

Mallard Pass Action Group

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15th February 2024

Claire Coutinho
Secretary of State for Energy and Net Zero
House of Commons
London
SW1A 0AA

Mallard Pass Solar Plant NSIP application

Dear Ms Coutinho,

I am writing on behalf of all the residents and local community in respect of the proposed 852Ha Mallard Pass Solar Plant on the borders of Rutland and Lincolnshire, due for your consideration and final decision between 16th February to 16th May 2024.

Mallard Pass Action Group (MPAG) has undertaken extensive work and investigation into the proposed scheme with the support of subject and legal specialists, making over 50 submissions during the Planning Inspectorate Examination, attending and actively contributing to 11 hearings, as well as working closely with the community during pre-application and early consultation stages. The level of community opposition has actually grown since the scheme was announced, despite the relentless nature of the NSIP process over the last 2+ years, the Interested Party registration yielding the highest response of all solar NSIP applications pro rata per MW.

Given the detailed nature of the application and process, I hope you will understand that just giving a short headline summary of our points would not do justice to the arguments pertinent to this particular application. The following therefore outlines the key issues and considerations across each EIA topic area focusing on why MPAG feel this particular scheme is not suitable in this particular location.

1.0 Site selection and alternatives

1.1 The Applicant focussed heavily on the **grid connection** being the determining and overriding factor for the site selection, everything else was made to **retro-fit**. The huge 852Ha site gave the Applicant the flexibility to pick and choose the areas for solar PV. The use of **extensive and disproportionate mitigation and land take**, compared to other NSIP schemes consented or in the pipeline, highlight the **inappropriate choice** and location of the proposed development.

1.2 There was no consideration of a **smaller scheme** which might better satisfy '**enhancing the local environment**' and genuinely being a '**good neighbour**' as the Applicant suggested in their Design and Access statement.

1.3 Grid connection **cannot wholly** be the **determining factor** for the justification of a development when there are so many other important considerations which should not be compromised.

2.0 Scale

2.1 To date there are no NSIP schemes that have been **constructed** on this scale and therefore the real **impact** of these utility scale solar schemes has not been experienced as a reality. It is therefore **unprecedented** and **untested**. A site of smaller size (like many of the sub 50MW schemes) could be more sensitively and discreetly located, and present fewer challenges for landscape & visual, residential and recreational amenity, ecology, BMV, flood risk and many other considerations.

2.2 The **validity of extrapolating data and research** obtained from smaller sites to larger sites is **not proven** and has led to **broad assumptions** being made by the Applicant about the whole site. The Applicant should have conducted **fully detailed surveys** and research commensurate with the scale of the site to validate their conclusions. Many of their assessments have been conducted at a lower level or lower density, not providing the data required to make sound assessments, due no doubt to **cost and time** reasons. This is borne out with Agricultural Land Classification (ALC) grading, trial trenching, many of the ecological surveys and LVIA extensive desk based surveys with little on-site survey work.

3.0 Meeting the Need

3.1 MPAG are **supportive** of the need to deliver **more renewable energy** and **move closer to Net Zero** but as with any objective it has to be **balanced** in a way that does **not sacrifice** and **create substantive harms** just to deliver that benefit.

3.2 MPAG believes there are other ways to help deliver the remaining net zero target of 56GW of solar energy.

3.3 **Rooftop solar** provides such a key opportunity to help meet the solar target, whether it is residential or commercial. **CPRE** found in a recent report *“that over half the solar panels needed to hit national net zero targets could be fitted on rooftops and in car parks. The research, by the UCL Energy Institute, for CPRE, shows that decarbonising the national energy grid requires far less land than feared. Installing solar panels on existing buildings and car parks would enjoy near-universal public support and help minimise objections to large solar farms in the countryside, the research finds. It also reveals that the **potential of brownfield sites** to generate renewable energy is dramatically underused.”*

3.4 The **UK Warehouse Association (UKWA)** also fully **endorse rooftop solar**. They state: *“UK warehousing has the roof space for up to 15GW of new solar, which would double the UK’s solar PV capacity. This **could meet National Grid’s minimum requirements for solar expansion by 2030** according to their 2022 future energy scenarios (FES)”*.

3.5 The benefit of **rooftop solar** in the short term is that it would **take pressure off the grid** with many buildings and properties being largely self-sufficient, especially if battery storage were included.

3.6 **Brownfield development** is perhaps never the easiest or cheapest option however it is incumbent on developers to fully consider these spaces right at the outset. There were options for the Applicant but it would have required them to consider a combination of locations and/or generating a lower amount of energy, something they were not prepared to do.

3.7 The Applicant from the outset led their **marketing** by claiming the proposed development would supply 92,000 homes which MPAG felt was an **overstatement**. The community at large were led to believe this energy would serve the needs of the local area, when in fact all the energy will be supplied to the National Grid, not local distribution networks, and could be used anywhere in the country. Therefore there is no associated **local benefit** from the generation of this energy, unlike smaller sub 50MW schemes which support Local Distribution Networks (LDNs).

Following some scrutiny and challenge of the Applicant's calculations the **figure has reduced twice** from 92,000 to 85,000 to now just **under 80,000 homes**. Noting also they have no capacity to store excess energy via a Battery Energy Storage System (BESS), their number of homes powered/MWp is the **lowest** of many of the NSIPs.

4.0 Battery Energy Storage Systems (BESS)

4.1 According to the Applicant and substantiated by National Grid, the **inclusion of a BESS is not economically/technically viable** at the Ryhall substation as it does **not have** the **export capability** required. Even if it were, MPAG believe the current choice of location for the proposed development make it completely **unsuitable**, being in such close proximity to so many communities.

4.2 Without a co-located BESS the **value** of the Proposed Development would be **significantly reduced and this makes it sub-optimal**. The need for a co-located BESS is supported by NPS policy, technical experts and the developers of other large solar plants all of which will have a BESS, as outlined in many NSIP Statement of Needs e.g. Sunnica.

4.3 The **Statement of Need** for Longfield, Cleve Hill, Sunnica, Gate Burton and Cottam, all of which supported the need for a BESS, were all written by the same advisor to the Applicant, Mr Gillett. There is an **inconsistency** between the Statement of Need for the Proposed Development written by Mr Gillett and all the other NSIP solar plants – the main difference being Mallard Pass has no BESS and his **attempts to try to justify the viability** of this scheme. The Statement of Need given the national context should be the same whatever the scheme.

4.4 By their own admission the Applicant agrees that a solar plant without BESS has far less value and benefit than one with BESS, saying *“an **export-only BESS** co-located with solar generation is able to provide significantly **less services to NGENO** (National Grid Electricity System Operator) than one which is also able to import from the grid”*¹. The Applicant is acknowledging the **sub-optimal** nature of the scheme when compared to other schemes.

4.5 **“Co-location** is especially **beneficial for NGENO** where connections are to the transmission because the **combined asset** is required to **meet certain energy market operational planning, notification and service obligations.**”²

4.6 As renewables contribute an **increasing share of the electricity market** BESS will become more important otherwise **curtailment** will only increase wasting valuable energy that could have been made

¹ In answer to Q1.0.14 ExA's 2nd written questions.

² Statement of Need Sunnica Solar Farm, para 10.4.13

available. **Renewables are not reliable or efficient** without sufficient BESS capacity as the grid demand for energy is not just when the sun shines.

4.7 Use of a battery energy storage system provides **additional carbon saving** opportunities. Relatively fast response power sources such as battery storage have an important role to play in helping to **balance supply and demand** within the electricity grid, rather than completely relying on fossil fuel plants to help balance capacity.

4.8 **The Future Energy Scenarios Report - 10 July 2023** supports the argument about the colocation and inclusion of BESS as being the “leading the way” scenario and the **maximum solar generation scenario**.

4.9 In conclusion, without a BESS it is clear to see this scheme cannot meet the full ‘NEED’ requirements intended for such a scheme.

5.0 Meeting Net Zero

5.1 The process of reviewing the carbon saved and carbon payback has **not** been **straightforward** with the Applicant first choosing an **unlimited** time for the application and then under some pressure during the Examination moving to **60 years** (even though 40 years was selected for their calculations). Their approach to their calculations seems to suggest replacing the panels at 40 years and adding a further 20 years for the new panels and calculating the cost and benefit accordingly.

5.2 MPAG believe a more robust approach would have been to **accept a 30 year life of the panels** (more realistic as there is no evidence panels can last 40 years), and then calculate the figures on a 30+30yr basis. What is clear, although not explicit in the Applicant’s revised calculations, is that the **payback time is now higher** than that quoted in the original application documents in chapter 13 of the Environmental Statement (ES).

5.3 The Applicant has adopted a **simplistic approach to recalculation** of the **carbon cost and benefit**. We are not in a position to analyse or challenge the satellite information for irradiance they provided but are still mindful average **UK Plant Load Factor (PLF) is 10.5%** now, the Applicant claims **11.4%**. Submission REP5-031 on the portal highlights other PLFs used by other schemes are lower i.e. more inefficient, so the Applicant may be overstating their PLF.

5.4 The biggest area of **dispute** remains the **calculation** for the **embodied carbon**. The Applicant has taken the **median point of 48kg** from the IPCC table, we believe it to be **a lot higher** given the panels are likely to be manufactured in **China** who place a **heavy reliance on fossil fuels** with 2/3rds of their electricity generated that way. Frustratingly there seems to be **no one accepted methodology** or robust way for **calculating carbon costs** given very different approaches of other NSIP applications. An example of carbon costs not considered by the Applicant is the carbon used due to **balancing the grid** using non-renewable sources, this carbon cost increases even further with no BESS facility.

6.0 Time limit of the application

6.1 It seems that the Applicant never had any compelling evidence or rationale for initially choosing a **time unlimited application** other than keeping their options open. It made it extremely hard to determine if the

assessments should be viewed on worst case short term or long-term horizons. For an infrastructure project of this magnitude the Applicant should have been wholly decisive. As it is they moved to a 60 year time limit during the Examination with **little clarity** on why that **particular time period** was chosen and **little acceptance** of any **material changes** to the ES. That in itself **lacks credibility** as the basis for this application.

6.2 MPAG believe **committing to 60 years** means that the government and future generations would be **unable to respond to changes** brought about by climate change, technology changes and land use need, with repercussions not just locally, nationally but also globally as well.

6.3 As a National Infrastructure project the timing of the development should not be based purely on the **commercial benefit** to the Applicant, but should take account of a raft of factors set both by the **national agenda of government** along with **local community** and **environmental considerations**. What we can all be sure of is that **everything** will be very **different in 60 years time**, therefore is it worth taking the **risk** of setting a time limit as long as 60 years when the priorities could be so different

6.4 Accepting the Applicant stated the effects were permanent, they also caveated many of the assessments with saying they were reversible, particularly when they wanted to limit an adverse effect. This has made it confusing to determine what the **nature of the change** would be from the **original baseline** to the **new 60 year baseline**. It feels the original plan is ill conceived and the new plan is equally unclear.

6.5 On the one hand the Applicant **indirectly acknowledges** there will be **operational effects** – *“all effects have been assessed as permanent, which is now changing to long term temporary, with no change to the assessment of effects at construction or decommissioning phases (beyond certainty as to when decommissioning would occur).”*³ Yet on the other hand repeatedly says there will be **no material effects** from the **replacement of all the 530,000 panels** during the **operational** phase.

6.6 Mr Phillips for the Applicant at Issue Specific Hearing 1 explained *“a 40-year life span is the best-case scenario on the current available technology”*, according to Canadian Solar’s website panel life is **25-30 years**. MPAG believe therefore the Applicant was basing the initial application on 40 years, with some flexibility around the edges. That is why **60 years now makes no sense** as there would be **1.5 life cycles** (40+20 years) of the panels based on that, unless of course the Applicant knows in reality the life span is more likely to be 30 years.

6.7 The Applicant suggests during the **operational phase** there will be limited adverse impacts from the proposed development. In reality if consent were granted, it will be **easier for the Applicant** to push through **material changes** given the limited resource of councils to contest, monitor or take enforcement action on any non-compliance. If all the panels and piles are to be replaced once, along with other electrical infrastructure and fencing being replaced more than once, it would **not be logistically and economically viable to drip feed** the changes in an **ad hoc way**, as the Applicant describes would be the case. Therefore the max declared 5 x2 way HGVs a day would be exceeded and need to be viewed as a material change. The **likelihood** of this is **very high** and **should have been scoped back into the ES** during the Operational phase so that the **effects are properly assessed**.

³ para 1.1.2 of submission REP7-60

6.8 The **effects of a 60 year timeline** are **significant** depending on where you put your original baseline, for this purpose we have assumed 40 years as the Applicant used this for their calculations.

- Longer term loss of landscape and quality recreational amenity
- Potential damage and disturbance to habitat and species.
- Loss of food production increases by 50%
- Potential soil damage due to additional trafficking of the soils by replacing all the panels and piles etc
- Higher flood risk as the effects of climate change take hold even further
- Traffic disruption
- Noise disturbance
- Min 2 x recycling impacts

7.0 Landscape & Visual (L&V)

7.1 MPAG believe this area is **so important** it warrants the insight and expertise of a specialist. MPAG commissioned Ms Carly Tinkler (whose full credentials are in her first report on the portal) to undertake a high level L&V initial assessment, with ongoing support from her during the Examination. It was increasingly clear she was very **concerned** about some aspects of their **assessment approach** and **subsequent conclusions**.

7.2 The Applicant's landscape and visual assessments concluded that the proposed development would give rise to **significant adverse effects** on the **landscape character** of the site, and on **views on, or in close proximity to**, the site. That is not in dispute, she did not agree however:

- that levels of effects beyond the site would be low, nor
- that the proposed screen planting would be effective in reducing levels of many of the visual effects, nor
- that it would reduce levels of landscape effects.

The Landscape & Visual Assessment (LVIA):

- **conflates landscape and visual effects.**
- it **underestimates levels of value, susceptibility to change, sensitivity, magnitude and thus overall levels of effects** mainly due to insufficient baseline study and analysis, but also errors in the method and process.

7.3 The proposed development would give rise to **significant adverse effects** on the landscape character of both the site and the wider landscapes, and almost certainly, on **views from viewpoints several kilometres from the site** as could be seen when inspecting the site either from the road or public rights of way (PRoWs).

Screening effects:

- Both parties agree that between Year 1 and Year 15, the level of effect on the character of the site and its 'immediate surrounds' (defined as being 500m from the site boundary by the Applicant), would be **Major Adverse, and Significant**.
- We also agree that after Year 15, the residual level of effect on the landscape character of the site and its immediate surrounds would be **Significant Adverse**. However, we **disagree that after Year 15**, the level of effect would reduce to Major-Moderate Adverse (albeit still 'significant').
- The disagreement is based on the LVIA's assumption that levels of adverse effects on character are reduced by planting which is proposed to screen views, and thus reduce levels of effects upon,

views. As **GLVIA3** landscape assessment methodology makes perfectly clear throughout, **landscape and visual effects must be assessed separately, because effects on landscape character can arise from change / new development regardless of whether or not anyone can see it.**

7.4 Ms Tinkler believes it will significantly adversely affect peoples' health and wellbeing, and the quality of their lives.

7.5 The proposed development would **not deliver** any **landscape or visual benefits or enhancements**, as the LVIA confirms it does.

7.6 The levels of adverse effects on landscape character and visual amenity would without doubt be unacceptably high if the **fencing** were subsequently changed to security fencing, an increasing trend due to security issues.

7.7 The LVIA has **under-reported levels of visual effects on receptors** for a number of reasons, including:

- Lack of baseline landscape and visual information / analysis (for example, historic landscape character, and especially in terms of local public consultation to inform the studies).
- Underestimating levels of visual value and susceptibility to change.
- Over-reliance on vegetation to screen views.
- Failure to acknowledge that where proposed screen planting would result in the total loss of a good quality open view, the effect would not be neutral or beneficial, but Major Adverse / Significant (in accordance with the LVIA's criteria).

7.8 The Applicant's **LVIA** does **not comply** with the requirements of the relevant **landscape-related policies and guidance**. Ms Tinkler has written to the Landscape Institute after the 2nd set of hearings seeking guidance to clarify points of differences in methodology between the Applicant's approach and Ms Tinkler's approach. The reason for the ongoing challenge by MPAG is because it results in an **underestimation of the effects**, which is **key in determining the weight applied to landscape and visual harm** from the proposed development.

7.9 Ms Tinkler does **not agree** there should be **any change in level of effects** from unlimited to 60 years, the effects should stay the same because the period of time is immense and already spans more than 2 generations.

7.10 MPAG is wholly confident in the expertise of Ms Tinkler and her assessment of the landscape and visual elements of the scheme. She highlighted how the **sheer scale** of the scheme only **amplifies** the **adverse effects** even further. As a community we spend every waking hour in and amongst the rural environment we live, work and enjoy recreational time in. There are 8 villages adjacent to the site, 1 enclosed and 20 villages in close proximity including the historic market town of Stamford rated No1 best Place to Live in the Midlands by the Sunday Times. To turn it into an **industrial-scape** across an 852Ha site would be a **desecration of the landscape and its local character**.

8.0 Recreational amenity

8.1 It feels as if, on paper at least, that **recreational amenity** has not had a fair hearing. The **value** the local community put on their recreational amenity, whether that involves walking, running, cycling, horse-riding or even just driving around in the country, should not be **underestimated**. There is a huge appreciation residents, locals and visitors feel by having the quality experience of being in green spaces with lightly undulating countryside, open vistas, fresh air and plentiful wildlife at every turn – it is truly uplifting. It is therefore unimaginable and untenable to some people the damage this **concentration of blackness** and **industrial infrastructure** will have on peoples' well-being. The reality of miles of fencing, electrical

infrastructure, solar stations, containers, tracks, a new substation in very close proximity to Essendine and solar panels adjacent to all the PRowWs across the site, just add to the '**horrendous**' impact of this scheme.

8.2 People will experience the **effects** in a **sequential** way, therefore the impacts will not just be on the public right of way (PRowW) but on the **linking roads** such as Carlby Road, Holywell Road, B1176, Uffington Lane, Greatford Road (McMillan Way), High Street out of Carlby and even the A6121. It is not just the **8 villages** adjacent to the site that are affected, people drive from **outside the immediate area** and park up to use the PRowWs that are available.

8.3 The Applicant stresses the PRowWs are not being taken away, in fact they are adding to them with the addition of permissive paths. Fundamentally the Applicant **misses the point**; it is not about the loss or gain of an amenity but the complete change in the level of enjoyment that will be experienced. **Enjoyment supports well-being and better well-being in turn supports better health**. Walking surrounded by 3.3m high solar panels, sometimes in a tunnel-like layout, will create dis-benefits, disharmony and depression.

8.4 MPAG is concerned about the lasting impact of the construction period for users of the PRowWs. This particularly applies to **horse riders** who may not feel they can **safely** use any bridleways due to the construction activity on site and the adjoining roads which would normally be reasonably quiet. The Applicant has not identified alternative routes in advance which could have been useful to allay fears. Equally the roads will feel particularly **dangerous** for the plethora of **cyclists** in the area.

8.5 As far as the community is concerned there are **no upsides** of this scheme from a recreational perspective.

9.0 Residential effects

9.1 There will be a sliding scale of effects on residents subject to the visual, recreational, noise and disruption impacts. There is no doubting that the **village of Essendine** is completely surrounded by the Proposed Development, equally there are many **sensitive residential receptors** directly adjacent to the Order Limits, the proposed development will have a **huge toll** on all those residents. Whether the resident sees and hears the solar plant from their front or back garden or by virtue of passing it every day they leave and return to their house, or out walking - the impact is like a persistent dripping tap or leak that can't be fixed causing constant worry, concern and stress! It is a **constant reminder**, something residents (especially sensitive residential receptors) **can't escape from**.

9.2 Some residents have the prospect of having their **homes devalued** or **unsaleable**, leaving them like **prisoners in their own home**. The **anxiety** and **stress** this is creating **cannot be underestimated**.

9.3 MPAG contend the **effects** have been completely **underestimated** based on the premise that screening will not mitigate the visual blight, it will **destroy the character and landscape** that was in place before the solar plant was constructed. **Screening by virtue of habitat creation is a mitigation not an enhancement** as Ms Tinkler clearly points out.

