



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

**Draft Statement of Common
Ground with Lincolnshire
Wildlife Trust**

Deadline 2 - June 2023

EN010127

EN010127/APP/8.4

Glossary

The glossary used for the Statement of Common Ground can be found within the Chapter 0 Glossary of the Environment Statement [APP-030].

1.0 Introduction

Status of the Statement of Common Ground

1.1 This Statement of Common Ground ('SoCG') is being submitted to the Examining Authority as an agreed draft between both parties. It will be amended as the examination progresses in order to enable a final version to be submitted to the Examining Authority.

Purpose of this document

1.2 This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared in relation to the Mallard Pass Solar Farm Development Consent Order (the 'Application'). The SoCG is a 'live' document that has been prepared by Mallard Pass Solar Farm Limited (the 'Applicant') and the Lincolnshire Wildlife Trust.

1.3 The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2015 by the Department for Communities and Local Government¹.

1.4 Paragraph 58 of the Department for Communities and Local Government (DCLG) Guidance comments that:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence".

1.5 The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between the Lincolnshire Wildlife Trust and the Applicant on matters relating to the Application.

1.6 The document will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and the Lincolnshire Wildlife Trust.

¹ Planning Act 2008: Guidance for the examination of applications for development consent (March 2015) paragraphs 58 – 65

1.7 It is intended that the SoCG will provide information for the examination process, facilitating a smooth and efficient examination and managing the amount of material

“Agreed” indicates where the issue has been resolved.

“Not Agreed” indicates a position where both parties have reached a final position that a matter cannot be agreed between them.

“Under Discussion” indicates where points continue to be the subject of on-going discussions between parties.

that needs to be submitted.

Terminology

1.8 In the table in the Issues chapter of this SoCG:

2.0 Description of development

2.1 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.

2.2 The Application comprises those parts of the Mallard Pass Solar Farm Project which are to be consented to by a DCO, namely:

- The Solar PV Site - the area within the Order limits that is 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 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 is 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.

3.0 Current Position

Position of the Applicant and Lincolnshire Wildlife Trust

3.1 The following schedule addresses the position of the Applicant and Lincolnshire Wildlife Trust, following pre-application and post-application engagement and relevant representations with respect to the key areas of the project.

3.2 As mentioned previously, this is a 'live' document and there are some aspects that are still under discussion between the parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and ultimately both parties agree on relevant points.

4.0 Record of Engagement

Summary of consultation and engagement

4.1 The parties have engaged with reference to relevant topics during the development of the Application. Table 1 shows a summary of the meetings and correspondence that have taken place between Mallard Pass Solar Farm Ltd (including consultants on its behalf) and the Lincolnshire Wildlife Trust in relation to the Application and the outcomes.

Table 1 – Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
05/11/2021	Email from Applicant	The Applicant introduces the Proposed Development and the start of the Stage One non-statutory consultation, providing links to consultation materials, details on how to provide feedback and an attached copy of the Stage One leaflet.
16/12/2021	Email from Lincolnshire Wildlife Trust	<p>Scoping</p> <p>Lincolnshire Wildlife Trust prepared their comments, namely:</p> <ul style="list-style-type: none"> • The requirement of the delivery of Biodiversity Net Gain to be contingent upon the appropriate treatment of land designated for wildlife habitat value (whether international, national or local, statutory SSSIs or non statutory Local Sites) as outlined in SKDC Local Plan (Jan 2020) Policy EN2. • Wish to see a comprehensive geo-referenced assessment of all nearby site designations, with an assessment of proximity and biodiversity risk posed by the proposed development in each case. • Call for a minimum of 10% Biodiversity Net Gain under the requirements of the Environment Act 2021. • Call for consideration of arable specialist species. • Recommendations for native hedgerow and tree retention and buffer zones. • Recommendation for undertaking GCN eDNA surveys periods.

Date	Form of Correspondence	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> • Recommend that species-rich grassland habitat creation and enhancement should have priority away from land parcel margins. • Support the concept of establishing a habitat mosaic within each land parcel.
20/02/2023	Relevant representation	Lincolnshire Wildlife Trust consider the main issues and impacts of this development to be those affecting the habitats and species both on site and the areas surrounding the site, and how negative effects felt here will degrade the integrity of the ecological networks of the wider landscape.
19/05/2023	Email correspondence	The Applicant re-introduces the Proposed Development, and introduces the draft Statement of Common Ground.
02/06/2023	Virtual Teams meeting	Virtual teams meeting regarding the Statement of Common Ground.

5.0 Current Position

5.1 The tables below provide a schedule that details the position on relevant matters on a topic-by-topic basis between the Applicant and Lincolnshire Wildlife Trust, including any matter where discussions are ongoing.

