



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

Draft Statement of Common Ground with Anglian Water

Deadline 2 - June 2023

EN010127

EN010127/APP/8.7

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 Anglian Water.

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 Anglian Water 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 Anglian Water.

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.

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

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 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 Anglian Water

3.1 The following schedule addresses the position of the Applicant and Anglian Water, following pre-application and post-application engagement and relevant representations with respect to the key areas of the Proposed Development.

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 Anglian Water 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.
16/02/2022	Email from Anglian Water	Request for records of nearby abstractions.
18/03/2022 (Scoping opinion)	Email correspondence	Anglian Water made comments during the ES Scoping Opinion stage, the Applicant provided appropriate information to address their comments. A record of consultation response is set out in Environmental Statement Volume 2 Appendix 11.3: Water Resources and Ground Conditions - Consultation Summary.
07/04/2022 11/04/2022 04/07/2022 05/07/2022	Email correspondence	Anglian water requested for records of nearby abstractions Response received 11/04/2022 and abstractions considered in Section 11.4 of Chapter 11: Water Resources and Ground Conditions of the ES.

Date	Form of Correspondence	Key topics discussed and key outcomes
	Stage two consultation response	Anglian Water have identified that the West Glen River is part of their Water Industry National Environment Programme and is priorities for river restoration works to help improve the flow and habitat conditions. Their intention is to carry out improvement works on the river within the next 2 years.
	Stage two consultation response	Anglian Water would like to continue to have access to their pumping station, bordering the red line boundary (title number: LL255353)
15/06/2022	Virtual Meeting	Meeting with 5Rivers to understand propose West Glen Improvements
17/08/2022	Email correspondence	Anglian Water provided the draft Protective Provisions for the protection of Anglian Water to the Applicant to commence negotiations.
04/09/2022	Meeting	Meeting with 5Rivers and the Applicants Hydrologist to understand West Glen improvement proposals and implications
12/06/2023	Email from Anglian Water	The Protective Provisions have been agreed between Anglian Water and the Applicant.

5.0 Current Position

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

Table 2 – Effects on operations

Ref.	Description of Matter	Stakeholder Comment ³	Applicant's Response	Status
AW201	Existing Anglian Water assets	<p>There are existing Anglian Water assets including water mains within the site and water and wastewater infrastructure including rising mains near the site or within roads which serve the site and the surrounding villages and Stamford.</p> <p>These are principally located in and near the communities of Carlby, Essendine, Ryhall and Great Casterton. Anglian Water works with developers including those constructing projects under the 2008 Planning Act to ensure requests for alteration of sewers, wastewater and water supply infrastructure is planned to be undertaken with the minimum of disruption to the project and customers. We welcome the intention to draw up a Water and Construction Management Plan.</p>	<p>Noted</p> <p>The Applicant has followed the process identified in Appendix 2 of Anglian Water's Scoping response, undertaken utilities searches and corresponded with Anglian Water's representative consultant, Jacobs, to understand the location and nature of Assets within and adjacent to the Order Limits.</p> <p>The design and layout of the Proposed Development seeks to avoid and minimise impacts upon assets, where interactions with Anglian Water assets are identified and safeguarding of the assets are agreed via the Protective Provisions.</p> <p>The Proposed Development will not impact Anglian Water's assets as surface water will be discharged to watercourses and not Anglian Water's assets. The Outline Surface Water Drainage Strategy [APP-087] at</p>	Agreed

			<p>section 5 states that foul water associated with the Proposed Development will be stored via an onsite foul solution, which will either be taken offsite by a licensed carrier or managed through an appropriate permit and section 6 states that a connection to an existing clean water outlet via Anglian Water is not feasible. The Surface Water Drainage Strategy and an outline Water Management Plan [APP-214] is secured by Requirement 9 of the draft DCO (Rev 1) submitted at Procedural Deadline A [PDA-003].</p> <p>Finally, the outline Construction Management Plan [APP-207] is secured under Requirement 11.</p>	
AW202	Existing Anglian Water assets	Anglican Water would like to continue to have access to their pumping station, bordering the red line boundary (title number: LL255353)	The Applicant has confirmed within correspondence with Jacobs, that the pumping station (title number: LL255353) sites are outside of the Order Limits. In addition, the Applicant has reiterated that there are no construction activities identified to be within the vicinity of this asset.	Agreed
AW203	Effects on Anglian Waters abstraction locations	At page 25, paragraph 2.9.3 the report (scoping) refers to groundwater and the Source Protection Zones within the site. Section 7.7 of the report considers Water Resources. Paragraph 7.7.12 advises that public and private water supplies will be considered in the ES. Anglian Water notes the reference to the River Welland and requests that the ES	Due to the overlying superficial geology across the Order Limits and absence of groundwater encountered within the trial pits for infiltration testing, groundwater is unlikely to be present at depths at which the PV Array racking system will be driven into the ground. As such,	Agreed

	set out any potential impacts on Anglian Waters abstraction locations on the river and the related water treatment and supply network.	there is limited potential for effects, on groundwater resources and receptors which rely on the resource.	
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Table 3 – Effects on Rutland Water

Ref.	Description of Matter	Stakeholder Comment ³	Applicant's Response	Status
AW301	Rutland Water	To ensure that the project sets out any impacts on Rutland Water including socio-economic impacts.	<p>Rutland Water Special Protection Area is located approximately 5.6 km to the west of the Order limits but approximately 8.65 km from the Solar PV</p> <p>A shadow HRA provided in Appendix 7.5 has been prepared to support the ES. This has concluded that there is no likelihood of significant effects on designated sites.</p> <p>The Order Limits are downstream of Rutland Water, hence no hydrological link to inflows to the receptor.</p> <p>Chapter 14 of the Environmental Statement [APP-044] considered the impacts of the proposals upon Tourism and concludes that any impacts during construction, operation and decommissioning are likely to be limited to the Order limits and immediate surrounds.</p>	Agreed

Table 4 – Drafting of the DCO including Requirements and Protective Provisions

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
AW401	Protective Provisions	Confirmation of details of drafting of the DCO including Requirements and Protective Provisions	The Applicant has agreed Protective Provisions for Anglian Water's benefit, which are included in the draft DCO for Deadline 2. Further information is contained in Appendix 1.	Agreed

Table 5 – Proposed Improvements to the West Glen River

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
AW501	West Glen River	<p>Anglian Water is planning works to improve the West Glen River through their Water Industry National Environment Programme (WINEP)</p> <p>Consultants Five Rivers are developing proposals on behalf of Anglian Water and have consulted with the Applicant's Ecologist, Hydrologist, Landscape Architect and planning consultants to agree an in-principle approach to how the improvements would work alongside the proposed DCO application.</p>	The Applicant welcomes this update from Anglian Water, and will continue to work with them to ensure that the Proposed Development does not prejudice their works and to seek to influence the design of their works so it meets the objectives of the Green Infrastructure Strategy, as described in the outline Landscape Environmental Management Plan (whilst noting that the Applicant's proposals do not rely on Anglian Water's works doing so).	Under discussion

		<p>All parties are agreed that the works are mutually compatible and beneficial with the aspiration GI Strategy and would bring biodiversity benefits to the West Glen River.</p> <p>Please outline/target delivery timeframe for implementation of the works</p> <ul style="list-style-type: none"> • The obligation (completion) date for the project is December 2024. • No definitive start date has yet been determined however we anticipate commencing work in Summer/Autumn 2024. <p>Please outline the stage of design development you have reached</p> <ul style="list-style-type: none"> • The project is still in the outline design stage • Engagement is ongoing with the landowner on the development of the preferred solution <p>Discussions are ongoing with the Environment Agency who need to approve the design and sign off the project on completion</p>		
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Signatures

6.1 This Statement of Common Ground is agreed upon:

On behalf of Anglian Water:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

Appendix 1 - Position Statement

MALLARD PASS SOLAR PROJECT

JOINT POSITION STATEMENT BETWEEN THE APPLICANT AND ANGLIAN WATER SERVICES LIMITED

1. INTRODUCTION

- 1.1 This document is intended to provide the Examining Authority with a clear understanding of the current position of the Applicant and Anglian Water Services Limited (“**Anglian Water**”) in respect of the negotiation of protective provisions (“**PPs**”).
- 1.2 This document has been agreed by both the Applicant and Anglian Water and has been submitted into the Examination by both parties at Deadline 2.

2. POSITION OF THE PARTIES

- 2.1 The Applicant and Anglian Water consider that there has been positive engagement between them at this point in the Examination.
- 2.2 After receiving draft PPs from Anglian Water, the Applicant sent comments back to Anglian Water on 10 January 2023. Following discussions between the Applicant and Anglian Water, the PPs have been updated and sent back to Anglian Water on 6 June 2023.
- 2.3 The PPs have now been agreed between the Applicant and the Anglian Water in-house legal team.
- 2.4 As the PPs are now agreed, Anglian Water will be able to withdraw its objections and will have no further representations to make, subject to there being no changes to the Proposed Development which would affect Anglian Water’s apparatus.

15 June 2023