the world has been at limiting climate change. As a result, the decommissioning phase will result in no significant adverse effects on land quality or soils.</p>

Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
9.7 Responses to ExA's First Written Questions	REP2-037	Topic 7.0: Land Use and Soils – Pages 120 to 128
9.38 Applicant's Response to the Second Written Questions	REP5-012	Topic 7.0: Land Use and Soils – pages 81 to 93
8.6.4 Final Statement of Common Ground with Natural England	REP9-019	Table 3
9.23 Applicant's Responses to Interested Parties' Deadline 2 Submissions – Land Use and Soils	REP3-031	Pages 2 to 22

Cable Crossing of Network Rail or through Essendine Village

1.53 Throughout the Examination, scrutiny was applied to the Applicant’s proposals for crossing the East Coast Mainline. The Applicant’s response to that scrutiny is summarised below:

Concern Raised	Applicant Response
<p>Consideration of crossing locations</p>	<p>The Applicant undertook a review of existing crossing at an early stage in the project as detailed within [REP7-035 (Section 6b)]. This option appraisal identified three cable crossings options (3 arches, A6121 road bridge or directional drilling), which were documented within the Preliminary Environmental Information Report published at Statutory Consultation. The Applicant has been engaging with Network Rail during the course of the project to discuss the cable crossing options and provided drawings [REP4-042] illustrating how a screw pile and tray support for the electrical cables could be used to carry the cables through the existing culvert beneath the East Coast Mainline, which is the preferred option by both Network Rail and the Applicant.</p> <p>Further to that design basis, the Applicant has agreed Protective Provisions and the Framework Agreement for the project with Network Rail who has subsequently withdrawn their objection by way of email dated 3 November 2023 to the Planning Inspectorate [AS-018].</p> <p>During the Compulsory Acquisition Hearing 2 [REP7-035], the Applicant explained that notwithstanding the agreement of Protective Provisions and Framework Agreement, Network Rail will still require various approvals, sign-offs and clearances, pursuant to these documents to be taken, before the Applicant can commit to the cables <u>only</u> being routed through the culvert.</p> <p>This would form part of the detailed design work and would not be known until the post-DCO consent stage. Until such a time, the Applicant still needs to retain the flexibility of two options (the culvert or through Essendine village).</p> <p>The Applicant has also noted in previous Hearings that it would not wish to put in wording into the DCO to require the dropping of one of these options at this stage, until it had also agreed the Option for Easement with Network Rail, as well as the PPAs and Framework Agreement. This has not happened by the end of Examination, but is anticipated to happen soon thereafter, and the Applicant will</p>

	update the Secretary of State when this has happened. In any event, the Applicant has provided without prejudice DCO drafting that could be added once this is achieved, this is set out in the Applicant’s Response to ExA’s Commentary and Questions on the draft Development Consent Order [REP8-020].
Impacts to Essendine Village	<p>Throughout the Examination, residents of Essendine have raised concerns about the impacts of cabling works being undertaken through the village in the situation where Network Rail refused any consent for passing under the railway. As such, the Applicant has updated the oCEMP throughout the Examination to put protections in place. These include:</p> <ul style="list-style-type: none"> • including the programme for cabling works in the detailed CEMP; • the cabling methodology and any associated traffic management measures being approved by the LPAs; • a Community Liaison Officer to engage with the community if cabling works are to take place in the village and to discuss and agree access arrangements with affected properties; and • ensuring access is maintained along the Beamish’s access track during construction. <p>The Applicant has removed powers for installing cabling in Pickworth Road, and explained in its Rule 17 submission at Deadline 9 (alongside its CAH2 summary [REP7-037] why the remaining plots west of Uffington Lane are required.</p>

Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
9.33 Summary of Applicant’s Oral Submissions at CAH1 & Appendices	REP4-042	Appendix B Page 27

9.43 Summary of Applicant's Oral Submissions at CAH2 & Appendices	REP7-035	Section 5 (a) Pages 13 – 14
9.43 Summary of Applicant's Oral Submissions at CAH2 & Appendices	REP7-035	Section 6 (b) Pages 17 – 18

Time limit, Decommissioning and ES considerations/implications

- 1.54 The key change made by the Applicant during Examination was the commitment to impose a 60-year time limit on the operation of the Proposed Development.
- 1.55 In light of the assessments undertaken, it was noted by the Applicant that there is no planning reason for a time limit to be imposed, or for there to be change from 60 years to 40 years, given the limited residual impacts of the Proposed Development. However, in light of the concerns raised by Interested Parties regarding the original non-time limited nature of the Proposed Development, the change was made to provide certainty to all parties.
- 1.56 It is noted, however, that the landscape and visual impacts that occur as a result of the Proposed Development are the same post Year 15 whether the scheme is in place for 40 years, 60 years, or in perpetuity. Furthermore, given that there are no changes to soil quality as a result of the Proposed Development, the question still remains centred on whether this is an acceptable change of use of that land, no matter the period.
- 1.57 As such, though Interested Parties expressed that the choice of 60 years is arbitrary, driven by the increase in income that derives from an extended period, the Applicant considers that the extended period of renewable energy generation is a good thing, and that changing to 40 years does not derive any planning benefit when compared to 60 years.
- 1.58 Following the change made, concerns were raised by Interested Parties regarding the validity of the findings of the Environmental Statement (ES).
- 1.59 In particular it was noted that for the purposes of the assessments that required a quantitative assessment to be undertaken (namely carbon and water), decommissioning was assumed to take place after 40 years of the Proposed Development being operational in order to draw a 'line' for the purposes of assessment.
- 1.60 Concern has also been raised as to the environmental effects that may arise during the 60-year period, if panels need to be replaced.
- 1.61 Finally, the LPAs and MPAG were concerned to ensure that the Scheme is decommissioned following the end of the 60-year period.
- 1.62 These matters are discussed further below.