Table 2 – Assessment of relevant effects (including survey areas, baseline data and methodology) relating to ecology and biodiversity

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LWT2.1	Survey areas Baseline data Methodology	The Trust are satisfied with the survey areas, baseline data and methodology relating to ecology and biodiversity	Chapter 7: Ecology and Biodiversity, of the ES [APP037], presents the approach and findings of the assessment of potential impacts on Ecology and Biodiversity. This includes impacts to ecological features within and outside the Order limits as appropriate. The baseline data shown in the ecological surveys is set out in Appendix 7.4 Ecology Baseline Report [APP-062]. The methodology is set out in Appendix 7.4 Ecology Baseline Report [APP-060]	Agreed

Table 3 – Effects on habitats, species and designated sites

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LWT2.2	Designated sites	<ul style="list-style-type: none"> • Potential impacts upon 98 ecological site designations considered within, adjacent to or near the site boundary • Construction traffic negatively impacting locally and nationally designated road verges. • International important sites 	<p>The presence of Designated sites within the Order limits has been considered in Chapter 7: Ecology and Biodiversity, of the ES [APP-037], which presents the approach and findings of the assessment of potential impacts on Ecology and Biodiversity.</p> <p>The chapter confirms that there are no internationally important designated sites for bats are present within 30km of the Site. Four international designated sites are present within 10km of the Site, the Rutland Water Special Protection Area (SPA), Baston Fen Special Area of Conservation (SAC), Grimthorpe SAC and Barnack Hills and Holes SAC. A shadow Habitats Regulation Assessment, ES appendix 7.5 [APP-063] has been undertaken to support the DCO Application. This concludes that no likely significant effects on the SPA or SACs will arise from the Proposed Development.</p>	Agreed
LWT2.3	Designated sites	<ul style="list-style-type: none"> • Nationally important site 	<p>Eight nationally important statutory designated sites are present within 2km of the Site. All of these sites are Sites of Special Scientific Interest (SSSI). Chapter 7 of the ES confirms that subject to appropriate mitigation as</p>	Agreed

			<p>set out in the outline Construction Environmental Management Plan (oCEMP) [APP-207] and outline Decommissioning and Environmental Management Plan (oDEMP) [APP-209] any impacts arising from the construction or decommissioning of the proposed Development will be avoided or reduced to insignificant impacts.</p>	
LWT2.4	Designated sites	<ul style="list-style-type: none"> Local sites Concerns over this direct impact on LWS and need to discuss internally with our conservation strategy team 	<p>A total of 71 Local Wildlife Sites (LWS) are located within 2 km of Order limits. Of these, 16 are located within the Order limits. Annex 1 of Appendix 7.4 of the ES [APP-062] includes a schedule of these sites. Chapter 7 of the ES identifies impacts upon three of the LWSs.</p> <ul style="list-style-type: none"> Essendine hedgerow south side MacMillan Way LWS: Due to the need to increase visibility splays facilitate access to the site there will be a loss of approximately 75m of species-rich hedgerow located in the eastern part of the Order limits, and within the Essendine hedgerow south side MacMillan Way LWS. The impact of this loss has sought to be avoided though review of alternative access point and minimised through micro-siting of the access point. The impact is mitigated through habitat creation in the form of new hedge and tree planting along a 	Under discussion

			<p>parallel line to the existing LWS hedgerow and wider enhancements across the Order limits.</p> <ul style="list-style-type: none"> • Essendine Verge SE of the Freewards (N Side) LWS & Essendine Verge (NE Side) Near North Lodge Farm LWS: There is a need to create a single passing point of approximately 20m long and 2m wide in each of these LWSs. These have been sited in as sensitive a way as possible by using existing bare ground where it exists within the LWS and avoiding the need to remove hedgerows or trees. However, some of these passing points are located in areas which currently support grassland verges, including the two LWSs, which will result in the loss of grassland habitat. To mitigate these impacts, where new passing points will be delivered, these will be temporary and very limited in size. Once the construction periods is complete, these passing points will be removed, appropriate nutrient poor soil replaced on their footprint and a species rich grassland will be seeded on these. <p>Following the mitigation identified above, the residual impacts upon these LWS are assessed as a short term adverse effect of significance at a District level.</p>	
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			The oCEMP [APP-207] and oDEMP [APP-209] include specific measures to manage and avoid any further impacts upon the LWS (and SSSIs) arising from accidental damage and other indirect effects during construction or decommissioning.	
LWT2.5	Species	Injury or death to various species if moving parts of tractor arrays are included in the design	Should the single axis tracker option be delivered on the site the minimum clearance from the ground of the solar array will be 800mm. The moving parts proposed for the Application Site will not move at such a speed that wildlife could become entangled or crushed	Agreed
LWT2.6	Species	Potential collision risks for birds associated with reflective solar panels The LWT wish to undertake their own review of UK research	Chapter 7: Ecology and Biodiversity, of the ES [APP-037], presents the approach and findings of the assessment of potential impacts on Ecology and Biodiversity. Evidence for birds landing on, or colliding with, solar panels is limited and not directly applicable to the UK. Large scale and long running monitoring projects carried out by Clarkson & Woods (2019, 2020 & 2021) resulted in a number of annual reports on multiple sites and no evidence of death as a result of collision with solar panels by birds has been recorded.	Under discussion
LWT2.7	Habitats	Risks to ecological corridor functionality as a result of the development	The Green Infrastructure (GI) strategy for the Proposed Development has been prepared to consider opportunities for connecting habitats within that would deliver environmental and/or biodiversity net gain and consider other community enhancements and is secured	Agreed

			<p>through the Outline Landscape and Ecology Management Plan [APP-210].</p> <p>Some of the key principles of the GI Strategy include the retention of existing vegetation within the Order limits wherever possible with the Proposed Development, the planting of new tree belts, hedgerow trees and hedgerows, the reconnection of existing habitats and designated ecological sites through new woodland, grassland and hedgerows planting that is reflective of local soil conditions and existing species and as part of landscape scale GI enhancements and facilitating a network of permeable 'wildlife corridors' throughout the Order limits. For more information, please see the Design and Access Statement, [APP-204].</p>	
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Table 4 – Mitigation and enhancement measures

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LWT3.1	Mitigation and enhancement measures	Ensuring habitat enhancement proposals for less ecologically valuable elements along land parcel boundaries are provided, as well as plans to improve habitat connectivity.	<p>Ecological mitigation measures, including habitat creation measures (including dealing with wet woodland), are set out in Chapter 7 of the ES [APP-37] and outline Landscape and Ecological Management Plan (oLEMP) [APP-207].</p> <p>The Green Infrastructure (GI) strategy for the Proposed Development has been prepared to consider opportunities for connecting habitats within that would deliver environmental and/or biodiversity net gain and consider other community enhancements and is secured through the Outline Landscape and Ecology Management Plan [APP-210]. Some of the key principles of the GI Strategy include the retention of existing vegetation within the Order limits wherever possible with the Proposed Development, the planting of new tree belts, hedgerow trees and hedgerows, the reconnection of existing habitats and designated ecological sites through new woodland, grassland and hedgerows planting that is reflective of local soil conditions and existing species and as part of landscape</p>	Agreed

			scale GI enhancements and facilitating a network of permeable 'wildlife corridors' throughout the Order limits. For more information, please see the Design and Access Statement, [APP-204]	
LWT3.2	Mitigation and enhancement measures	Using the surface water flooding maps to best create permanent and temporary wetland habitat LWT preference is for 15m set back from wet ditches	<p>The Design and Access Statement [APP-204] sets out in detail on how the design of the proposed development has responded to its context, including the design principles applied to the riparian corridor along the West Glen River which is used as a key structuring Green Infrastructure for the proposed development.</p> <p>The OLEMP [APP-210] describes the habitat proposals for the Proposed Development and what they seek to achieve in light of the baseline ecology that is present within the Order limits. In that context, further wetland habitat is not considered necessary.</p>	Under discussion
LWT3.3	Mitigation and enhancement measures	Retention of all trees showing bat roost potential, and the planting of successor trees to secure perpetuity of connectivity and habitat provision	<p>All mature trees are to be retained including those with suitability for supporting roosting bats. Furthermore, the outline CEMP [APP-207] provides for buffer zones around such trees.</p> <p>The Green Infrastructure strategy within Mitigation and Enhancement Areas will be used to deliver a net gain in biodiversity through the planting of approximately 7,500m of structural tree belt planting.</p>	Agreed

LWT3.4	Mitigation and enhancement measures	Wide buffers around watercourses with evidence of water vole or otter presence	The Design and Access Statement [APP-204] sets out in detail on how the design of the proposed development has responded to its context, including the design principles applied to watercourses with a provision of at least 10m offsets to perimeter fencing from main watercourses and 6m from ditches.	Under discussion
LWT3.5	Mitigation and enhancement measures	<ul style="list-style-type: none"> • Native hedgerow and tree retention and associated buffer zones • Retention, buffering, enhancement and connection of existing native woodland • LWT wish to understand is the 15m standoff from the canopy of veteran trees 	<p>The Design and Access Statement [APP-204] sets out in detail on how the design of the proposed development has responded to its context, including the design principles applied to existing hedgerows and trees and areas of woodland. The Proposed Development connect up existing areas of woodland through new planting as illustrated on the Green Infrastructure Strategy Plan [APP-173]</p> <p>A buffer of at least 10m to the perimeter fence has been applied to all existing hedgerows and 15m for woodland and veteran trees and the protection and enhancement of hedgerows is a key objective of the outline LEMP [APP-210]. All existing woodland will be retained and an offset of at least 15m is proposed (Design Principle V5.5.) as set out in the DAS.</p> <p>All new planting and existing vegetation would be managed in accordance with the measures set out within the outline Landscape and Ecology Management Plan [APP-210] which seeks to improve the biodiversity value of natural habitats across the site.</p>	Under discussion

LWT3.6	Mitigation and enhancement measures	<ul style="list-style-type: none"> • Use of structural grassland and scrub mosaic margins to create 'soft' woodland edges. • Species-rich grassland habitat creation and enhancement. • LWT wish to convene a meeting to discuss approach prior to agreement 	<p>The Green Infrastructure Strategy Plan [APP-173] contained at Figure 6.11 of the LVIA [APP-036] illustrates spatially the location of grassland and scrub planting.</p> <p>As part of the Design Guidance set out within the DAS [APP-204] a buffer of at least at 10m from existing field boundaries and 15m from woodland is proposed. These 'edges' would be managed for wildlife purposes and allowed to 'scrub up' subject to operational requirements.</p> <p>These, along with the riparian habitats proposed along the West Glen Corridor and retained and enhanced woodland would create a 'mosaic' of habitats at the landscape scale. In addition, grassland with wildflowers underneath the panels and in field margins and meadow grassland with calcareous species in the west would further contribute to the mosaic of habitats across the Order limits at wider network.</p> <p>All new planting and existing vegetation would be managed in accordance with the measures set out within the outline Landscape and Ecology Management Plan [APP-210] which seeks to allow vegetation to grow out more fully and improve the biodiversity value of natural habitats across the site</p> <p>The improved diversity of the grassland sward is proposed underneath the solar panels and edge areas</p>	Under discussion
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			<p>between them and field boundaries. Grassland with calcareous species is also proposed in the west of the Order Limits where the land is underlain by limestone geology.</p> <p>These, along with the riparian habitats proposed along the West Glen Corridor and retained and enhanced woodland would create a 'mosaic' of habitats at the landscape scale. In addition, grassland with wildflowers underneath the panels and in field margins and meadow grassland with calcareous species in the west would further contribute to the mosaic of habitats across the Order limits at wider network.</p>	
	Mitigation and enhancement measures	Achieving a minimum of 10% Biodiversity Net Gain as a result of this development which would be supported by an appropriate post-intervention habitat monitoring and management plan for a minimum period of 40 years to match the scheme lifetime.	<p>As set out in the BNG metric [APP-064] overall, the Proposed Development results in a net gain for both habitats (72.19%) and hedgerow (40.83%). There is a 0% change for river units. The outline Landscape and Ecology Management Plan [APP-210] sets out the basis of what measures will be implemented in terms of habitat creation, minimize and monitoring. These management plans are implemented for the duration of the development.</p> <p>Compliance with the outline LEMP [APP-210] is secured by the draft DCO.</p>	Agreed

Table 5 – Drafting of relevant management plans including the Outline Landscape and Ecology Management Plan

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LWT4.1	Outline Landscape and Ecology Management Plan	<p>LWT are reviewing and will provide a list of clarifications/questions for the applicant to respond to. This includes the below:</p> <ul style="list-style-type: none"> • Skylark mitigation plot details- how many/placement/management • Identify any protected/locally important species and replace directly when sowing meadow habitats rather than using a generic grassland meadow mix. With any orchids present in areas to be disturbed want to see removal and replanting • Management plans relating to the scrub areas. These need to be managed in an appropriate way so as not to encroach on meadow/grassland areas 	<p>Embedded mitigation measures include the details set out in the outline Construction and Environmental Management Plan (oCEMP) [APP-207], outline Decommissioning and Environmental Management Plan (oDEMP) [APP-209] and outline Landscape and Ecological Management Plan (oLEMP) [APP-210].</p> <p>These documents have been prepared and include mitigation measures which are intended to avoid the risks of effects during the construction and decommissioning phases, such as indirect and direct damage to retained features, direct damage to active bird nests and injury to protected species or damage to the habitat of those species. The assessment of potential effects takes these measures into account</p>	Under discussion

Table 5 – Drafting of the DCO including Articles and Requirements

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LWT5.1	Articles and Requirements	<p>LWT have no comments in relation to Articles and Requirements</p> <ul style="list-style-type: none"> - Consideration of a conservation covenant in order to deliver gains in perpetuity 	<p>The Outline DEMP [APP-209] commits the Applicant to leaving landscape and ecological mitigation (save for grassland in the solar areas) in-situ on return of the land to landowners. It will then be for the landowners to manage the land and deal with the habitats as created, including obtaining any necessary consents</p>	Agreed

Signatures

6.1 This Statement of Common Ground is agreed upon:

On behalf of the Lincolnshire Wildlife Trust:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date: