



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

**Draft Statement of Common
Ground with Natural England**

Deadline 2 - June 2023

EN010127

EN010127/APP/8.6

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 and Natural England.

1.3 The SoCG has been prepared per the Guidance for examination of DCO applications 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 Natural England and Mallard Pass Solar Farm Limited on matters relating to Mallard Pass Solar Farm.

1.6 The document will be updated as more information becomes available and as a result of ongoing discussions between Mallard Pass Solar Farm Limited and Natural England.

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 that needs to be submitted.

Terminology

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

“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.

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 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 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.
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3.0 Current Position

Position of Mallard Pass Solar Farm Limited and Natural England

- 3.1 The following schedule addresses the position of Mallard Pass Solar Farm Limited and Natural England, following a series of meetings and discussions with respect to the key areas of the project.
 - 3.2 As mentioned previously, this is a 'live' document and some aspects 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.
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4.0 Record of Engagement

Summary of Consultation and Engagement

4.1 The parties have been engaged in consultation and engagement throughout the development of the Application. Table 1 shows a summary of the meetings and correspondence that has taken place between Mallard Pass Solar Farm Ltd (including consultants on its behalf) and Natural England in relation to the Application.

Table 1 – Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
05/11/2021	Email	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.
10/02/2022	Natural England contacted the Applicant.	Response to Scoping Request Outcome: All comments covered in ES (Environmental Statement) Chapter 12: Land Use and Soils.
21/04/2022	Email	Explaining our view as to why semi-detailed ALC should suffice because the PV array legs will not result in ALC changes. Outcome: Responded to by Natural England below. Targeted survey needed. Additional survey carried out, see Chapter 12: Land Use and Soils and Appendix 12.4: Agricultural Land Classification of the ES.
29/04/2022	Email	Kent County Council letter re semi-detailed survey methodology robustness and referring to a semi-detailed ALC involving 43ha of best and most versatile (BMV) to which Natural England did not object or comment, to follow up the earlier view that except for fixed equipment a semi-detailed survey was appropriate. Further correspondence clarified the extent of additional survey recommended by Natural England.
17/05/2022	Email	Response to the above, advising that an additional survey of parts of the site is required in this case, in order to determine with more accuracy, the boundaries of BMV to non-BMV.

Date	Form of Correspondence	Key topics discussed and key outcomes
		Additional ALC survey points, 117 in total, have been carried out mostly on the Solar PV Site areas.
26/05/2022	Letter	The Applicant provided postal and digital notifications of Stage Two Statutory Consultation, including a cover letter, copy of the Section 48 Notice and Site Location Plan.
07/06/2022	Email	Providing a plan to Natural England of suggested areas for additional ALC auger survey. Outcome: Survey carried out.
14/07/2022	Natural England contacted the Applicant.	Response regarding generic advice to survey methodology. Outcome: Advice actioned by extra ALC survey sampling
05/08/2022	Natural England contacted the Applicant.	The final paragraph of advice regarding the general location of additional ALC survey sampling that is recommended. Outcome: Actioned in the September ALC survey
16/08/2022	Letter via Email	Natural England submits feedback to the Stage Two Statutory Consultation.
31/08/2022	Letter via Email	Natural England submits feedback on PEIR (Preliminary Environmental Information Report) Chapter 13: Agricultural Land Use.
24/04/2023	Teams Meeting	Initial Call with Natural England regarding SoCG and Relevant Representation

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 Mallard Pass Solar Farm Limited and Natural England, including any matter where discussions are ongoing.

Table 2 – Ecology and Biodiversity

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
NE001	Biodiversity diversity and appropriate mitigation	Natural England considers the Applicant's GI (Green Infrastructure) strategy acceptable.	The 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 oLEMP [APP-210] .	Agreed
NE002	Shadow Habitat Regulation Assessment - Designated Sites	Natural England considers that the Applicant's shadow Habitat Regulations Assessment is acceptable, in demonstrating the rationale for choice of Order Limits.	The Proposed Development will not have any likely significant effects on European sites. The shadow Habitat Regulations Assessment provided to support this ES (Appendix 7.5) [APP-063] sets out the	Agreed

			rationale regarding the conclusion with reference to internationally important designated sites.	
NE003	Ryhall Pastures and Little Warren Verges – SSSI (Sites of Special Scientific Interest)	Natural England considers the Applicant's revised order limits, removing the areas of Ryhall Pasture and Little Warren Verges SSSI, to be acceptable.	Areas of Ryhall Pasture and Little Warren Verges SSSI have been removed from the Order limits in order to avoid direct impacts as cabling routing or site access works are no longer being considered in this location. Areas of the SSSI that remain within the Order limits are for vegetation management only. Please see Chapter 11: Water Resources and Ground Conditions of the ES [APP-041] , for more information. In addition, please refer to the Outline Landscape and Ecology Management Plan [APP-210] .	Agreed
NE004	Additional Habitat Creation	Natural England is content with the GI Strategy implemented for the creation of additional habitats.	The GI strategy for the Proposed Development has been prepared to consider opportunities for connecting habitats within the order limits that would deliver	Agreed

			environmental and/or biodiversity net gain and consider other community enhancements and this is secured through the oLEMP [APP-210] .	
NE005	Ancient Woodland	Natural England considers that the Applicant's Order Limits are acceptable.	As outlined in Chapter 7: Ecology and Biodiversity, the Order limits do not support any ancient woodland. For more information, please see Appendix 7.3: Ecology Consultation, [APP-061] .	Agreed
NE006	Impact of construction routes	Natural England considers that the Applicant's survey work is acceptable when considering the impact of construction routes on ecology.	A number of surveys were conducted to monitor any impact of construction routes. For more information on the ecological surveys conducted as part of the Proposed Development, please see Chapter 7: Ecology and Biodiversity of the ES, [APP-036] .	Agreed
NE007	Additional Ecological Surveys	Natural England considers that the Applicant's survey work is acceptable.	The ecological surveys undertaken for the project are set out in Chapter 7: Ecology and	Agreed

