



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

**Applicant's Response to Updates to
National Planning Policy Statements**

February 2024

EN010127

CONTENTS

INTRODUCTION.....	2
CRITICAL NATIONAL PRIORITY INFRASTRUCTURE.....	3
WEIGHT TO BE GIVEN TO NPSS.....	5
IMPLICATIONS TO CASE FOR THE MALLARD PASS SOLAR FARM	6

INTRODUCTION

- 1.1 At Deadline 2, June 2023, the Applicant submitted a Planning Statement Addendum to account for revisions to the draft National Policy Statements ('NPSs') for Energy which were published after submission of the Application, in March 2023.
- 1.2 The final versions of the NPSs for Energy were designated by the Government in January 2024 and so the Applicant has prepared this brief statement to account for further changes made since the Planning Statement Addendum.

CRITICAL NATIONAL PRIORITY INFRASTRUCTURE

- 1.3 The principal change between the draft NPSs in June 2023 and the final designated versions is the recognition of all low carbon technologies, including solar, as Critical National Priority (CNP) infrastructure (rather than just offshore wind as in the previous draft) which is a step-change in support for solar to reflect the role that the Government considers it plays in meeting Net Zero.
- 1.4 The designated version of NPS EN-1 specifies how decision-makers should treat CNP infrastructure on the basis of the requirement to deliver such technology at “speed and scale” (NPS EN-1 para. 4.2.2).
- 1.5 In terms of how policy in NPS EN-1 says that CNP infrastructure must be considered, para 4.2.7 states that it does not create an additional need case. The need for the proposed development is already set out clearly in the Planning Statement (APP-203), Planning Statement Addendum (REP2-040), Statement of Need (APP-202) and the Applicant’s Closing Submission (REP10-013).
- 1.6 However, paragraph 4.2.8 of NPS EN1 states that “*during decision making, the CNP policy will influence how non-HRA and non-MCZ residual impacts are considered in the planning balance.*”
- 1.7 The effect of the CNP policy in relation to non-HRA residual impacts, is:
- That the mitigation hierarchy must be applied to ensure that all residual impacts are those that cannot be avoided, reduced or mitigated.
 - Following this, applicants should set out how residual impacts will be compensated for as far as possible.
 - If residual impacts remain, following the application of the above, they are unlikely to outweigh the urgent need for this type of infrastructure.
- 1.8 In practice, this means that there is a presumption that other than in exceptional cases the need case will outweigh the residual effects.
- 1.9 Paragraph 4.2.17 of NPS EN-1 gives examples of where this would apply, including development in the Green Belt, nationally designated landscapes and within or outside a SSSI. It is relevant that Government policy on CNP makes it clear that the need case is likely to outweigh impact on even the most important national designations, whereas Mallard Pass Solar Farm has much more limited, district level effects – see below.

1.10 NPS EN-3 continues to be strongly supportive of solar. This has been set out in the Applicant's previous submissions and so is not repeated here, but relevant changes include new Paragraph 2.10.11 which makes reference to Powering Up Britain and its support for large-scale ground-mounted solar, together with a recognition that solar will be located on agricultural as well as brownfield land, with a preference for low and medium grade land:

"The Powering Up Britain: Energy Security Plan states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement"

1.11 NPS EN3 as designated now also provides further clarity on the Government's approach to large-scale ground-mounted solar on agricultural land. Paragraph 2.10.31, which replaces old paragraph 3.10.16 replaces the words "*non-agricultural*" with the underlined words:

"Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land." (our emphasis)

1.12 This brings NPS EN3 in line with Government decision-making with regard to solar on agricultural land and should be seen in the context that this is a preference, rather than excluding solar on higher grade agricultural land.

WEIGHT TO BE GIVEN TO NPSS

- 1.13 The Suite of NPSs designated in 2024 should be given full policy weight. As the Mallard Pass Solar Farm DCO application was not submitted before they were designated, there is no specific legal obligation to determine the application in accordance with the NPS, however, the policies within the NPS are a highly important and relevant consideration as the most recent statement of Government policy and should be given significant weight in the decision-making process.

IMPLICATIONS TO CASE FOR THE MALLARD PASS SOLAR FARM

- 1.14 The CNP infrastructure policy applies to Mallard Pass Solar Farm application as follows.
- 1.15 The residual adverse impacts are summarised in Chapter 17, Summary of Effects and Mitigation (REP2-010) of the Environmental Statement. With regard to each of these impacts, the Applicant has demonstrated how they have been avoided, reduced and mitigated as far as possible. The following residual effects remain, after the mitigation hierarchy has been applied:
- Residual landscape and visual effects during Operation on the Rutland Plateau Clay Woodlands and Kesteven Uplands Landscape Character Areas - Major adverse Significant (Year 1) Major – Moderate adverse Significant (Year 15).
 - Construction and Operation effects on Receptor Group 1 (Visual receptor groups within or immediately bordering the Solar PV Site) - Major – Moderate adverse Significant (construction) Major adverse Significant (Year 1) Major – Moderate adverse Significant (Year 15).
 - Construction and Operation effects on Bridleway E169 and Bridleway E182 (BrAW/1/1) - Major – Moderate adverse Significant (construction) Major adverse Significant (Year 1) Major – Moderate adverse Significant (Year 15).
 - Construction - loss of hedgerow within Essendine hedgerow south side MacMillan Way LWS – significant at district level but not in EIA terms.
 - Construction - loss of grassland within Essendine Verge SE of the Freewards (N Side) LWS and Essendine Verge (NE Side) Near North Lodge Farm LWS - significant at district level but not in EIA terms.
- 1.16 There are therefore very few residual significant effects in EIA terms and these relate only to localised landscape and visual effects, with the remaining to ecology, at a district level only.
- 1.17 NPS EN-1 recognises at Paragraph 3.1.2 that “*it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts*” which, together with the CNP infrastructure policy, weigh heavily in favour of the project.

1.18 It is clear that the Applicant has applied the mitigation hierarchy and sought to limit effects as far as possible, in this case the policy is clear – that the small remaining residual effects should be outweighed by the urgent need for CNP infrastructure, which includes the Mallard Pass Solar Farm.