Concern Raised	Applicant Response
<p>Effect of changing from permanent to a defined period and the validity of the ES conclusions</p>	<p>The Application as submitted did not specify a time limit to the operational period. The Environmental statement (ES) therefore assessed the Proposed Development as permanent. The impacts of the change from permanent to a defined period is set out in the ‘Statement on 60 Year Time Limit’ [REP7-038]. There will be no change to the assessment of effects at construction or decommissioning phases, beyond certainty as to when decommissioning would occur. It is not considered that there are any material or significant differences between decommissioning at 40 years and decommissioning at 60 years for the purposes of assessment.</p> <p>The Statement sets out that there would be no changes to the conclusion of the ES as a result of the change to a defined period, with there being some benefit to there being a known end to some impacts.</p> <p>In respect of the quantitative assessments:</p> <ul style="list-style-type: none"> • For Carbon, the change means that the assessed benefit now stretches further into the future. In the Applicant’s Deadline 8, 8A and 9 responses to MPAG and the ExA, further calculations were provided to illustrate this. • For Water, a 60-year period would take the Proposed Development into a new epoch (post 2078). The Applicant provided modelling in its Deadline 7 submission on this matter and considers that this demonstrates that this will not cause flooding issues at that time. In any event, it has provided for a Requirement that could be imposed if the Secretary of State does not agree with this in its response to the ExA’s Comments on the draft DCO [REP8-020], which requires that the Applicant must undertake an assessment prior to 2078 to confirm if

	<p>further mitigation measures are required, and to implement them if they are so required.</p>
<p>Control measures to ensure operation and maintenance, are as per assessed, with regard to the need to replace components of the infrastructure throughout the operation period.</p>	<p>The Applicant's position is clear that through the protection measures contained within the draft DCO (the definition of 'maintain' in article 2 and the wording of article 5) and the outline OEMP (providing that the LPAs must confirm that they are content that any maintenance activities which involve replacement will not lead to materially new or materially different environmental effects than those assessed for the operational phase in the ES, and that in any event, they must not involve more than 5 daily HGV two-way movements), the Applicant cannot cause significant environmental effects nor undertake large scale replacement.</p> <p>Whilst Interested Parties have raised that they consider that the Applicant's position is unrealistic, ultimately how the Applicant goes about maintenance in the operational period of the Proposed Development is its own choice, undertaken in light of those restrictions. Any breach of those restrictions is a breach of the DCO and can be enforced accordingly. The Secretary of State's decision must be made on the basis that the DCO controls are in place, utilised and working; and these ensure that no negative effects will arise from the Applicant's maintenance activities.</p>
<p>Decommissioning</p>	<p>The Applicant has, through the Examination, amended the DCO to require that the Operational Environmental Management Plan must include the decommissioning provisions set out in the oOEMP.</p> <p>These provisions set out a firm process by which certainty can be reached as to when the Proposed Development must be decommissioned, breach of which would be a breach of DCO Requirement.</p>

	The oDEMP sets out that the detailed DEMP's must include a programme and the scope of works, to be approved by the relevant local planning authority and thereafter complied with.
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Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
9.46 Statement on 60 Year Time Limit (October 2023)	REP7-038	Whole document
9.7 Responses to ExA's First Written Questions (ExQ1)	REP2-037	Q1.1.3 Q4.0.8
9.20 Applicant's Responses to Interested Parties' Deadline 2 Submissions – draft Development Consent Order	REP3-028	Page 2
9.30 Summary of Applicant's Oral Submissions at ISH1 and Appendices	REP4-022	Item 3(b) – page 13
9.38 Applicant's Response to ExA's Second Written Questions	REP5-012	Q1.0.3 and Q1.0.5
9.43 Summary of Applicant's Oral Submissions at CAH2 & Appendices	REP7-035	Agenda Item 4
Management Plans: 7.7.6 Outline Operational Environmental Management Plan (oOEMP)	REP8-011	Whole documents.

7.9.3 Outline Landscape and Ecology Management Plan (oLEMP)	REP7-021	
7.12.6 Outline Soil Management Plan (oSMP)	REP8a-004	
7.13.2 Outline Water Management Plan (oWMP)	REP9-013	

Landscape and visual (inc RVAA)

1.63 The Applicant acknowledges that the Proposed Development results in a significant adverse effect to a limited number of receptors from a LVIA perspective. However, the Proposed Development has sought to assimilate itself as far as is appropriate within the landscape and provide sensitive and meaningful mitigation to limit any such impact.

1.64 The key point remains that significant weight should be attributed to the alternative use of the landscape resource for renewable energy generation purposes to meet an urgent national need.