			Biodiversity of the ES, [APP-036] .	
NE008	oLEMP – enhancement of existing habitat features	Natural England considers the GI Strategy proposed for the Proposed Development acceptable.	The 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 oLEMP [APP-210] .	Agreed
NE009	Cumulative effects - Ecology	Natural England considers the Applicant's Cumulative assessment as acceptable.	The assessment of likely cumulative effects will be undertaken and will set out measures envisaged to reduce or avoid any identified significant adverse cumulative effects and, where appropriate, any proposed monitoring arrangements. For more information, please see Chapter 16: Interaction of Effects and Cumulative Summary, of the ES, [APP-046] .	Agreed

NE010	Mitigation and additional measures	Natural England considers that the Applicant's mitigation measures, and Green Infrastructure proposals are acceptable.	Mitigation measures and Green Infrastructure is embedded into the design of the Proposed Development. The strategy is further discussed within the oLEMP [APP-210] .	Agreed
NE011	Protected Species Licences	It is noted within ES Chapter 7 (Ecology and Biodiversity) that licences will be required for works relating to Badgers (section 7.5.29), Great Crested Newt (Section 7.6.5). Natural England has not received submission of draft protected species licence applications for review. Without draft licence applications we are unable to issue Letters of No Impediment (LoNI).	Noted. The Applicant will discuss the appropriate approach with Natural England, including consideration of progress of a DLL.	Under Discussion.

Table 3 – Land Use, Agriculture and Recreation

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
NE012	Land Use under PV Arrays	Natural England considers that the information provided by the Applicant is acceptable.	The Applicant has discussed the use of land under the proposed PV Arrays, and this is further outlined in the outline Landscape and Ecology Management Plan (oLEMP), [APP-210] .	Agreed
NE013	Green Infrastructure Network	Natural England is content with the GI Strategy proposed for the Proposed Development.	The GI strategy for the Proposed Development has been prepared to consider opportunities for considering other community enhancements and is secured through the oLEMP [APP-210] .	Agreed
NE014	Land Use	Natural England is content with the Applicant's Order Limits of the Site, and the land parcels (including land classification) for the proposed development.	As outlined in the DAS (Design and Access Statement), [APP-204] not all areas of the Site would contain solar development and 234ha of agricultural farmland would continue to be managed under an agricultural regime. Wherever possible, the Applicant preferred poorer quality land to those of a higher quality.	Agreed

NE015	The Decommissioning Environmental Management Plans	Natural England is reviewing the Applicant's the Decommissioning Environmental Management Plans.	An outline Decommissioning Environmental Management Plan (oDEMP) has been prepared to support the DCO application. The decommissioning phase would include the removal of any permissive paths and the potential.	Under Discussion
NE016	BMV grades within the environmental mitigation	Concerned that Applicant's ALC assessment does not appear to cover Mitigation and Enhancement Areas.	The Applicant has set out the ALC considerations for the Mitigation and Enhancement Areas in Appendix A to its Response to Relevant Representations [PDA-012].	Under discussion

Table 4 – Biodiversity Net Gain

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
NE021	Biodiversity Net Gain	Biodiversity Net Gain is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain. The Environment Act has set out that Biodiversity Net Gain will be mandatory for the majority of new development from November 2023 and mandatory for NSIPs in 2025. Whilst Biodiversity Net Gain is not yet mandatory, it is considered best practice to deliver a measurable net gain through any new development.	Noted.	Agreed
NE022	Biodiversity Net Gain Metric	The application documents include a Biodiversity Net Gain Metric (Appendix 7.6), which	Noted.	Agreed

		<p>utilises the Biodiversity Metric 3.1 and indicates the development will give rise to a 72.19% gain in habitats units and a 40.83% gain in hedgerow units. Natural England welcomes the inclusion of these calculations and is generally supportive of the enhancements proposed through the development. We note that the proposed gains are significantly above the intended 10% mandatory gain.</p>		
NE023	Anglian Water Project	<p>Nonetheless, the change in river units is 0%. When Biodiversity Net Gain becomes mandatory, it will be necessary to deliver a 10% net gain in each of the three areas (habitat, hedgerow and river). The rationale for a 'no net loss' approach to river units on this project is set out in sections 2.1.3 to 2.1.6 of Appendix 7.6. Natural England acknowledges the design principles of avoiding development</p>	<p>Noted, not including the Anglian Water Project.</p>	Agreed

		<p>within the river corridor and providing habitat enhancements alongside the river. The enhancements set out in section 2.1.5 of Appendix 7.6, and detailed within the oLEMP, are welcomed and are likely to indirectly have a positive effect on the river. The discussion also notes that Anglian Water is planning works to improve the West Glen River through their Catchment Based Approach (CaBA). Natural England acknowledges the benefit of ensuring the river corridor is left undeveloped to allow these improvements, however, they should not be assessed as a benefit coming directly from the development, as the works of Anglian Water would be going ahead anyway.</p>		
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Signatures

6.1 This Statement of Common Ground is agreed upon:

On behalf of Natural England:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:
