

Application by Mallard Pass Solar Farm Limited for an Order Granting Development Consent for the Mallard Pass Solar Project – project ref. EN010127

Tony Orvis - Unique ID ref. 200335950

**Comments on the responses made to the letter from the Secretary of State
13th March 2024**

Cable Routing

The Applicant states that it is confident agreement will be reached with National Rail(NR) regarding the Option for Easement “over the coming weeks.”

The Applicant has made similar statements on a number of previous occasions and over a number of months. Thus the response now given the Secretary of State has to be treated with caution.

It is noted that NR has not responded. It would have been helpful for them to confirm the Applicants response.

The two potential cabling routes are very different in the impact they would have on residents and on traffic passing through Essendine. The degree of difference is such that that the Option for Easement should be agreed before the Application is determined.

Failing that, the Application should be determined solely on the assumption that the cabling route will be through the village on the A6121, taking into account all of the negative factors, associated with that route.

Highway Matters

There is disconnect in the responses from the Local Councils and the Applicant. Given the impact on residents, and others using the roads affected, side agreements between the parties must be in place before any decision on the Development Consent Order is given. There is no valid reason for the side agreements not to be in place at that time.

Community Benefits Fund

The Applicant provides an answer to a question that was not asked.

I cannot recall any material discussion on the subject of a Community Benefit Fund (CBF) during the examination period . The Applicant states in its response “Community Benefit payments cannot be taken into account in the planning balance, as set out in case law.”

It is therefore indecorous of the Applicant to include to raise this subject at this time.

As the Applicant knows that a CBF cannot be taken into account in the planning balance it calls into question the reason for introducing it.

All of the Applicants’ comments on the subject of a CBF should be passed over and not given any weight in the determination of the Application.