1.65 In that context, a number of matters have arisen during the Examination on this topic. The Applicant's position can be summarised as follows:

Concern Raised	Applicant Response
Scheme Design and Response to the Surrounding Landscape	<p>The design of the scheme is set out with the Design and Access Statement [REP5-058], which also explains how the Proposed Development, including the mitigation planting it has proposed, has taken account of the surroundings in which it sits. It has been founded on a set of overarching Project Principles supported by Design Guidance that provides a framework for future detailed design stages. The Design Principles and Design Guidance in turn link back up to the National Infrastructure Commission's Design Principles (page 33 of the DAS), providing a clear line of sight between strategic design objectives and detailed design outcomes.</p> <p>From the outset, a 'landscape led' design approach has been adopted and the Proposed Development has been cognisant of, and responded sensitively to, the environmental context in which it is located. Particularly, the Proposed Development has looked to published environmental policy and analyses, including Biodiversity Action Plans, Green Infrastructure strategies and Landscape Character Assessment studies. It is the Applicant's view these have been considered thoroughly and robustly in the technical assessments and the Examination has looked in detail at how the design is compatible with the aims of</p>

	<p>these documents, Applicant’s Response to Examining Authority’s SWQs [REP5-012]. The Applicant has sought where possible to contribute positively to the wider aspirations set out within these documents and deliver wider strategic environmental benefits.</p> <p>Importantly, the scheme design has evolved and improved as part of the DCO process, in response to continued technical analysis and stakeholder feedback, as evidenced in Section 5.0 of the DAS and further Design Guidance added during Examination to secure good design outcomes.</p> <p>This is supplemented by the site specific design process recorded in the Residential Visual Amenity Assessment [APP-057] and Amenity and Recreation Assessment [APP-058].</p> <p>The detailed design is secured pursuant to Requirement 6, the updated Design Guidance and the Parameters [REP7-013].</p>
Duration of Development	<p>The restriction of the operational development to 60 years is considered to be ‘semi-permanent’ under the LVIA methodology as described in REP5-012. Consequently, impacts would be less than that concluded in the LVIA as this adopted a permanent duration for operation. The Proposed Development is therefore now temporary and fully reversible in landscape and visual terms.</p>
Landscape and Visual Impact Assessment	<p>The Applicant’s response at Deadline 5 [REP5-014] responded in detail to the criticism of the LVIA. The LVIA methodology and scope, including the location of viewpoints, was identified in consultation with stakeholders and has been independently reviewed by Stantec and found to be sound. GLVIA3 is very clear in terms of their thresholds of significance being for the assessor to conclude, provided judgements are clear and transparent. In terms of actual findings of the LVIA, it would appear to the Applicant that there are substantial areas of common ground but</p>

	<p>the principal area of disagreement is the geographical extent of potential impacts which the Applicant believes would be limited to within 500m of the Solar PV array.</p>
<p>Impacts on Residential Visual Amenity</p>	<p>The Residential Visual Amenity Assessment [REP-057] provides a detailed assessment of residential properties that may be affected by the Proposed Development and the potential impact to residential dwellings and settlements is a key Project Principle underpinning the design, including consideration of the conclusions of the Glint and Glare Assessment (including the focussed study submitted at Deadline 7 for Issue Specific Hearing 4 [REP7-036 Appendix A]. The RVAA concludes that no properties would experience significant residential amenity effects as a result of the Proposed Development.</p> <p>As a result of the discussions at the hearings, the oLEMP [REP7-021] was updated to provide for mature planting to be provided from the outset for particularly affected properties at Church Farm, Wood Farm Cottages, Wood Farm, and North Lodge Bungalow.</p>
<p>Impacts on NMU Network</p>	<p>The Amenity and Recreation Assessment (ARA) [APP-057] provides an assessment of the likely impacts to the PROW within and proximity to the Order Limits. In addition, the Applicant has provided further analysis [REP3-037] and responses [REP3-022] in relation to the potential impact on the wider NMU network (including pedestrian and cyclist use of streets), which it maintains would not be significantly affected by the Proposed Development (given, for example, that they only take up a small part of a wider journey) and there would remain opportunities to access the countryside from nearby settlements that remain unaffected.</p>
<p>Mitigation planting</p>	<p>This has been discussed extensively throughout the Examination and the Applicant has provided further evidence [REP6-004] in relation to how proposed planting complements existing</p>

	<p>landscape character. In addition, updates to the oLEMP [REP7-021] have provided further clarity and certainty that communities will have the opportunity to comment on proposed planting around Public Rights of Way and Permissive Paths, and that any proposed planting establishes and is suitably maintained over the operational period of the Proposed Development.</p>
<p>Routing of permissive paths</p>	<p>Proposed permissive paths are a benefit of the scheme and are not required to mitigate impacts. There are 7.9km of new permissive paths proposed and they have been drawn to complement the existing network, joining up existing routes and/or providing entirely new routes to currently in-accessible private land. The Applicant has amended the alignment of proposed permissive paths in light of stakeholder feedback to allay potential concerns [see Figure 1 REP7-021].</p>
<p>Fencing</p>	<p>Interested Parties have raised concerns that the Proposed Development will lead to visual effects as a result of the detailed fencing proposals that have not been assessed to date. This is on the basis that they consider that the Applicant’s current deer fence proposals will need to be replaced by more intrusive security fencing.</p> <p>The Applicant’s position is that it is required to put in place the fencing required by the Design Guidance [REP5-058] and Parameters [REP7-013], and that if it wishes to change this, then the Local Planning Authorities will need to be shown that this will not lead to effects materially different or materially worse than those assessed in the ES. This ensures that such impacts cannot arise. As noted in REP5-014, the Applicant does not consider that this will be necessary in any event, as its fencing proposals will be able to be insured [Appendix 1 of REP5-014]. In any event, this will be for the Applicant to deal with at construction stage – the controls, including a DCO requirement requiring details of</p>

	fencing to be approved by the Local Planning Authorities in the first place, ensure that the outcomes of the ES are not lost.
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Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
9.14 Applicant's Response to Interested Parties' Deadline 2 Submissions – Public Rights of Way and Permissive Paths	REP3-022	Whole document
9.24 Applicant's Responses to Interested Parties Deadline 2 – Landscape and Visual	REP3-032	Whole document
9.7 Applicant's Response to EXA's First Written Questions	REP2-037	Pages 129 – 142
9.29 Appendices to the Applicant's Response to Interested Parties' Deadline 2 Submissions	REP3-037	Appendix B
9.37 Applicant's Response to Deadline 4 Submissions	REP5-014	Pages 8 – 10 and Pages 42 – 60.
9.38 Applicant's Response to EXA's Second Written Questions	REP5-012	Page 94 – 98
9.41 Applicant's Response to Interested Parties Deadline 5 Submission	REP6-004	SWQ3.0.5 / SWQ 8.0.5
7.9.5 Outline Landscape and Ecology Management Plan	REP7-022	Whole document
7.3.2 Design and Access Statement	REP5-058	Paragraphs 3.9 – 3.17

Ecology

- 1.66 The Proposed Development will largely involve the use of arable land to create Solar PV Areas and supporting infrastructure as well as mitigation and enhancement areas. The hedgerows are being retained and the main habitat creation across the Solar PV Areas and mitigation and enhancement areas will be permanent grassland, new parcels of woodland, scrapes, as well as extensive new hedgerows. The design of the Green Infrastructure considered the existing wider landscape in providing new connective habitat in areas where it would most benefit habitats within and outside the Order limits.
- 1.67 The Ecological Appraisal for the Application and subsequent impact assessments set out in the Environmental Statement (Chapter 07 Ecology and Biodiversity) have followed the current industry guidance documents in determining the baseline value of the Order limits, the likely impacts of the proposals and necessary mitigation, as well as guiding the design of the compensatory and enhancement measures.
- 1.68 Concerns were raised by Interested Parties over the viability of mitigation measures and habitat creation and the monitoring measures to be undertaken. However, the oLEMP submitted at Deadline 7 provides the comprehensive position [REP7-022] on the management of retained and new habitats, how these will be created and the monitoring of these, accounting for the feedback received during the Examination.
- 1.69 This includes providing that impacts to skylark will be compensated for with the provision of skylark plots in the retained arable land within the Order Limits. Mitigation for other species include the inclusion of passing points in security fencing for mammals such as brown hare and badger. Enhancement measures such as new nest boxes for birds and bat boxes will also be included.
- 1.70 The oCEMP sets out measures which will be implemented during construction to avoid impacts to retained features, including designated sites and provides for the undertaking of pre-construction surveys (including for bats), to inform the construction phase mitigation measures to be utilised.
- 1.71 Overall, the proposals are set to deliver benefits to a number of species, species groups and habitats, with an overall Biodiversity Net Gain for Habitats and Hedgerows, all of which is secured through the DCO. No likely significant adverse effects are assessed to arise as a result of the Proposed Development.

Concern Raised	Applicant Response
Doubts over the establishment of diverse grassland on previously arable land	The oLEMP (and particularly the appended GEMP) set out the management of retained and new habitats, how these will be created and the monitoring of these. The grasslands being proposed have been designed with the baseline of nutrient levels in mind. This is discussed further in REP8-019 and REP9-027.
Doubts over the robustness of skylark mitigation	The strategy to include skylark plots is a tested approach supported by research. The provision of this measures result in the doubling or even trebling of nesting densities in fields with cereals. This is discussed further in the Applicant's response to Q3.0.8 of the FWQs [REP2-037] and Q3.0.6 and 4.0.2 of the SWQs [REP5-012].

Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
6.1 – Environmental Statement Volume 1 – Chapter 7.0 Ecology and Biodiversity	APP-037	Whole document
6.2 – Environmental Statement Volume 2 Appendix 7.6: Ecology and Biodiversity – Biodiversity Net Gain Metric	APP-064	Whole metric
Figure 6.11 – Green Infrastructure Strategy Plan	APP-173	Whole Plan
7.9.3 – Outline Landscape and Ecology Management Plan	REP4-014	Whole document

Transport and Noise

1.72 The assessments undertaken in support of the proposed development identify that there will be a non-significant impact on Highways and Access. Whilst the nature of the Proposed Development is such that the greatest impact is during construction, mitigation is to be implemented through the oCTMP which is to be secured by way of requirement on the DCO and includes restrictions on the routing and timing of deliveries, as well as improvements to the local highway network, including junction improvements and road widening along Uffington Lane where the primary construction compound is to be located.

1.73 On matters relating to noise, the ES summarises that with the incorporation of appropriate mitigation there are no residual significant adverse impacts relating to noise. During the Examination, concerns were raised by Interested Parties relating to both construction noise, particularly piling, and operational noise in the form of that emitted from the relevant infrastructure on site (Solar Stations). The Applicant responded by imposing additional mitigation and control measures to provide comfort and ensure the LPAs will have up-to-date data through which they can monitor the noise performance of the Proposed Development.

1.74 The Applicant's response in respect of the key issues raised are as follows:

Concern Raised	Applicant Response
Routing for construction vehicles	<p>The routing strategy has been chosen to connect the Order limits to the strategic road network and provide flexibility as the likely port of arrival for construction materials is not yet known.</p> <p>HGVs will access the Order limits via the A1 and Ryhall Road, before travelling eastbound to the primary construction compound at Uffington Lane. To egress the primary construction compound, HGVs will route back along Uffington Lane and continue eastbound along the A1621 towards Bourne, before joining the A15 and rejoining the strategic road network.</p> <p>Use of these roads exclusively will limit the impact on the wider road network, ensuring that only the roads identified as being suitable are used and, in turn, reducing any potential adverse effects. This will be secured through the final CTMP by way of requirement in the DCO. The contractor will be made aware of</p>

	<p>the routing restrictions prior to the award of the contract.</p> <p>Breaching the requirements of the DCO is a criminal offence.</p>
Delivery window for construction vehicles	<p>Within the first iteration of the oCTMP, the window for HGV deliveries to take place was set between 09:00 to 15:00 to limit the impact on Great Casterton Primary School and College. However, following feedback received at ISH2 the oCTMP was updated at Deadline 4 to include additional restrictions on HGV movements which would prevent them from travelling through Great Casterton prior to 09:00 and any time after 15:00, to further ensure that there is no conflict with the school and college in Great Casterton.</p>
State of the local road network and condition surveys	<p>Highway condition surveys (including for public rights of way) will be undertaken both before and after construction for routes to be utilised by construction traffic or those that will be affected by cable works. The scope of the condition surveys is to be agreed with the relevant local highway authorities in advance of construction with the principle that the Applicant will restore any damaged highways (including public rights of way) as a result of its construction traffic movements or cable works to the standard set out in the pre-construction surveys.</p> <p>Following feedback received at ISH4 and the concerns raised regarding the impact of construction traffic on the Ryhall Pasture and Little Warren Verges SSSI, the oCTMP [REP7-023] was updated to include a commitment to coordinating with RCC on the need for any additional remedial measures or signage along Holywell Road where the SSSI is located if it becomes apparent that it is being damaged by construction traffic. The outline Travel Plan (oTP) [REP5-073] also includes details on the briefing given to construction staff by the appointed contractor to avoid routing via the SSSI.</p>
Road safety	<p>Within the Transport Assessment [APP-074] a Stage 1 Road Safety Audit was undertaken in accordance with the industry</p>

	<p>standard guidance, the Design Manual for Roads and Bridges (DMRB) GG119 of all the access junctions and highway works. The design of the access junctions and highway works, which includes junction improvements at the A1621 / Uffington Lane junction and road widening along Uffington Lane, have all been accepted in principle by the local highway authorities.</p> <p>Concerns were also raised about road safety and access if any cabling works were undertaken in Essendine Village and for any street works near to Mrs Helen Woolley’s house. The protections set out in the DCO (requiring traffic management measures to have been approved pursuant to the CTMP) and in the oCEMP and oCTMP ensure that access will be able to be maintained (except for the limited period where trenching occurs directly outside a property without a cover), liaison and communication happens (including the establishment of a Community Liaison Group AND Traffic Management Working Group), and road safety is maintained.</p>
Traffic impacts of maintenance	<p>In response to the concerns on the impact of HGVs associated with maintenance, a cap is proposed to restrict the daily number of HGV deliveries associated with maintenance activity to five daily two-way HGV trips, which is detailed within the oOEMP [REP8-011]. This threshold is calculated based on the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Assessment of Traffic and Movement (2023) guidance which suggests that daily traffic fluctuations are in the order of 10%, meaning any change equivalent to or less than 10% would not be noticeable from daily levels of fluctuation. The threshold of five daily two-way HGV trips is the equivalent to 10% of the daily recorded HGV traffic along Uffington Lane that is presented in the baseline traffic flows [APP-075].</p>
LPA approval of details of highway works	<p>Following the submissions of the local highways authorities (LHAs) during Examination, the relevant articles of the DCO and</p>

	<p>Requirement 6 were amended to provide that the consents required under those provisions could be in a form of the LHAs' choosing (and that approvals would not need to be given twice across the articles and that Requirement). With that protection in mind, the LHAs are now content with the position on this matter, as set out in their SoCGs submitted at Deadline 9. The Applicant is working with the LHAs on a side agreement to deal with these matters with the aim of completing it in time to update the Secretary of State that this has occurred prior to their decision on the Proposed Development.</p> <p>This side agreement is also proposed to provide for the payment of fees, via the LPAs of the Parish Councils attending the Community Liaison Group and Traffic Management Working Groups proposed by the Applicant.</p> <p>Lincolnshire County Council is also content with the wording of article 12.</p>
Noise impacts	<p>Key changes made during Examination by the Applicant:</p> <ul style="list-style-type: none"> - Strengthening Design Guidance PE.4.2 [REP5-058] to specify that solar stations and storage containers will be located at least 50m from PRoW, permissive paths and rural roads and increased further where this does not unnecessarily extend cabling or result in technical constraints; - Strengthening Design Guidance PE4.3 [REP5-058] to specify that a 250m minimum offset of Solar Stations and storage containers from residential properties is provided, and increased further where this does not unnecessarily extend cabling or result in technical constraints; - Restrictions on working hours within the oCEMP [REP8a-007] to limit the hours of percussive piling

	<p>within 400m of residential properties (including no piling works past 13:00 on Saturdays);</p> <ul style="list-style-type: none"> - Restrictions on trenchless/Horizontal Directional Drilling (HDD) works with requirement for any such works to be completed in the shortest possible time and be a minimum of 500m from the nearest residential property (with the exception of where it is required to install cables beneath high value vegetation); and - Commitment within the oOEMP [REP8-012] to set out procedures for undertaking acoustic measurements, following construction and commissioning to demonstrate expected noise levels are achieved in practice.
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Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
7.7.6 Outline Operational Environmental Management Plan	REP8-011	Section 2.0 (page 4)
6.2 Environmental Statement Volume 2 Appendix 945: Highways and Access – Transport Assessment	APP-074	Appendix D
6.2 Environmental Statement Volume 2 Appendix 9.5: Highways and Access – Baseline Flows	APP-075	Whole document
7.11.6 Outline Construction Traffic Management Plan	REP7-023	Whole document

7.14.1 Outline Travel Plan	REP5-073	Whole document
8.8.4 Final Statement of Common Ground with Lincolnshire County Council	REP9-020	Page 18
8.10.3 Final Statement of Common Ground with Rutland County Council	REP9-022	Page 31
9.26 – Applicants Response to Interested Parties’ Deadline 2 Submissions – Traffic and Transport	REP3-034	Whole document
9.7 Responses to ExA’s First Written Questions (ExQ1)	REP2-037	Topic 11.0 – Transportation and Traffic (pages 157 to 166)
9.38 Applicant’s Responses to ExA’s Second Written Questions	REP5-012	Topic 11.0 – Transportation and Traffic (pages 108 to 115)

Water and Flood Risk

1.75 The Applicant has undertaken flood modelling, which has informed the extents of PV Arrays and the location of electrical infrastructure within the Order limits, as set out within the Design and Access Statement [REP5-058].

1.76 Concerns have been raised regarding the impact on surface water rates as a result of the installation of the PV Arrays. The Applicant has prepared an outline Surface Water Drainage Strategy [REP5-052] that sets out the measures to control surface water run off during the operational period, which include the establishment of vegetation beneath the PV Arrays, as prescribed in the outline Grassland Establishment Management Plan (appended to the oLEMP [REP7-021]) and around the perimeter of the PV Arrays as set out within the Green Infrastructure Strategy [REP7-021]. With these measures in place, the modelling has shown that there will be an increase in the interception potential of surface water relative to the existing land use.

1.77 The Applicant has provided clarifications [REP7-038] regarding flood modelling for a 60-year lifespan of the Proposed Development and the Environment Agency are of the opinion (REP8-027) that the supporting structures are designed to be flood resistant and are not of a scale to cause any impact on third parties through displacement of water, should flooding occur. Therefore, they agree that the Applicant's conclusions are satisfactory and do not require any additional mitigation.

1.78 The Applicant's response in respect of the key issues raised are as follows:

Concern Raised	Applicant Response
Surface water run-off rate	The beneficial effects of the proposed vegetation management on surface water run-off are outlined in Section 3.1 of the Outline Surface Water Drainage Strategy [REP5-053], which was informed by 2D rainfall analysis modelling. The Proposed Development is likely to lead to reduced surface water run-off rates compared to the baseline agricultural scenario (see answer to Q12.0.6 a) in the Applicant's Responses to ExA's First Written Questions [REP2-037]), principally through the implementation of advanced sowing of grass, where appropriate, in addition to planting and vegetation.

	<p>Section 2 of the Outline Surface Water Drainage Strategy provides that discharge from the areas of hardstanding (substation) will be restricted to greenfield rates, as modelled using Micro Drainage software.</p> <p>Regarding compaction, the effects of construction activities including plant and machinery on the underlying clay soils will be managed through the outline Soil Management Plan (oSMP) [REP5-069], which includes measures to identify when the soils are suitable for construction activities to take place. The location of construction sites on clay soil is not considered to be rare or unique, and any effects will be managed through delivery of the oSMP.</p> <p>Section 3.1 of the oSWDS [APP-087] states that localised topography within each parcel of the Proposed Development generally comprises gentle gradients and hence increased runoff would be unlikely to lead to fast moving surface water and consequent erosion except on the small areas of steeper slopes immediately adjacent to parts of the West Glen River.</p> <p>Buffer strips will be established and this will be undertaken at the same time as the grassland establishment.</p> <p>The DCO Requirements make clear that the oSMP and outline Water Management Plan (oWMP) [REP9-013] that are brought forward for the construction phase must be consistent with each other. This ensures that nothing ‘falls through the gaps’ and ensures that soil management and surface water management matters are considered together.</p>
<p>Suitability of mitigation measures in light of current level of design/construction methodology (including consideration of where grassland does not initially establish)</p>	<p>Table 1-1 Summary of Mitigation Measures of the outline Water Management Plan (oWMP) [REP5-071] refers to drainage features (cut-off ditches, swales and retention ponds) to be employed for the construction phase for the dual function of reducing run-off rates and sediment control. These features need to be designed and located by the appointed construction contractor and these are to be secured through the oWMP and the outline Construction Environmental Management Plan.</p>

	<p>Updates to the oWMP and the oSWDS were made throughout Examination in response to the ExA’s questions and Interested Parties comments.</p>
<p>Duration of Development</p>	<p>The Flood Risk Assessment (FRA) included in Appendix 11.5 of the ES [APP-086] has been prepared in accordance with the requirements of section 5.7 of NPS EN-1, part 3.4 of NPS EN-3 (2023) (and the NPPF), and the likely effects of the Proposed Development associated with flood risk have been assessed in Chapter 11 of the ES [APP-041].</p> <p>The FRA is considered proportionate for the scale and nature and location of the Proposed Development and assesses the risk of flooding from all sources arising from the Proposed Development upon the development itself and identified receptors, accounting for the impact of climate change.</p> <p>The FRA concludes that the risk of the Proposed Development flooding from all sources is negligible and surface water can be effectively managed via drainage measures identified in the outline Surface Water Drainage Strategy (oSWDS), and that there is no increase to flood risk elsewhere.</p> <p>The Applicant has demonstrated within their Statement on the 60 Year Time Limit [REP7-038], that the Proposed Development is not vulnerable to increases in rainfall intensities and the associated increases in flood extent and depths from the West Glen River for the 60-year operational lifespan.</p> <p>The effect on the potential change in precipitation has been addressed within the Applicant’s Statement on 60 Year Time Limit which concluded that the Flood Risk Assessment [APP-086] and Chapter 11: Water Resources and Ground Conditions of the Environmental Statement [APP041] remain unchanged. Section 2.3 of the Outline Surface Water Drainage Strategy [APP-87] outlines that where infrastructure has a lifetime between 2061 and 2100 the Central Allowance for 2070’s should be applied and therefore the 25 % 2070’s Central Allowance was applied to drainage calculations in accordance with the EA Flood Risk and Coastal</p>

	<p>Change Guidance for peak rainfall. As such, they do not require altering following the confirmation of a 60-year time limit.</p> <p>See also the discussion on this point in 'Time Limit' above.</p>
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Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
6.2.1 Appendix 11.6 - Outline Surface Water Drainage Strategy	REP5-053	Whole Document
7.12.4 Outline Soil Management Plan	REP5-069	Whole Document
7.13.2 Outline Water Management Plan	REP9-013	Whole Document
7.6.9 Outline Construction Environmental Management Plan	REP8a-006	Whole Document
6.2 Appendix 11.5 - Flood Risk Assessment	APP-086	All
9.46 60 Year Time Limit	REP7-038	Paragraphs 1.1.20 to 1.1.31
6.1 Environmental Statement Chapter 11 – Water Resources and Ground Conditions	APP-041	Pages 41 to 43
9.7 Applicant's responses to ExA's First Written Questions	REP2-037	Q12.0.6 a
7.3.2 Design and Access Statement	REP5-058	Paragraph 5.12 3 rd bullet Design Guidance PL3.3.

Climate Change and Carbon

1.79 A number of comments were raised on this issue throughout the Examination by Interested Parties.

The Applicant's response in summary has been as follows:

Concern Raised	Applicant Response
<p>Net Greenhouse Gas (GHG) impact of the Scheme.</p>	<p>The Applicant carried out a GHG assessment that was presented in Chapter 13 Climate of the ES [APP-043]. This initial assessment made highly conservative assumptions around the carbon impact of constructing, operating and decommissioning the Proposed Development by applying an emissions factor (EF) of 48 kg CO₂e/MWh of electricity generated. This factor is taken from a 2014 IPCC document. The assessment also made conservative assumptions around the carbon benefit of operating the Proposed Development, applying a gross carbon saving of 182 kg CO₂e/MWh for lifetime generation based on current grid carbon intensity provided by the UK Government via the Digest of UK Energy Statistics (DUKES). Lifetime generation used to estimate the carbon benefit of the Scheme took into account standard degradation rates for PV modules.</p> <p>This initial assessment assumed the initial design life of 40 years and estimated a net lifetime carbon benefit of c. 1.6 million tonnes CO₂e.</p>
<p>Assumptions applied within GHG impact assessment</p>	<p>The Applicant's GHG assessment applied highly conservative assumptions when estimating both the carbon impact of the Scheme (i.e. the carbon emissions resulting from the construction, operation, maintenance and decommissioning of the Proposed Development) and its carbon benefit (i.e. the emissions reduced from the displacement of higher-carbon electricity generation sources).</p> <p>The carbon impact of the Proposed Development was estimated by multiplying lifetime generation of the Scheme by an emissions factor of 48 kg CO₂e/MWh taken from a 2014 IPCC report. This factor is considered conservative as it is known that the resource and energy efficiency of the solar PV industry has improved dramatically in the intervening time, leading to lower carbon intensity figures per unit of generation. The estimate of carbon costs did not take account of likely panel degradation, so can be expected to overstate the emissions.</p> <p>The carbon benefit of the scheme was assessed by applying an indicative carbon intensity of 182 kg CO₂e/MWh to lifetime generation (including typical PV</p>

	<p>degradation rates) to estimate gross carbon benefit. This emissions factor is taken from the UK Government's Digest of UK Energy Statistics (DUKES) and is also considered conservative as it represents existing average grid carbon intensity, rather than a figure for a marginal gas fired generator that is most likely to be displaced by generation from the Scheme.</p> <p>Making these inherently conservative assumptions means that any net carbon benefit figure assessed for the Proposed Development will very likely be an underestimate, with the true lifetime carbon benefit being higher.</p>
Net GHG impact of increasing design life to 60 years	<p>The initial GHG assessment presented in Chapter 13 Climate of the ES [APP-043] was carried out on the assumption of a 40-year design life.</p> <p>The net GHG impact of increasing the design life to 60 years was also assessed and presented in the Applicant's Statement on 60-year time limit [REP7-038]. Within this amended scenario, it was assumed that the carbon costs estimated for the 40-year design life would be doubled. The carbon benefit was estimated on the basis of no panel replacement, with degradation rates applied over the entire 60-year lifetime. The resulting net carbon impact of increasing the design life from 40 to 60 years increased from c. 1.6 million tonnes CO₂e to c. 1.9 million tonnes. As noted above, these assumptions are highly conservative, so these net carbon benefit figures represent a worst-case scenario.</p>
Overall significance of GHG impact of the Scheme.	<p>Applying the current guidance issued by the Institute of Environmental Management and Assessment (IEMA), the overall significance of the Proposed Development is evaluated as Beneficial and Significant. This is on the basis that it will result in a net reduction in emissions of carbon dioxide relative to a counterfactual scenario in which the Proposed Development is not developed.</p>

Cross Reference Table for key submissions

Document Title	PINS Document Reference	Page Numbers/Question Numbers
6.1 Chapter 13 - Climate	APP-043	Whole document

9.7 Applicant's Response to ExA's First Written Questions	REP2-037	Pp 177-178 Questions 13.03, 13.04 & 13.05
9.21 Applicant's Responses to Interested Parties' Deadline 2 Submissions – Climate Change	REP3-029	Whole document
9.35 Climate Change Committee Progress Report to Parliament – 28 June 2023	REP4-023	Whole document
9.46 Statement on 60-year time limit	REP7-038	Paragraphs 1.1.34 – 1.1.56
9.49 Applicant's Response to ExA's Rule 17 Request for further information	REP8-021	Section 5 – Climate Change and energy generation (pages 11 to 16)
9.51 Applicants Response to MPAG's Deadline 8 Submissions on Carbon	REP8a-010	Whole document
Applicants Response to ExA's Rule 17 Request for Further Information	REP9-027	Section 5 – Applicant's Response to MPAGs Deadline 8 submissions on Carbon (pages 10 to 13)

Concluding Comments

1.80 The Application has been subject to a thorough investigation over the course of the Examination period. While the Applicant may not see eye to eye with some Interested Parties comments and submissions it is grateful for their participation in the Examination and it is clear that an enormous amount of hard work has been undertaken. The Applicant considers that the Examining Authority has given appropriate opportunity for the Proposed Development to be rigorously tested as well as permitting the Applicant fair time to consider and respond to the challenges.

1.81 The Applicant considers that the Examination has served to strengthen the justification for the Proposed Development and has provided a firm evidence base and rationale for its decision making. The Planning Policy Trackers² demonstrate the Proposed Development's detailed accordance with the aims and objectives of national and local level planning policy and as reiterated above, Mallard Pass Solar Farm would contribute to the UK Government's legally binding Net Zero target.

1.82 While the Applicant acknowledges that utility scale solar does impact on the way certain individuals may enjoy the countryside, the urgency of the need for renewable energy generation and moving to a more sustainable way of living far outweighs the limited impacts that are caused, which the Applicant has sought to minimise and mitigate as far as possible.

1.83 The Applicant considers that the Proposed Development is wholly acceptable in planning terms and respectfully requests that the DCO is granted.

² Please note that slightly updated versions of these Trackers have been submitted alongside this Closing Submission. These updates account for fixing typographical errors, and ensuring the Applicant's position is more clearly stated – no new points are made.

ANNEX: UPDATED POSITION ON FEES

As the Applicant has stated in the Applicant's Response to the Rule 17 Letter submitted at Deadline 9, the fees for discharge of requirements set out in paragraph 5(2) to Schedule 16 of the draft DCO submitted at Deadline 9 are not equivalent to or the same as the fees set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended by Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Amendment Regulations 2023).

The fees set out in the draft DCO submitted at Deadline 9 were offered to the LPAs during correspondence between the parties during the course of the Examination period. These were inserted by the Applicant into the draft Development Consent Order at Deadline 7 [REP7-009] following submissions from LPAs during Issue Specific Hearing 5 [REP7-037].

The previous drafting of the DCO [REP5-015] had specifically linked the fee in the DCO to the fee for confirmation of compliance with a condition of a planning permission as set out in Regulation 16(1)(b) of the 2012 Regulations, but during ISH5 the LPAs commented that this fee was significantly lower than what had been offered previously, so the Applicant inserted the fees that had been offered during their correspondence. The fees in the draft DCO submitted at Deadline 9 also reflects the different level of complexity associated with the discharge of different requirements.

The Applicant also submits that there should not be an allowance for fee uplifts in the DCO, noting that there is no precedent for this in previously made DCOs.

However, notwithstanding the above, the Applicant's Response to the Rule 17 Letter submitted at Deadline 9 did include 'without prejudice' wording for the Secretary of State to consider should they determine it is appropriate to link the fees in Schedule 16 to the 2012 Regulations.

The Applicant would like to update the 'without prejudice' wording to account for the fact that it has come to its attention that the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Amendment Regulations 2023 have now been made and are due to come into effect on 6 December 2023, meaning that it is now clear on the Government's proposals in this regard.

The 2023 Regulations also insert a new Section 18A into the 2012 Regulations to enable the fees in the regulations from 1 April 2025 (and from each 1 April thereafter) to increase by the percentage increase in consumer price index (using the figure from the previous September) or 10%, whichever is the lowest.

Consequently, if the Secretary of State were minded to link the fees in Schedule 16 to the 2023 Regulations then the Applicant would ask that the following 'without prejudice' wording is considered to replace the wording set out in its Deadline 9 submission:

That the following is inserted as a new paragraph 5(3) to Schedule 16:

“(3) Where an application under sub-paragraph (1) is made and a fee is payable on or after 1 April 2025, then section 18A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended by Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Amendment Regulations 2023) will apply as modified by this Order, so that “the relevant amount” means the fee payable under this sub-paragraph (2)(a), (2)(b) or (2)(c) above”.