



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

### Statement of Commonality (Tracked)

**Deadline 2 - June 2023**

EN010127

EN010127/APP/8.1.1

## **Glossary**

The glossary used for the Statement of Common Ground can be found within the Chapter 0 Glossary of the Environment Statement [[EN010127/APP/6.1APP-030](#)].

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## 1.0 Introduction

### Overview

- 1.1 This Statement of Commonality of Statements of Common Ground has been prepared on behalf of Mallard Pass Solar Farm Limited (the 'Applicant'). This document provides the Examining Authority (ExA) with the position on Statements of Common Ground (SoCG) between the Applicant and statutory consultees and Interested Parties in relation to the proposed Mallard Pass Solar Farm. It will be updated throughout the course of the Examination.
- 1.2 The Applicant is seeking development consent for the construction, operation, maintenance, and decommissioning of a solar photovoltaic (PV) array electricity generating facility with a total capacity exceeding 50 megawatts (MW) and export connection to the National Grid.
- 1.3 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 15 of the PA 2008, as the capacity exceeds 50MW and, as such, requires a DCO to proceed.
- 1.4 The PA 2008 prescribes that the SoS is responsible for determining the DCO Applications, with the power to appoint an Examining Authority (ExA) of an appointed person(s) to manage and examine the Application. The ExA, appointed through the Planning Inspectorate, will make procedural decisions and examine the Application. The ExA will make a recommendation to the SoS who will then decide whether to grant a DCO Application. Energy NPSs have an effect on decisions by the SoS on applications for energy developments that are nationally significant under the PA 2008.

### Description of Development

- 1.5 The Proposed Development comprises the construction, operation, maintenance, and decommissioning of a solar photovoltaic (PV) array electricity generating facility with a total capacity exceeding 50 megawatts (MW) and export connection to the National Grid.
  - 1.6 The Mallard Pass DCO Project comprises those parts of the Mallard Pass Project which are to be consented to by a DCO, namely:
    - The Solar PV Site - the area within the Order limits that are being proposed for PV Arrays, Solar Stations and the Onsite Substation.
    - Onsite Substation - comprising electrical infrastructure such as the transformers, switchgear and metering equipment required to facilitate the export of electricity
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from the Proposed Development to the National Grid. The Onsite Substation will convert the electricity to 400kV for onward transmission to the Ryhall Substation via the Grid Connection Cables.

- Mitigation and Enhancement Areas - the area within the Order limits that are being proposed for mitigation and enhancement.
- Highway Works Site - the areas that are being proposed for improvement works to facilitate access to the Solar PV Site
- Grid Connection Corridor - the proposed corridor for the Grid Connection Cables between the Onsite Substation and the National Grid Ryhall Substation.

### **Structure of the Statement of Commonality**

1.7 This Statement of Commonality document is structured as follows:

- Section 2 details the structure of each SoCG document and provides a list of the SoCGs that are being produced;
  - Section 3 addresses the status of each SoCG; and
  - Section 4 sets out the commonality between SoCGs and a summary of their position.
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## 2.0 Position

### Structure of SoCGs

2.1 Each SoCG adopts a standard format to ensure consistency in the approach taken to documenting matters agreed, matters subject to an ongoing discussion, or matters not agreed upon.

2.2 Each of the SoCGs are structured in the following way:

- Section 1 provides an introduction to the SoCG, including a description of the document and the relevant party;
- Section 2 provides a summary of engagement between the Applicant and the relevant party so far; and
- Section 3 provides a schedule of matters raised by the relevant party and the Applicant's responses to these.

2.3 It is noted that not all matters may be covered in the existing drafts. The drafts represent a point in time and further matters may be raised as engagement continues with the relevant stakeholders. These will be presented in future drafts.

### List of SoCGs

2.4 The Rule 66 letter identified a number of statutory consultees and interested parties with which SoCGs were to be prepared. Accordingly, SoCGs are being prepared with the following stakeholders, ~~noting the Applicant's comments in the covering letter regarding the preferred position with statutory undertakers, on the basis that protective provisions are agreed:~~

- Lincolnshire County Council – draft SoCG in place;
- Rutland County Council – draft SoCG issued to party;
- South Kesteven District Council – draft SoCG issued to party;
- Environment Agency – draft SoCG in place;
- Historic England – draft SoCG in place;
- Natural England – draft SoCG in place;
- Lincolnshire Wildlife Trust – draft SoCG in place;
- Anglian Water – draft SoCG in place.;
- ~~Cadent Gas Limited – SoCG not considered necessary;~~

~~— National Gas Transmission Limited — SoCG not considered necessary:~~

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~~• National Grid Electricity Transmission Plc — SoCG not considered necessary:~~

~~• Network Rail — SoCG not considered necessary.~~

2.5 The Rule 8 letter (23<sup>rd</sup> May 2023) discusses at Annex B, that Annex F of the Rule 6 Letter (13<sup>th</sup> April 2023) identifies the matters to be discussed with these parties. Each SoCG corresponds to these topics where identified to be relevant.

2.6 In addition to the above statutory consultees listed by the Examining Authority in the Rule 6 letter a SoCG has been prepared and agreed with National Highways and ~~is being~~was submitted to the ExA at Procedural Deadline A.

2.7 Annex B of the Rule 8 Letter (23<sup>rd</sup> May 2023) identifies a possible SoCG between the Applicant and the Mallard Pass Action Group. The Applicant has contacted the community group regarding a SoCG and is awaiting a response, therefore, no SoCG has been progressed since the letter was issued.

### Statutory Undertakers

2.8 Further to the Rule 8 Letter, the Applicant has taken the following approach with the statutory undertakers referred to:

2.8.1 The Applicant has prepared a Statutory Undertakers Schedule (EN0101027/APP/9.1), submitted at Deadline 2, to provide an update on the progress of the negotiations on protective provisions and side agreements (where applicable) with each statutory undertaker;

2.8.2 The protective provisions have been agreed between the Applicant and:

(i) Anglian Water (as set out in the Draft SoCG);

(ii) Cadent Gas;

(iii) National Grid Electricity Transmission;

(iv) National Gas Transmission; and

(v) National Grid Electricity Distribution.

2.8.3 With the exception of Anglian Water, with the protective provisions having been agreed, all matters have now been agreed between

the Applicant and the above statutory undertakers and therefore the Applicant does not consider an SoCG to be required. However, the Applicant has prepared Statements of Position, submitted at Deadline 2, to confirm this position. This Statements of Position have been agreed with the statutory undertakers prior to submission at Deadline 2.

2.8.4 The Applicant is in active discussions with Network Rail and anticipates the protective provisions will be agreed before the end of the Examination. This is detailed in the Statement of Position. However, the Applicant has not received confirmation from Network Rail prior to the submission of the Statement of Position.

2.8.5 The Applicant has been in contact with a variety of teams within Network Rail, including their external legal team. The Applicant will pursue an SoCG with Network Rail once their position is clearer.

2.8.6 The Applicant is in active discussions with the Environment Agency (as set out in the Draft SoCG) and anticipates the protective provisions will be agreed before the end of the Examination.

### 3.0 Status of SoCGs

#### Summary of Current Position

3.1 This section confirms the current status of each SoCG as of Deadline 2 A of the Examination on ~~03 May 2023~~ 15 June 2023.

3.2 Table 3.1 provides a high-level position on the status of each SoCG and where necessary includes further detail to aid the understanding of the status.

3.3 The terms used in Table 3.1 (below) are as follows:

- Final SoCG - the final SoCG has been agreed upon by both parties, with no outstanding matters to resolve.
- Draft SoCG - the SoCG has mainly been agreed upon between both parties, but there are a number of issues still outstanding, and it is yet to be signed off.
- ~~Initial Draft SoCG – the initial SoCG has been drafted by the Applicant (using matters identified from meetings with the party alongside responses to Statutory Consultation, Relevant Representations) and is with the party for review, this has not had feedback by the party and is not signed off.~~
- Not yet submitted – the Applicant is progressing these SoCGs with the intent to submit drafts at subsequent deadlines. ~~Note for Cadent Gas Limited, National Gas Transmission Limited, National Grid Electricity Transmission plc, Natural England and Network Rail, the Applicant has made good progress with Protective Provisions and the intent would be not to have a SoCG with these parties in the event that these are agreed, as has been the experience at other Examinations (see covering letter with Procedural Deadline A)~~

**Table 3.1 – Current Status of SoCGs**

<u>Document Ref.</u>	<u>Relevant Party</u>	<u>Position at Deadline 2</u>
<u>8.2</u>	<u>Environment Agency</u>	<u>Draft SoCG</u>
<u>8.3</u>	<u>National Highways</u>	<u>Final SoCG</u>
<u>8.4</u>	<u>Lincolnshire Wildlife Trust</u>	<u>Draft SoCG</u>



<u>8.5</u>	<u>Historic England</u>	<u>Draft SoCG</u>
<u>8.6</u>	<u>Natural England</u>	<u>Draft SoCG</u>
<u>8.7</u>	<u>Anglian Water</u>	<u>Draft SoCG</u>
<u>8.8</u>	<u>Lincolnshire County Council</u>	<u>Draft SoCG</u>
-	<u>Rutland County Council</u>	<u>Not yet submitted</u>
-	<u>South Kesteven District Council</u>	<u>Not yet submitted</u>

<b>Document Ref.</b>	<b>Relevant Party</b>	<b>Position at Deadline A</b>
<del>-8.8</del>	<del>Lincolnshire County Council</del>	<del>Not yet submitted</del>
-	<del>Rutland County Council</del>	<del>Not yet submitted</del>
-	<del>South Kesteven District Council</del>	<del>Not yet submitted</del>
8.2	Environment Agency	Initial Draft SoCG
<del>-8.5</del>	<del>Historic England</del>	<del>Not yet submitted</del>
<del>-8.6</del>	<del>Natural England</del>	<del>Not yet submitted</del>
<del>-8.4</del>	<del>Lincolnshire Wildlife Trust</del>	<del>Not yet submitted</del>
<del>-8.7</del>	<del>Anglian Water</del>	<del>Not yet submitted</del>
8.3	National Highways	Final SoCG

3.4 The SoCGs with Rutland County Council and South Kesteven District Council have been progressing, but an approach has not been finalised and therefore a draft cannot be submitted at this deadline.

3.5 The main reason for not submitting these SoCGs at this deadline is due to the current Council planning committee cycles and giving time for these LPAs to finalise their Written Representation and Local Impact Report. The Applicant will look to progress the SoCGs with these parties once these documents are submitted.

## Commonality

### Summary

4.1 This section provides a summary of the main topics covered by the draft SoCGs submitted at this deadline (Deadline 2A) and identifies where there is a commonality in the topics between the SoCG parties.

4.2 Table 4.1 has been produced to set out the topics covered across the SoCGs and the status of the matter at this deadline with the relevant party. The Colour coding used within this table has been described further below.

Cell	Status
	Agreed
	Subject to further discussions
	Currently subject to disagreement
	Not applicable

4.3 The colours of each cell correspond to the status table in each individual SoCG.