10. Best and Most Versatile land (BMV)

10.1 MPAG purports **use of agricultural land and extent of BMV** should be considered as a *predominant factor in site selection*, and selection of agricultural land with high percentage of BMV (as is the case here) should be considered as **highly negative** and judged to make the **site unacceptable**.

10.2 The Applicant states there is 41% BMV in the solar area following semi-detailed and limited detailed survey work, but MPAG through *intense scrutiny* of all the documents available from all sources (both pre and post application) and with the engagement of specialist Landscape, Land & Property, believe there to be in excess of 50% 3a and a small amount of grade 2.

10.3 Even the Applicant’s 41% figure is **higher than many other solar NSIPs** as outlined in a post hearing update. That in itself should raise alarm that the site chosen is not suitable.

	Mallard Pass	Cleve Hill	Little Crow	Longfield	Sunnica
Order Limit Area (Ha)	852	360	226	459	981
P.V. Area (Ha)	420	176	91	293	621
%PV of Order Limit	49	49	40	64	63
Life (Years)		40	35	40	40
% BMV	42	5	16	37	4

10.4 The Applicant claims that the use of agricultural land is necessary as it is the only type of land available within a reasonable distance of the **substation**. Whilst helpful to be close it is absolutely **not essential to be on the doorstep**. The Applicant has not shown any preference for **lower quality land** over BMV land, the Applicant has not explored the possibility of using lower quality land outside the Order Limits. It is clear from policy that the Applicant is paying scant attention to policy as outlined below.

- NPS EN3 para 3.10.14 states *“While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible)”*
- NPS EN3 3.10.16 *“It is recognised that at this scale, it is likely that Applicants’ developments may use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”* The proposed Development will be using all ‘agricultural land’ not just some, as stated in 3.10.16

10.5 Even the **choice of location** for the **substation** was ill-judged in this respect. Before the ALC results at Preliminary Environmental Information Report (PEIR) stage were downgraded, the **area of the substation** was **largely 3a** (BMV), an area that is to be **permanent** and therefore technically **‘lost’**. The Applicant subsequently downgraded part of that area to 3b (not BMV) at the Application stage despite doing **no further survey** to corroborate their result. At the final stage of the Examination the Applicant accepted the need to do a detailed survey of the proposed substation area after consent is granted. In making this offer they made no alternative proposal for re-siting the proposed substation, something we believe they have no intention of doing. The Applicant is desperate to maintain the location choice which would be adjacent to the existing 400Kv Ryhall substation, irrespective of the grading of the land and the fact all A6121 road users and the village of Essendine will have see this industrial construction every day.

10.6 MPAG outlined through the **Landscape Land & Property report** the **weaknesses and inconsistencies** of the ALC grading as presented in their ES Land & Soils chapter, particularly following the **PEIR and Stantec report** commissioned by Rutland County Council and South Kesteven District Council. It is really important that the amount and % of BMV is accurately presented and accounted for across all the different areas of

the site. Whilst the MPAG survey work was limited due to field access issues from some of the landowners, taken in conjunction with the review of all the survey/report data available in the PEIR and ES, it does raise many questions and arrives at a different conclusion to that put forward by the Applicant. Landscape Land & Property, experts in the field, strongly assert there is in excess of 50% BMV land on the site. Whether 41% or +50% BMV, MPAG strongly feel this would be a huge loss of productive agricultural land for 60 years when quite evidently there are other locations with lower levels of BMV.

10.7 There are **2 key major issues for consideration**:

- Protecting the land and **returning the soil to its original ALC grade** once the development is decommissioned and that **applies to all land** whatever the ALC grading. This means the ALC grading needs to be robust at the outset.
- To **protect BMV land in accordance with NPS-EN3 policy** (as outlined above). 60 years is a huge amount of time to take the land out of arable farming and has to be weighed against the risks during this long period of losing valuable food production set against the likely impacts of climate change on food production, rising populations, population movements, all affecting global food security.

10.8 The fact that the Applicant’s survey results show a more **complex pattern of grade 3a and 3b** within field parcels, in itself demonstrates why the site location is not an appropriate choice. The default should not be to sacrifice the BMV but to explore areas with more 3b, something the Applicant has failed to do.

10.09 The survey work was **inconsistent** and **not robust**, the Applicant tried to reduce the BMV impact once its scale became apparent to them, but has never sought to find more suitable land elsewhere.

11.0 Land Use

11.1 The **total land take/MW** and **solar/MW** (where data is available) is **higher than most of other NSIP schemes**. This begs the question why? If the solar plant requires such **substantial mitigation** to make it acceptable, it suggests it is perhaps **located in the wrong place**. The decision to use agricultural land in active arable use for semi industrial activity should not be taken lightly and it should certainly be **no more than is absolutely necessary**.

11.2 The **solar area** of Proposed Development **occupies 20% more land per MWp than Sunnica** (the second highest). The **Order Limit** for the proposed Development is **46% greater than that for Cottam** (the second highest). Only the Applicant can explain the reasons for the significant differences. MPAG hypothesis is that the topography of the site and consequent landscape and visual impact, residential impact from the presence of many nearby villages (quite a few are Conservation), requires a larger area for mitigation than that required in other projects, **questioning the appropriateness** of this scheme.

Project	Order limit acres/MWp	Order limit Ha/MWp	Solar area acres/MWp	Solar area Ha/MWp
Mallard Pass	6.0	2.43	2.9	1.2
Longfield	3.0	1.22	1.8	0.74
Little Crow	3.7 - 2.78	1.5 - 1.13	1.9 - 2.5	0.77 - 1.02
Cleve Hill	3.46	1.40	1.23	0.50
Sunnica	3.9	1.56	2.44	0.99
Cottam	4.1	1.66	2.47	1.0
Heckington Fen	2.7	1.08	2.05	0.83
West Burton	2.7	1.1	2.71	1.1

11.3 It would appear the Applicant has not sufficiently explained why both the solar area and overall land take cannot be smaller. Even after detailed design is completed were consent to be granted, the Applicant has **no intention of reducing the Order Limits if less land is required** and has given no indication if a smaller solar PV area was possible, what it would look like and how the impacts on residential receptors and landscape could be further reduced.

11.4 Noting importantly the Prime Minister Rishi Sunak said only recently on 6th September in PMQs to Greg Hands *“we do need to protect our most valuable agricultural land so that it can produce food for the nation and increase our food security. That is why, thanks to our changes, the planning system now sets this out explicitly with a clear preference for brownfield sites “*

- Is all the land set aside for **skylarks** really necessary?
- Why is the **solar area/MW higher** than other NSIPs. The solar PV area latterly reduced from 584Ha at stage 2 consultation to 531Ha including margins (420Ha excluding).
- Why does the ‘mitigation only’ area need to be so high, a solar plant doesn’t need to be installed to deliver biodiversity net gain, there are far more appropriate ways to achieve that.

Rishi Sunak was also clear in his leadership challenge about his views on solar plants and “making sure our fields are used for food production and not solar panels”.

11.5 Research quoted in the **UK Food Security Report 2021** highlights the adverse impact of Climate Change on the amount of BMV land in the UK. It flags the possibility of unintended consequences in the future, particularly when set against the backdrop of the impacts of climate change, rising populations, and hostile nations.

The more food we **import** to compensate for lost production here (and the **added carbon footprint** of that), the more other poorer nations around the world will be affected. To make a **decision lasting 60 years** could have **significant irreversible unintended consequences**, particularly if precedent is applied to one scheme and rolled out across many more with the subsequent **cumulative effect on productive farmland**.

The report is clear about wanting to ‘**maintain food production**’ and the importance of protecting BMV land. Consent for the proposed development in fact would take **613Ha out of arable production** (not just the 426Ha of solar area that the Applicant quotes), **at least 41%** of that being BMV land.

12.0 Soils management

12.1 The Applicant agrees that water management, soils management and vegetation management are all inextricably linked to deliver the scheme objectives. Where we are **not in agreement** is that **establishment of the grassland** first is the fundamental **building block** to deliver against these objectives.

12.2 The Applicant remains non-committal and unclear about sowing the grass sward in advance, the recently published Grass Establishment Management Plan (**GEMP**) only gives **6 months as a best case scenario** for grass establishment. The Applicant stated that *“there needs to be flexibility to provide for an evolving situation”*. This is a meaningless statement. MPAG suggests there is an ample window to sow the grass seed in advance if planned correctly.

12.3 The Applicant's **plans** in respect of flood management worryingly are based **on a poor grassland establishment strategy**, driven no doubt by **commercial priorities** and **retrospective mitigation**. There is **no bespoke drainage strategy** in place yet, just a number of options and most intended for areas where hard surfaces are to be created, not for grassland areas. **Retrospective mitigation is not the answer.**

12.4 Most NSIP applications are based on 40 years and the assumption of one lifecycle for the panels, therefore limiting soil damage to the construction phase. MPAG believe a **60 year life span** only **increases the risk to damaging the soil** as a result of at least one full replacement life cycle of panels, aside from other infrastructure items needing more regular replacement e.g. inverters, transformers, fencing. The ADAS report on behalf of the Welsh Government, 'The Impact of solar photovoltaic (PV) sites on agricultural soils and land', goes into some detail and research on the impacts of disturbance and compaction to the soil from the above kind of activities, either leading to potential **irreversible soil damage** (changing the ALC grade), **or increased water run-off due to compaction.**

13.0 Flood risk

13.1 **National policy** in the NPPF and PPG requires that development should be **made safe for its lifetime** and **not increase flood risk elsewhere**. With respect to sequential testing and site selection MPAG do not feel full **consideration** was taken for the flood risk **off-site**, especially flood zone 3 areas. With a **river running through the site** and knowledge of existing on-site flooding in certain areas, recognition should have been given to the **impacts of surface water run-off on saturated ground** as a result of **530,000 panels** and associated equipment being installed, and general trafficking of the site during construction. The Applicant clearly acknowledges the **increased speed of water run-off** in their application documents, what they wrongly assume is that the grassland will hold the water however saturated the land is. It cannot be underestimated how important it is to control the speed of run-off into rivers and/or across the land to avert flooding, the Applicant seems to ignore this as low risk.

13.2 It is clear the Applicant has **mitigated the effects onsite** by removing panels from areas sensitive to flooding, but has not specified definitive measures to mitigate impacts **off-site** to residential areas. Despite having shared 2 sets of **drone footage** (from Storm Babette) and **numerous photos** going back 10+ years showing areas in flood risk 3 and along the West Glen river, there seemed little acknowledgment of the risks of fluvial and pluvial flooding during the Examination discussion. Unfortunately **Storm Henk** occurred after the Examination closed and sadly proved our concerns were not unfounded. 30 properties in the small village of Greatford were flooded, as well as part of Essendine and the area around Banthorpe Lodge. The **photos at the back of this letter** clearly show the damage and vulnerability of some of the local area to flooding and the very valid concern residents have regarding the installation of 530,000 panels.

13.3 It seems the Applicant is only prepared **to mitigate in retrospect** as and when a situation occurs. Whilst there are some outline plans to manage surface water run-off on hard surfaces such as tracks and solar station hard standings, there is **no plan** to do the same for the solar PV area most likely to cause **issues off-site.**

13.4 The lack of a total commitment from the Applicant to establish a grass sward well in advance of construction which would mitigate the effects of soil disturbance, soil mixing and compaction is alarming and inexcusable. It shows **scant regard to residents** and a **lack of concern for heritage assets** like Essendine Church and Banthorpe Lodge.

13.5 Whatever **desktop modelling** has been done to date is not taking account of current climate conditions, let alone what will be happening over the next 60 years.

14.0 Biodiversity

14.1 The Applicant referred to material planning benefits and **habitat creation**. It is important to differentiate between **mitigation and enhancement** as they should not be **double counted**. The habitat creation appears to have predominantly been done to satisfy screening requirements, which when the community looks at the impact of that screening, has a massive negative impact and harm on the landscape, as also identified by Ms Tinkler, our L&V expert.

14.2 There is likely **damage to SSSIs** down Uffington Lane next to the proposed sub station and close to other proposed construction compounds. Despite passing places being created during construction only, it means during operation damage may be unavoidable when the replacement of panels takes place. The statistical probability is high given the number of movements required to complete all replacement activity, even if it did conform to the maximum declared 5 x 2-way HGV movements a day.

14.3 Whilst MPAG accept there is a bio-diversity net gain, it is inevitable that any arable land technically will show a gain when changed to another status such as grassland. The point is:

- that the **land was intended for arable food production** (a vital resource) in the first place, and
- after the land reverts back from grassland to arable the **gain will be lost - biodiversity churn**
- the **soil organic carbon will be re-released far faster** than when it was established.

14.4 MPAG contends the **tree baseline** for the calculations is completely **distorted** and artificially low as all the pockets of woodland have been removed from within the Order limits, therefore the gain appears a lot higher than it really is. Some of the proposed tree planting is also deemed inappropriate.

14.5 MPAG are concerned the **miles of fencing** will cause **stress and changes to habitat patterns for many species**, irrespective of whether a species is protected, the **welfare** of all species is paramount. The Applicant has shared **no outline design** of the location of the fencing by field parcel or groups of field parcels.

14.6 MPAG believe the **limited ecological survey data** heavily supported by desk-based work to be an inadequate reflection of the populations that exists, therefore underestimating the potential impacts to many species. Desk based data for arable farming areas is very limited.

15.0 Heritage

15.1 MPAG defer to the **local councils** for their assessment of **archaeological assets** and the most appropriate strategy going forward. What MPAG can say is there is considerable **concern** about the impact of the piling activity, not just once but with the **replacement** of the piles over the life of the 60 year scheme. The local councils are particularly unhappy about the Applicant's survey work reaching an impasse at the end of the Examination leaving this issue unresolved.

15.2 National policy requires great weight to be given to any harm to designated heritage assets. Local policy reinforces the importance of that national policy. The unprecedented scale of the scheme will have important implications for the settings of designated heritage assets individually and on a cumulative basis,

devaluing substantially the historic heritage of this deeply rural area. The local area is rich with designated heritage assets of outstanding quality. The significance of the collection of designated heritage assets in Stamford is hard to overstate; Burghley House; conservation villages; all should be recognised and protected from alien forms of development **within proximity** as opposed to just within view. The appreciation of the **special architectural and historic interest** in the area will be permanently and substantially **negatively affected**.

16.0 Traffic and travel

16.1 MPAG sadly have little faith in the HGV parameters set in the documents given so many planning conditions on projects are broken all the time as there are not the resources to **monitor and enforce**. Residents face this frustration on a daily basis. Allied with an **unrealistic routing plan**, HGV traffic would continue to take cross country routes and cause **damage and disturbance** to villages, local residents and the local ecology.

16.2 MPAG are agreed *“to restrict HGVs from passing through Great Casterton at any time prior to 9:00 and any time after 15:00 with the intent of ensuring that there are no HGVs passing schools within Great Casterton during the drop off and pick up periods.”* This should be the **minimum requirement**. There is still a huge risk that this condition is unenforceable and also there are the other likely **cumulative impacts** of other developments in the area (whether a formal application or just in the pipeline).

16.3 There have been some **minor** concessions to working hours but they are not sufficient to give any comfort to local residents. The **working hours** on a **Saturday** and the very fact piling can still take place is **not acceptable** and a huge concern. Other solar plant schemes indicate they can hear piling noise up to 2 miles away causing stress, anxiety and irritation, the Applicant is only setting a boundary of 400m on a Saturday. Noting 530,000 panels will need to be piled, repeated again in 30-40 years times when infrastructure needs to be replaced.

16.4 The sheer scale of the project means for a period of **at least 2 years** residents in the **20 surrounding villages (including the 8 adjacent villages)** will have to cope with endless temporary traffic lights, speed limits, other speed restrictions, diversions, 8 construction compounds and corresponding accesses. Some residents describe it as a potential **'living hell'**. Given there could be up to 400 workers per day at any one time, it is easy to see the extent of the impact on such small rural population.

17.0 Construction/Operation/Decommissioning activities

MPAG's main concerns for which neither mitigation or management plans are likely to compensate for the impacts and harms experienced by the community and environment are:

17.1 Construction: noise, damage, disruption/delay, safety issues; non-compliance with management plans, lack of effective consultation of schedules and design changes; loss of safe & enjoyable recreational and residential amenity.

17.2: Operation: the replacement of any equipment/infrastructure at the end of life akin to a 'mini' construction phase; flood risk; loss of habitat/species; all the landscape & visual impacts; noise from inverters and the sub-station.

17.3: Decommissioning: security of funding; enforceability of decommissioning timeline; return of the land to arable farming and original ALC grade.

18.0 Compulsory Acquisition (CA)

18.1 Both the Examination process and consultation with the local community has been fraught with issues and delays. The Applicant is required to demonstrate the **local public benefits as a justification for any CA powers sought**. This was never done through public consultation, the first opportunity for residents to understand more about the CA was **less than 1 week before the 2nd hearing** (late into the Examination) where over **50 angry residents** attended a last minute meeting called by the Applicant to explain about the CA and the potential cable routing through Essendine village.

18.2 Had the Applicant started **talks and negotiations** with **Network Rail** much **earlier**, as cabling routing was a critical aspect of the project, **other options** could have been explored in more detail. We cannot be sure how much in-depth study was done on more recent options viewed. As it stands the community don't know the **outcome** of the cable routing proposal as it was not resolved before the Examination closed. It could be through the village of Essendine with the consequent CA of rights being imposed or through a culvert within the site, it depends on what Network Rail will accept.

18.3 Essendine and some sensitive residential receptors are already facing a **huge impact from this scheme** if consented, MPAG do not find it acceptable that residents should be subject to **loss of their rights** allied with all the **disruption** that will occur if the routing goes through Essendine.

18.4 The Applicant says they are seeking to minimise the use of all CA powers, but the reality is the **pressure** was there from **Day 1** if the landowner didn't agree to lease their land, that it would be compulsory acquired. The **threat of losing their land long term**, which has passed through generations, was very apparent with one landowner who at the time of the last hearing had not signed a 'heads of terms' agreement and was still in discussion with the Applicant. It seems the Applicant made no effort to explore alternatives at an earlier stage and just assumed all landowners would willingly sign up to the scheme. Threat of permanent CA should not be the tool to coerce a landowner into leasing their land.

19.0 Socio economics

19.1 There are a number of weaknesses apparent in the Applicant's arguments:

- the Applicant tends to **extrapolate their conclusions** from smaller schemes, the **impact of SCALE cannot be underestimated**.
- they believe 50% of the staff required will come from the local area creating a benefit. The opposite is true in that jobs connected to the supply chain of the farmers will be lost and locals will not have the skills, desire or be of the right demographic to suit the construction work. This means the workforce will need to be shipped in, a cause of some concern for residents.
- businesses providing accommodation for tourism purposes will be affected as people will choose alternative more attractive locations to stay.
- Lincolnshire is already gaining a bad reputation for being the 'solar capital' that will discourage visits to places like Stamford and Burghley House.

- There are **no community benefits** that the community has been made aware of. The only thing that might resonate is residents were to receive a lower energy tariff which we are told will not happen as the energy goes into the National Grid not into an LDN. Overall the view of residents is that no benefit whatsoever will compensate for the damage of this scheme to the area.

20.0 Infrastructure, protocol & security & Supply chain issues

20.1 MPAG has **no confidence** that the Applicant can assure use of **no forced labour practices** in their supply chain. The Applicant states there is a requirement that modern slavery and human trafficking statements prepared by relevant suppliers are uploaded to the Home Office Register. Uploading statements to the Home Office Register does **not mean** that they are **complied with** nor does it mean that the statements can be **monitored** in respect to their implementation.

This **application is distinctive** from other solar NSIPs in that Canadian Solar is the co-owner and funding arm of Mallard Pass Solar Farm Ltd, as well as being one of the biggest manufacturers of solar panels in China. MPAG would ask you investigate this point as it cannot be acceptable to consent a scheme with such alleged practices. Alicia Kearns MP for Rutland and Melton has significant evidence of the 'direct' links to the use of forced labour in the supply chain by Canadian Solar.

21.0 Cumulative

21.1 The **cumulative impacts** when the Proposed Development is placed alongside other planning applications in the pipeline are likely to have been **substantially underestimated** due to the way the planning process determines the inclusion of schemes. e.g. some may be in the NSIP pipeline or LPA pipeline but are still at pre-application stage, whether that be for housing or solar plants. We would ask particular attention should be placed on Land Use, BMV, Traffic & transport, flooding, landscape and visual and heritage.

22.0 Community (consultation and benefits)

22.1 The **voice of the community** (rural and local towns) is a **significant element** to be considered within the **planning balance**. It was clear from the beginning that no one understood both the enormity and complexity of the scheme and the NSIP process itself, however there was and still is an enormous amount of opposition. That is why MPAG was created to represent the huge numbers of people that were opposed to this solar plant, to try and help navigate every stage of the process for them.

22.2 Unlike the Applicant who has access to the resource, expertise and funding they require, the same cannot be said for an action group, (or the local councils as it turns out). However that should **not detract** from the **principles of the arguments and evidence** put forward. The ExA openly admitted MPAG's involvement and contribution during the Examination enabled the ExA an opportunity to cross examine further the Applicant's case.

22.3 The key headline numbers below speak for themselves, showing **overriding opposition** to the scheme:

- **Unanimous vote** from both **SKDC and RCC planning committees** to support the Planning Officers' Local Impact Report findings and their overall conclusion **not in support** of the Proposed Development.
- Stage 1 consultation: **978 responses**, 72% against
(Applicant's filtered results just based on questionnaires not emails)
- Stage 2 consultation: **1097 responses**. 74% against
(Applicant's filtered results just based on questionnaires not emails)
- Relevant Representation: **1,206** registered as an **Interested Party**. **95.7% (1,154)** were against the scheme. (This was the highest response pro rata per MW compared to other solar NSIP schemes).
- **15 Parish Councils** registered their opposition through their Relevant Representation.
- **850+** followers on MPAG **Facebook** Group
- **900** people signed up for MPAG **newsletter**

23.0 Procedure

23.1 By the time the application was lodged with the Planning Inspectorate in Nov' 22, the local community was **exhausted, anxious and angry** at the way the **consultations** had been **conducted** over the previous year by the Applicant. Whilst the Applicant can claim they ticked the statutory boxes, that was not the case as far as residents were concerned. By the time the Examination opened the community had already submitted 2 consultation responses to the Applicant (summarised but not shared in full through the Consultation Report). Now they were being asked all over again to make another submission and become an Interested Party submitting a Relevant Representation. MPAG had to explain their 2 earlier consultation responses were effectively redundant and also only ever seen by the Applicant.

23.2 Once entrenched into the Examination, unless individuals read all the application documents and followed every deadline and submission (nearly 1100 documents at the close), it was impossible to keep pace with the level of change and number of documents. MPAG strongly contend that this was a **deliberate move** on behalf of the Applicant to make the process as cumbersome as possible. Looking back at the changes, had the Applicant submitted **a robust application in the first place**, (especially as their legal team was involved in other solar NSIPs), many of the changes would not have been necessary. It begs the question why the applicant ever started with such a **potentially contentious** issue of a **time unlimited application**. By introducing the change to **60 years** mid-term it generated a huge amount of documentation and examination time for everybody.

23.3 MPAG is concerned that **judgements** will be made on the Applicant's **data that is not robust** and has also not been **sufficiently scrutinised** by other statutory consultees due to the **constant drip feed of documents and changes**.

23.4 The seemingly extensive use of the **Rochdale Envelope** by the Applicant effectively means that many aspects of the application, which have been examined and scrutinised, could change post consent (if granted) without further consultation at a community level which is a huge cause for concern. This would put an inordinate amount of pressure on the local councils to go through what could be a lengthy process of further approval with the Applicant. This should **not be necessary** if the Applicant has provided a **robust**

application in the first place. It seems with the amount of running changes and constant tweaks to the application, the Applicant has attempted to get away with what they can unless challenged.

25.0 Conclusion

25.1 The unprecedented nature of the scale of the proposed development means that proper alternative site consideration analysis was required as a matter of law. So even if Ryhall substation was the Applicant's only starting point there is **no evidence** of them trying to **broaden the search area**. It should therefore not be an automatic presumption that the location chosen for the Order Limits is suitable.

25.2 A scheme on this scale should be proportionately **supported** by a **comprehensive and robust evidence base**. That has not been the case. The extent of the on-site survey work (when challenged) has been found to be lacking in many areas, relying on desk based data to draw conclusions and **flawed assessments**. Coupled with **key mistakes** in calculations or data this has **diluted the evidence**, rendering the assessments **not sufficiently robust**.

25.3 MPAG concludes that the **planning balance does not lie in favour of this scheme**. Whilst there are benefits in respect of energy generated and contribution to net zero, these **benefits are unequivocally outweighed by the many harms and impacts** that will be experienced across all the areas raised in this letter. Whilst no single subject is a show stopper, when taken **in-combination** the evidence is **compelling** and it **compounds** the overall effects even further. Added into the equation the **duration of 60 years** it gives even greater cause for concern that we risk **unintended consequences** arising if this scheme were to be consented and for a period 60 years.

25.4 When compared to other similar developments the Proposed Development is sub-optimal. There is no requirement or need to use a sub-optimal development to meet the aims of the Government.

25.5 The harms identified by the **local community**, including to their sense of place, links to other local villages, and the enjoyment of their homes are significant and weigh heavily in the planning balance. A better located and designed scheme on a smaller scale more sensitively located could have avoided some of the harms.

25.6 It is clear that the **limited benefits** brought by an unjustified and vast scheme in this deeply rural location, with substantial value in terms of landscape, amenity, heritage, and BMV land, do not come close to supporting progression of this scheme.

MPAG would ask that you consider all our points outlined in this letter and our full contribution into the Examination process very carefully. There is no doubt in our mind that the combination of harms is not sufficiently outweighed by the benefits of this scheme. The group would be more than happy at any point to receive further questions from your department whilst the application is being reviewed and scrutinised for the final decision.

Kind regards,

Sue Holloway
Chair – Mallard Pass Action Group
Email: mallardpassactiongroup@gmail.com

STORM HENK pictures 3rd Jan 2024

Greatford village underwater



The road into **Greatford** from the Shillingthorpe gauge, now a river



Looking down Main Street in **Greatford** – now a river



The T junction at **Greatford** Main St facing the Old School House



Main Street, Greatford



Greatford Gardens – residents being rescued



Carlby Road into Greatford



Essendine

The A6121 heading into Essendine. The field on LHS is part of Mallard Pass site.



Outskirts of **Carlby** heading to **Essendine** on A6121 (river flooding)



As above but more clearly showing the river flooding up to and south east beyond Essendine (across the Mallard Pass site). On the bend of the A6121 you can see Mallard Point distillery land flooded.



Essendine Historic church flooded again by the river deluge from Carlby.

The graveyard was completely submerged; 3 ft of water in the church, worst damage on record; organ needs repairing; the pulpit was washed into the Nave and damaged; all alter linen and service books were damaged; a recent grave was underwater.



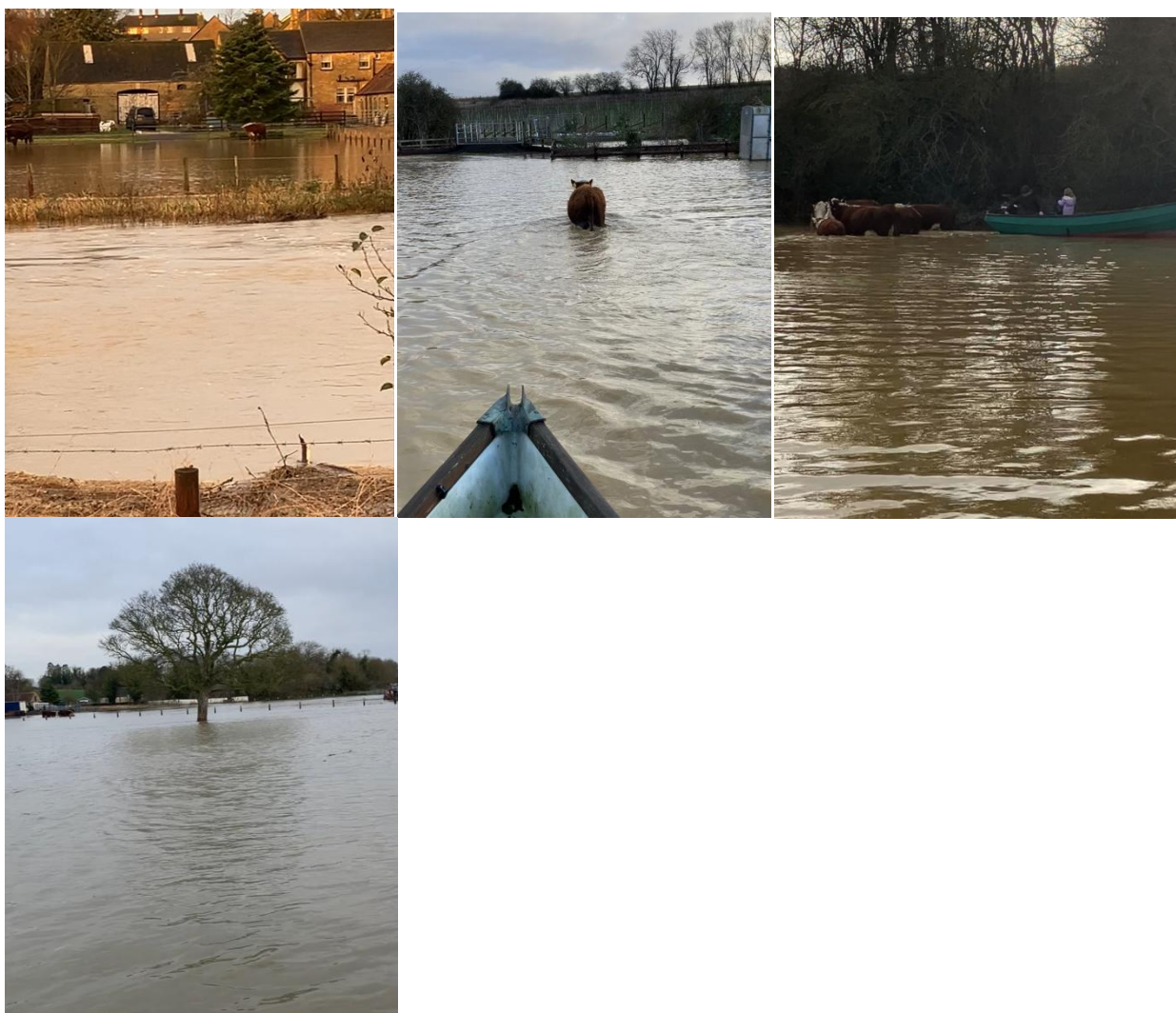
Wilsthorpe Road and land into **Braceborough**



Mallard Point vineyard, marquee business and farm

In theory this area had their 1 in 100 chance of flooding this badly in 2019, It is only 2024 and the solar plant application is proposed to last 60 years.

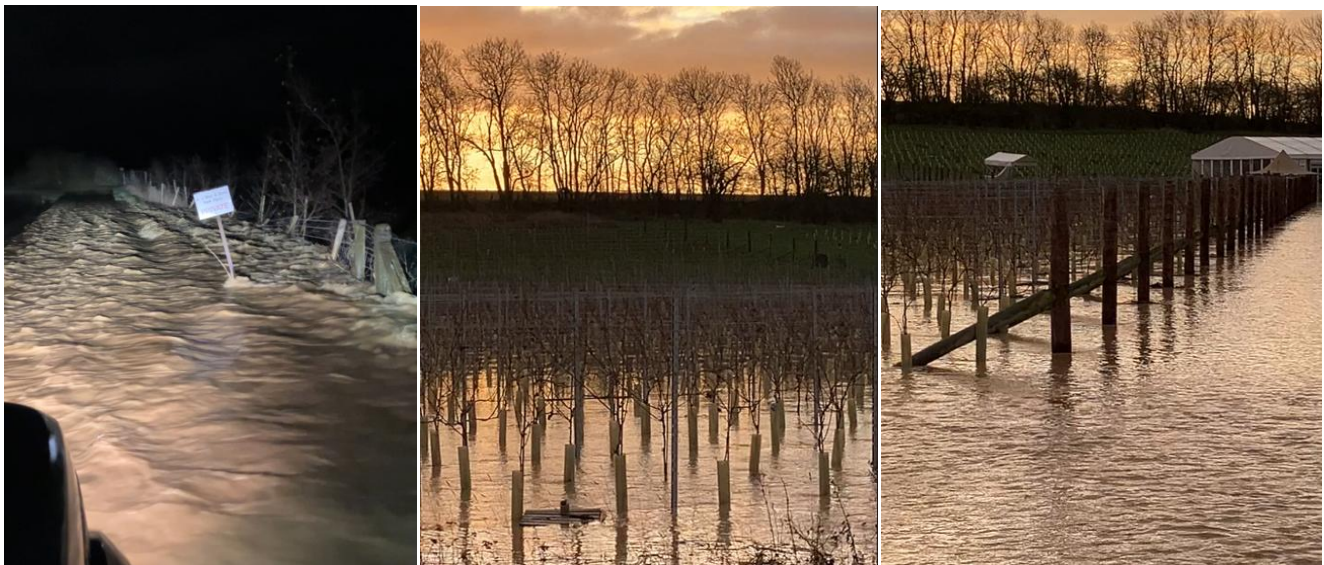
Farmland under water, cattle nearly submerged. Mallard Pass site just above old railway embankment



Marque business afloat



Mallard Point vineyard entrance a running river (white foam)



Anglian water pump station 5ft under water, sewage overflowing onto farm premises.

