



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

**Draft Statement of Common
Ground with Lincolnshire County
Council**

Deadline 4 - July 2023

EN010127

EN010127/APP/8.8.1

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 Lincolnshire County Council.

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 Lincolnshire County Council 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 Lincolnshire County Council.

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.

3.0 Current Position

Position of Mallard Pass Solar Farm Limited and Lincolnshire County Council

3.1 The following schedule addresses the position of Mallard Pass Solar Farm Limited and Lincolnshire County Council, 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 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 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 Lincolnshire County Council in relation to the Application.

Table 4.1 – Record of Engagement²

Date	Form of Correspondence	Key topics discussed and key outcomes
09/09/2021	Virtual Meeting	Introduction to project and team
15/10/2021	Email from LCC	LCC requested details on the traffic survey data scope and timings to confirm that the surveys undertaken are suitable.
	Email from LCC	It was noted by LCC that it is expected that the primary impacts associated with the Proposed Development are associated with the construction phase, rather than the operational. Decommissioning could be assessed in the future once details are available.
	Email from LCC	LCC requested that the access strategy sought to minimise new points of access onto the LRN and to retain the existing access points, where possible. Outcome: The existing access points have been utilised, where possible. Where it is not possible to retain or use an existing access, the new access locations have been chosen in order to meet highway safety requirements and minimise the associated environmental impacts.

² This table is not intended to be a record of every call or email exchanged between the parties (for example emails organising meetings), but should record the key exchanges of information and meetings.

Date	Form of Correspondence	Key topics discussed and key outcomes
03/11/2021	Virtual Teams meeting	Pre-briefing presentation – Introducing Mallard Pass Solar Farm
		<ul style="list-style-type: none"> - General update - DCO process introduction roles and responsibilities - Consultation strategy
04/11/2021	Email from Applicant	The Applicant provides digital notification of the launch of the Stage One non-statutory consultation, including links to consultation materials and information regarding consultation events (digital and in-person).
08/11/2021	Virtual Teams meeting	<p>The Applicant engaged with Lincolnshire County Council Cllr. Ashley Baxter.</p> <p>Pre-briefing presentation – Introducing Mallard Pass Solar Farm; Land use on Site; Perceived flood risk and mitigation; Visual impact and mitigation; Local policy and national policy statement; Agricultural land use versus renewable energy; Agricultural Land Classification Grade and soil sampling; Assessment of carbon mileage; and Consultation process.</p>
18/11/2021	Video call meeting	<p>Proposed scope of the desk-based assessment, key sources of information, proposed scope / extent / timings of the geophysical survey.</p> <p>Addressed within Section 8.2 in Chapter 8: Cultural Heritage [EN010127/APP/6.1] of the ES and in greater detail in Appendix 8.4: Desk Based Assessment [EN010127/APP/6.2]</p>
06/01/2022	Meeting	The Applicant engaged with LCC's Ian Field. Meeting with LLFA to discuss FRA and SuDS requirements. Agreed that SuDS measures should focus on the substation and surface water management for the PV Arrays could be implemented through SuDS techniques.

Date	Form of Correspondence	Key topics discussed and key outcomes
		Agreement on principles for SuDS and FRA proposed by Arcus. Set out in Appendix 12.5: Flood Risk Assessment [EN010127/APP/6.2]
10/01/2022	Letter via email from Applicant	The Applicant confirming LVIA approach including methodology, study area and viewpoint locations ahead of EIA Scoping Report submission.
18/01/2022	Phone call	The Applicant engaged with LCC's Ian Field. To discuss any requirements for watercourse buffers.
03/02/2022	Email from Applicant	The Applicant informs the local authority of the submission of the Environmental Impact Assessment (EIA) Scoping Report and providing general updates about the status of the Proposed Development.
07/02/2022	Virtual meeting	<ul style="list-style-type: none"> - Planning Performance Agreement - General update - Ongoing work
15/02/2022	Email from LCC	LCC provided feedback on the proposed construction strategy. LCC confirm preference to avoid two-way construction vehicle conflicts occurring.
	Email from Applicant	Information was provided to LCC on the methodology to develop construction trip rates. Outcome: The methodology to develop construction trip rates has been deemed as reasonable by LCC.

Date	Form of Correspondence	Key topics discussed and key outcomes
16/02/2022	Letter and Email from Applicant	The Applicant shares a link to the Scoping Report, a PDF copy of the Applicant's community newsletter, and of the post-Stage One FAQs document.
17/02/2022	Email from Applicant	The Applicant shared working draft version of the Statement of Community Consultation (SoCC).
02/03/2022	Email from Applicant	The Applicant engaged with LCC's Ian Field. Email to LLFA to invite them to meeting between Arcus and EA.
	Email from LCC	LCC Written response to the PEIR: confirming the requirements for the detailed assessment and submission, reaffirming the details identified during the initial consultation.
18/03/2022	LCC Scoping Report – Appended to PINS scoping Opinion	The Council is also agreeable to the general approach and methodology detailed within the Scoping Report.
23/03/2022	Email from Applicant	The Applicant shares a copy of the draft SoCC via email, marking the launch of the draft SoCC consultation period.
31/03/2022	Virtual meeting	<ul style="list-style-type: none"> - Ecology - Landscape and Visual Impact - Future engagement
05/04/2022	Teams meeting	Discussion regarding landscape viewpoints, scope of the surveys and the rationale behind scoping out certain surveys or features for assessment

Date	Form of Correspondence	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> - Ecology - Landscape and Visual Impact (viewpoints)
21/04/2022	Letter via email from Applicant	LCC submits feedback on the draft SoCC to the Applicant in a letter delivered via email.
05/05/2022	Email from LCC	<p>A consultation response was received from AAH consultants on behalf of LCC on 5th May 2022 requesting the inclusion of a number of additional viewpoints. These viewpoints were subsequently included in this chapter as representative or illustrative viewpoints.</p> <p>Outcome: The additional viewpoints requested by LCC / AHH have been included within the representative viewpoints (Figure 6.8.1 - 6.8.20) and the illustrative viewpoints (Figure 6.9.A – 6.9.H) of the submission LVIA.</p>
11/05/2022	Letter via Email from Applicant	To set out the intended scope of surveys (as detailed in the Baseline Report - BSG Ecology, 2022) and interim findings.
	Email from Applicant	The Applicant notifies the local authority of the upcoming Stage Two Statutory Consultation, providing dates and consultation information, and offering a pre-briefing meeting.
25/05/2022	Virtual meeting	Statutory consultation forward look
26/05/2022	Email from Applicant	The Applicant notified the local authority of the start of the Stage Two Statutory Consultation, informing councillors of changes in the Proposed Development, of public consultation events and information (including CAP site details), and of links to the relevant consultation documents, including the PEIR and PEIR NTS.

Date	Form of Correspondence	Key topics discussed and key outcomes
03/08/2022	Letter via Email from LCC	LCC submit feedback to Stage Two Statutory Consultation in a letter delivered via email.
	Stage Two response	The Applicant engaged with LCC's Stage Two response. Approach for SuDS agreed. Best practice outlined in Appendix 11.6 Outline Surface Water Drainage Strategy .
10/08/2022	Virtual meeting	<ul style="list-style-type: none"> - General update - Stage 2 consultation update
22/08/2022	Virtual meeting	University of Derby on behalf of LCC attended a meeting to discuss the PEIR stage comments related to Climate Change chapter.
31/08/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) catch up - Stage Two consultation early feedback
07/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) catch up - Approach to SoCGs and DCO timeline update
14/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) Stage 2 consultation feedback discussion - Site visit arrangements
16/09/2022	Letter via Email from Applicant	The Applicant notifies LCC of onsite survey works; trial trenching.
21/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) site visit re-arrangement due to bank holiday - PPA for examination discussion

Date	Form of Correspondence	Key topics discussed and key outcomes
28/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) - Trail trenching - DMMO - LCC climate change meeting set up - Discussion regarding requirement for and scope of a Minerals Assessment
03/10/2022	Email from Applicant	<p>The Applicant engaged with Lincolnshire County Council and Derby University. Climate change and Greenhouse Gas emissions calculations discussion</p>
05/10/2022	Site walkover meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) - Site meeting to discuss LVIA and PRow
		<p>Planting specifications requested for areas shown on the proposed Green Infrastructure Plan (Figure 6.11). Outcome: Outline planting specifications have been provided within the oLEMP.</p>
		<p>Visualisations - further detail to be provided on the Onsite Substation. Outcome: The rendered visualisation at representative viewpoint 11 has been updated to provide further details of the Onsite Substation.</p>
07/10/2022	Virtual meeting	<p>Discussion with LCC on the approach to temporary road closures being provided based on similar project experience and reasonable assumptions, being updated in the CTMP by the contractor once the scope of works is confirmed.</p> <p>Outcome: It has been agreed that the details regarding this matter will be assessed within the CTMP, secured by way of requirement on the DCO.</p>

Date	Form of Correspondence	Key topics discussed and key outcomes
09/10/2022	Email	<p>The required scope and quantum of archaeological trial trenching.</p> <p>A Written Scheme of Investigation (method statement) for the work was submitted to and approved by LCC; notwithstanding their maintained position that additional trenching would be required</p>
12/10/2022	Virtual Meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) - Site visit de-brief - PPA for examination discussions - Trial trenching
12/10/2022	Virtual Meeting	Written Scheme of Investigation and trial Trenching discussion
1 March 2023	Letter from LCC to PINs	Written relevant representation response on the DCO Application: planning policy, cultural heritage and archaeological, highways and access, plus other environmental topics which will be discussed in detail in the LIR
7 March 2023	Email from the Applicant	The first draft Statement of Common Ground (SoCG) between the Applicant and LCC for the Mallard Pass Solar Farm (MPSF) project
19 April 2023	Virtual Meeting	An initial call to discuss LCC's Relevant Representation, Rule 6 letter and the draft SoCG. Discussion around a template which suits both parties and the key topics as mentioned in the Rule 6 letter.
19 April -12 June 2023	Email Correspondence	Email exchanges between the Applicant and LCC regarding the drafting of the SoCG.

Date	Form of Correspondence	Key topics discussed and key outcomes
14/06/2023	Email correspondence	Applicant received copies of LCC's Local Impact Report (LIR) via email. This will be included within the SoCG following assessment.
06/07/2023	Email Correspondence	Agreement of important and relevant local policies
17/07/2023	Email Correspondence	Applicant issue of updated SoCG for comment
19/07/2023	Virtual Meeting	To discuss amendments to SoCG following ISH
24/07/2023	Email correspondence	To confirm final version of SoCG to submit to the ExA for Deadline 4

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 Lincolnshire County Council, including any matter where discussions are ongoing.

Table 1 – Access and highways

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 1-01	Survey Scope	LCC requested details on the traffic survey data scope and timings to confirm that the surveys undertaken are suitable.	It has been agreed with LCC that the traffic data collected is valid and appropriate.	Agreed
LCC 1-02	Impacts	It was noted by LCC that it is expected that the primary impacts associated with the Proposed Development are associated with the construction phase, rather than the operational. Decommissioning could be assessed in the future once details are available.	It has been agreed that the primary transport impacts of the Proposed Development are associated with construction and only this phase will be assessed. Decommissioning would be assessed in the future once details are available.	Agreed
LCC 13-11	Policy ID2 – Transport and Strategic	the negative impacts arising from this development in terms of increased traffic, disruption to road users and as a result of	Noted	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
	Transport Infrastructure	<p>junction improvement works, would not be expected to result in an unacceptable impact upon highway safety or a severe residual cumulative impact upon the capacity of the existing local highway network within Lincolnshire, subject to the development being carried out as proposed within the DCO application documents and further details being agreed as part of subsequent DCO Requirements, LCC states that only a minor part of the highway network will be affected within Lincolnshire, therefore RCC should be consulted as well.</p>		

Table 2 – Landscape and Visual impact

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 2-01	Location of Representative viewpoints	The Local Impact Report confirms that whilst it is likely most effects do arise in that circumference, the impacts, however intermittent cannot be ignored beyond the 2km boundary. Given the height of some of the taller elements of the development it would have been beneficial for the LVIA to include viewpoints beyond 2km even if just to prove the lack of impact.	The locations of the representative and illustrative viewpoints were the subject of consultation via letter with LCC on 10th January 2022. The additional viewpoints requested were subsequently included in chapter 6 of the ES [APP-036] as representative or illustrative viewpoints. Please see further response in Applicants Response to Deadline 2 submissions on Landscape and Visual matters [REP3-032] and Summary of its oral submissions at ISH2 submitted at Deadline 4.	Under Discussion
LCC 2-02	Landscape Characterisation	Requests inclusion of the Lincolnshire Historic Landscape	Chapter 6 of the ES [APP-036] has included a review of the Lincolnshire Historic Landscape	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		Characterisation Project within the LVIA.	Characterisation Project to inform the baseline study.	
LCC 2-03	Photomontages	<p>AHH/LCC requested that photomontages are undertaken in accordance with AVR Level 2 or Level 3 standards.</p> <p>The Local Impact Report confirms the number of photomontages appears limited especially given the scale of the development. Whilst the selection of the viewpoints has been discussed with LCC during the pre-application consultation stage, the exact location was not in all instances agreed.</p> <p>Some of the images used in the assessment are also considered to be of less than ideal quality with dark views</p>	<p>The photomontages were produced to AVR Level 3.</p> <p>The methodology for the provision of the photomontages is detailed within Appendix 6.2 [APP-055]. The photomontages have been produced in accordance with the <i>Landscape Institute's, Technical Guidance Note 06/19, Visual Representation of Development Proposals</i>. It should be recognised that all photomontages are illustrative and the Applicant would recommend that these are reviewed at the relevant viewpoints in the field.</p>	Under Discussion

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>rendering it hard to ascertain the finer grain of information. The choice of winter imagery is fine but the actual weather at the time of assessment should not diminish the value of the images. The close image of the assessors car in some of these images adds little to the value of the panoramic.</p> <p>LCC agree to consult their Landscape Consultants on the Applicants response and update at Deadline 5</p>		
LCC 2-04	PRoW	<p>LVIA should acknowledge that many of the local roads are also used as pedestrian routes between recreational footpaths/PRoW network.</p> <p>See Local Impact Report - in terms of impacts on users of the area, there appears to be a</p>	<p>The submission LVIA acknowledges that some of the rural lanes are also used by walkers as links between the existing PRoW network. See paragraph 1.2.4 of the Amenity and Recreation Assessment [APP-058]</p>	Under discussion

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>lack of appreciation that the road network is used by pedestrians, cyclists and not just motorists. Therefore the assessment of roadside viewpoints needs to consider these multi-faceted users</p> <p>LCC agree to consult their Landscape Consultants on the Applicants response and update at Deadline 5</p>		
LCC 2-05	Methodology	<p>LVIA methodology identifies effects of Major-Moderate as being significant – usually the threshold for significant effects are considered to be Moderate and above.</p> <p>See Local Impact Report - the assessment considers that only effects classified as Major or Moderate-Major are considered as significant with all other</p>	<p>Within the EIA Regs, judgements regarding the likelihood of significant or not significant effects must be clearly set out by a suitably qualified consultant. However, no particular threshold is given for the determination of significant or not significant effects, and it is for the assessor to determine this threshold.</p>	Under discussion

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>classifications being 'of lesser concern' and not significant. This approach is a break with the norm for LVIA's where any classification Moderate and above is considered to be significant and so the LVIA seeks to down-play the impacts of the development.</p> <p>LCC agree to consult their Landscape Consultants on the Applicants response and update at Deadline 5</p>	<p>The significance ratings within the LVIA methodology indicates a 'sliding scale' of the relative importance of effects with Major being the most important and Minimal being the least important. Effects that are judged to be 'Major' or 'Major-Moderate' are deemed to be significant. Effects which are of 'Moderate' significance or less are judged to be not significant. Further justification or explanation for the significance of effects is provided within the LVIA in accordance with the methodology in Appendix 6.2.</p>	
LCC 2-06	Residential Amenity	RVAA – a study area of 100m from the Site has been included although this should be extended beyond 100m in relation to the proposed	The study area of 100m from the Solar PV Site is considered to be appropriate for the RVAA. The RVAA submitted in the Stage 2 PEIR did not identify	Under Discussion

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		substation and ancillary buildings of higher elevation.	any overbearing effects on the residential properties located within 100m of the Solar PV Site and Onsite Substation and this is also the case at submission. As such, it is not considered necessary to extend the study area beyond 100m as no overbearing effects were identified within this study area.	

Table 3 – Climate Change

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 3-01	National Grid Future Energy Scenarios decarbonisation trajectories	Correspondence 27 September 2022 11:54 - Agrees with the Applicant that in principle, projects such as Mallard Pass are urgently required and that the falling short FES could be ambitious in the current energy context.	Noted	Agreed
LCC 3-02	Annual degradation rates	Research identifies a range of degradation rates. However, an annual rate of 0.55% seems to be quoted in many reports.	Noted – this degradation rate broadly falls in line with the Applicant's assumptions	Agreed

Table 4 – Archaeology

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 4-01	Written Scheme of Investigation (WSI) method statement	As per email correspondence from Jan Allen 11/11/2022 15:49 the written methodology section of the WSI was agreed but she did not agree on the number or locations of the trenches which the applicant submitted in the WSI.	Noted. A Written Scheme of Investigation (method statement) for the work was submitted to and approved by LCC; notwithstanding their maintained position that additional trenching would be required.	Not Agreed
LCC 4-02	Trail trenching quantity	The scope and extent of trenching is woefully inadequate and is insufficient to provide baseline information on archaeological potential across the impact zone.	The Applicant considers that its approach to this matter is robust and sufficient for the purposes of the ES. In the interim results of the work are reported in Appendix 8.6: Trial Trenching Report of the ES; the full results are presented within the Supplementary Trial Trenching Report.	Not Agreed

LCC 4-03	Evaluation	Insufficient evaluation has been undertaken to allow for an understanding of the archaeological potential or to provide the basis for reasonable mitigation to deal with the impacts of this development.	The Applicant is of the opinion that sufficient assessment (evaluation) has been undertaken to design suitable mitigation and thus inform the decision, in accordance with industry good practice and aligned with policy. The Applicant further understands that LCC's concern is focused on the extent of evaluation undertaken, not the evaluation methods undertaken.	Not Agreed
LCC 4-04	Mitigation	LCC is of the view that further archaeological evaluation within the red line boundary is necessary to understand the extent, nature and significance of surviving archaeology so that appropriate mitigation can be determined.	In light of the policy requirements, the Applicant is of the opinion that sufficient assessment work has been completed to inform the options for mitigating the potential impacts of the Proposed Development (on buried archaeological remains) to reflect the archaeological characterisation of the Site that has been developed in light of the evaluation undertaken.	Not Agreed

LCC 4-05	WSI Position Statement	The parties agreed to undertake a without prejudice discussion on a WSI that the Applicant will submit to LCC for comment in due course.	The parties agreed to undertake a without prejudice discussion on a WSI that the Applicant will submit to LCC for comment in due course.	Under discussion
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Table 5 – Ecology and Biodiversity

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 5-01	Designated sites	<p>International Designated Sites – no issue in principle given the low number of wildfowl identified (based on surveys carried out thus far) and distance from Rutland Water SPA.</p> <p>National Designated Sites – no issue in principle and note PINs agreed operational impacts can be scoped out. In terms of construction impacts, these are to be addressed/mitigated principally through the provision of stand-offs and a CEMP and so it will be necessary for such a CEMP to be contained within the ES to ensure that these can be assessed in terms of the appropriateness.</p>	<p>Section 7.4 of Chapter 7: Ecology and Biodiversity [APP-037] assesses impacts on designated sites and the shadow HRA provided in Appendix 7.5 [APP-063] demonstrates that there would be no adverse effects on the European sites.</p> <p>An outline CEMP (oCEMP) [PDA-005]. Has been prepared as part of the DCO application and the requirement to produce a detailed CEMP is secured under the DCO produced covering mitigation measures pertaining to designated sites and retained habitats.</p>	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 5-02	Species	<p>Breeding birds – original surveys were conducted in 2021 and so it is suggested that updated surveys be conducted in 2022 to ensure findings/evidence base is as up to date as it can be given the Examination is not likely to take place until 2023 (by which time the original surveys will be nearing 2 years old).</p> <p>Otter and water vole – original surveys were conducted in 2021 and so it is suggested updated surveys be conducted in 2022 to ensure findings/evidence base is as up to date as it can be given the Examination is not likely to take place until 2023 (by which time the original surveys will be nearing 2 years old).</p>	<p>At the submission of the DCO, the surveys are only one year old and the habitats within the Order limits have not changed significantly, therefore, no update surveys are needed to assess the impacts of the Proposed Development. This age of data is in line with CIEEM guidance.</p>	Agreed
LCC 5-03	Species	<p>GCN – agree with the suggested approach but recommend that the planned 2022 survey includes on-site ponds as well as off-site ponds</p>	<p>At submission of the DCO, the data at time of submission is only 1 year old and therefore sufficient for the purposes of the assessment. Updated and more</p>	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		to ensure 2021 findings remain true.	detailed data will be sought for licensing purposes prior to construction in accordance with the oCEMP. Paragraph 7.6.33 of Chapter 7 of the ES [APP-037] confirms that both onsite and offsite ponds immediately adjacent to the order limiter were included in the survey.	
LCC 5-04	Species	Badgers – surveys conducted in 2021 and so it is suggested that updated surveys be conducted in 2022 to ensure findings/evidence remains true.	Update badger surveys are to be carried out as a mitigation and avoidance measure due to the mobile nature of the species as set out in the Chapter 7: Ecology and Biodiversity. These will be carried out prior to construction in accordance with the oCEMP. The data presented is considered sufficiently recent to be used for the purposes of this assessment.	Agreed
LCC 5-05	Biodiversity Net Gain	The application suggests that there would be a substantial biodiversity net gain created across the scheme as part of the Mitigation and Enhancement areas. This gain is cited as being within the region of 71% which is	Noted.	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		well in excess of the 10% gain that is advocated at a national level and so would be a positive impact of the development if delivered.		

Table 6 – Noise

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 6-01	Noise	LCC does not have an in-house noise specialist and recommends and endorses any recommendations or comments made by South Kesteven District Council and Rutland County Council.	Noted	Agreed

Table 7 – Water resources

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 7-01	Methodology	The Council is agreeable to the general approach and methodology detailed within the Environmental Statement.	Noted.	Agreed
LCC 7-02	Offsets from ditches	Minimum stand-off distance for ditches may need to be increased where ditches are owned/maintained by Internal Drainage Boards (IDB). Typically such ditches require a minimum 9m buffer on each side of the ditch in order to allow access for maintenance. The advice of any IDB should therefore be sought and appropriate buffers designed into the final site layout.	Drainage ditches within the Order limits are not adopted by the IDB and therefore the 9m buffer is not applicable. Fencing surrounding the PV Arrays will be offset at least 10m either side from main rivers & ponds and 6m from ditches.	Under Discussion

LCC 7-03	SUDS	Meeting with LLFA to discuss FRA and SuDS requirements. Agreed that SuDS measures should focus on the substation and surface water management for the PV Arrays could be implemented through RsuDS techniques. Agreement on principles for SuDS and FRA proposed by Arcus on behalf of the Applicant.	Noted	Agreed
LCC 7-04	Flood risk	The impacts of proposed development, in terms of flooding, are neutral. However, as the vast majority of the MPSF affects land lying within Rutland, the ExA are advised to take into account the views of RCC as set in its LIR.	Noted.	Agreed

Table 8 – Air quality

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 8-01	Air quality	LCC does not have an in-house specialist and so has no specific comments to offer at this	Noted	Agreed

Table 9 – Agricultural Land and Soils

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 9-01	Agriculture and Soils	Please refer to LIR [REP2-044] for detailed response – in summary LCC notes concerns with the use of BMV land within the proposed development, majority of the land proposed for solar PV development comprises Grade 3A land. LCC has concerns specifically with the long-term affect, the proposed development would have on the food production economy, including farm enterprises who will be affected. LCC also has concern due to the other proposed developments proposed within LCC, including on food security and the permanent loss of agricultural land. LCC view the loss of agricultural land as a result of	Noted. Impacts upon Land Use and Soils are set out in Chapter 12: of the ES [APP-042] which also considered effects of land use change on food and food production. REP3-031 provides further context related to the total amount of BMV land impacted by the Proposed Development in the context of the wider BMV resource in the Rutland and Lincolnshire region - 0.052%. The response also refers to the recent Longfield Solar farm decision and appeal decision in Hambleton supporting the Applicants position on food security and preservation of soils for future generations._	Under Discussion

		development as a negative affect.		
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Table 10 – Public Rights of Way

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 10-01	DMMOs	<p>LCC has received 3 Definitive Map Modification Order (DMMOs) applications as follows:</p> <ul style="list-style-type: none"> • DMMO 188 – Application for public bridleway along Cobbs Nook Lane to the south of Belmesthorpe linking into Rutland public bridleway. • DMMO 440 – Gravel Pit Road - Application for a cul-de-sac restricted byway from Carlby Road in a southerly direction. • DMMO 451 – Claimed BOAT connecting Belmesthorpe Road and the ford at the West Glen River. <p>It is recommended that the scheme layout be reviewed to take into account the existence of the current DMMOs so as to ensure these do not impact on the scheme as currently laid out.</p>	<p>DMMOs 451 and 188 relate to existing tracks which correspond with the Macmillan Way long-distance route. This route is retained within layout of the Proposed Development and impacts assessed by the various relevant ES chapters (highways, landscape noise etc).</p> <p>Article 12 of the Draft DCO (Rev 3) has the effect of confirming the suggested route as a public right of way, but allowing it to then be immediately stopped up by the undertaker – ensuring that its legal status will be that it does not exist. The key point is that it is not a simultaneous approach. Paragraphs (a) and (b) create specific moments in time when they take effect,</p>	Under Discussion

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>The Inspector has raised a question about this and we have included the following response to those questions.</p> <p>This will require further discussion. Article 12 seeks to create the PROW along the alignment of claimed PROWs, in combination with Article 11 which allows stopping up. LCC's PROW Team has not seen this before and is unsure at this stage whether it is legally possible to simultaneously record and extinguish a DMMO route. The ExA will therefore need to satisfy themselves that the proposed approach to adopt and extinguish the DMMO is something that is feasible/achievable legally through the DCO. If not then it may be possible to add the DMMO route to the definitive map and then extinguish the</p>	<p>which are separate – (a) takes place on the making of the Order; and (b) occurs at the time of the undertaker's choosing (consistent with standard DCO drafting for interactions with public rights of way).</p> <p>The claimed public right of way at DMMO 440 which extends to the south of Carlby Road to the north-west of the Order limits would be created and then stopped under article 12 of the DCO to enable legal certainty as to its status to be achieved in the context of the Proposed Development being brought forward. The historic claimed route is for a restricted byway along 'Gravel Pit Road' which extends in a southerly direction from Carlby Road and terminates within an agricultural</p>	

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>newly created restricted byway to enable development to take place or alternatively the Applicant should include a provision for new PROW along different alignments within the scheme and/or include a provision that this is reinstated as PROW if the scheme is decommissioned.</p>	<p>field (where a former gravel pit was located). The claimed route does not physically exist, as the historic claimed route was removed at some point after the gravel activities ceased. Therefore, it has no users, and therefore no receptors that could be affected by the Proposed Development. As such, impacts to the claimed route have not been considered within the ES.</p>	
LCC 10-02	Impact upon PRoW	<p>LCC notes concerns with the size and scale of the development and the affect the development would have on PRoW which pass in and around the order limits, specifically on the recreational value of various public rights of way. LCC acknowledges there will be new permissive footpaths developed as part of the development, there</p>	<p>The impacts to PRoW both within the Order Limits and in the vicinity has been assessed with the Amenity and Recreation Assessment (ARA) [APP-058] which forms Appendix 6.5 to the LVIA [APP-036]. The ARA concludes there would be Major-Moderate adverse effects (significant) during construction and decommissioning to</p>	TBC

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>are concerns for the mechanism for securing these over the lifetime of the development. And would suggest that these routes should be secured and adopted as part of the definitive network.</p>	<p>Bridleways E182 (BrAW/1/1) and E169 that traverse through the Solar PV Site reducing to Moderate Adverse effects (not significant) post maturation of planting at year 15. All other PRow within the Order Limits and locality would experience effects no greater than Slight adverse (not significant) reducing to Minimal Adverse (not significant) post maturation of planting at year.</p> <p>The Applicant's Deadline 3 submissions set out the full context of the Proposed Development's impacts to users of PRow in the area.</p> <p>The permissive paths are secured pursuant to Requirement 7 of the DCO. The Applicant does not propose that</p>	

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
			these are to become public rights of way.	

Table 11 - Need case, site selection and alternatives

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 11-01	Site Selection and Alternatives	LCC notes the applicant's approach to the site selection process and recognises that this has been influenced taking into account a number of different factors including proximity to a grid connection; minimising impacts on designated sites (e.g. SSSI/Listed Buildings, etc). Whilst LCC agrees National Policy Statements (NPS) and draft NPS's are to be given primacy over local policies the local planning policies that are also deemed important and relevant in assessing the site selection process have been agreed and are confirmed within Appendix 1	Noted	Agreed

Table 12 – draft DCO

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
	Article 2 – Interpretation	<p>Amend definition of maintain to make clear this excludes works that give rise to any material new or different environmental effects than those identified in the environmental statement</p> <p>Refer to separate submission at Deadline 4 containing suggested revised wording.</p>	<p>Noted. The Applicant considers this is not necessary due to article 5(2).</p>	Under discussion
	Schedule 2	<p>Amend wording of Requirements 7, 8, 11, 12 and 18 to make clear that Lincolnshire County Council is a specified consultee.</p> <p>Refer to separate submission at Deadline 4 containing suggested revised wording.</p> <p>Amend wording of Requirement 10 to make Lincolnshire County Council primary approval body for works within Lincolnshire/District of South Kesteven</p>	<p>The Applicant has not seen the suggested revised wording referred to and will engage with LCC on this post Deadline 4.</p> <p>However in the first instance, it does not agree to the suggestions for Requirements 8, 8, 11, 12 and 18 as the subject matter of these requirements are not matters within the statutory remit of Lincolnshire County Council.</p> <p>Requirement 10 will be updated in due course to correspond with</p>	Under discussion

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		Refer to separate submission at Deadline 4 containing suggested revised wording.	the submitted WSI which will provide clarity on the anticipated role of LCC in respect of post consent archaeological matters.	
	Schedule 16	Welcome the amendment to increase timeframe from 6 weeks to 8 weeks but note the recent Longfield has set this at 10 weeks and so would agree with SKDC that this should be the same with a further 4 weeks for further information to be the same for Mallard Pass.	<p>Please see the response provided to the ExA's First Written Question 5.4.2 [REP2-037].</p> <p>The Draft DCO (Rev 3) has also been updated to provide an extended timeframe in Part 3 of Schedule 16 where further information and consultation is required. With a notice period of 8 weeks and a further 4 weeks for further information and consultation, this timeframe now reflects the 12 weeks requested.</p> <p>Further amends are also being made at Deadline 4 to provide that key (but not all) requirements will have a 10 + 4</p>	Under discussion

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
			weeks discharge period, rather than 8 + 4.	
		Note the intention to agree a graduated fee arrangement outside the DCO however we maintain a provision should remain within the DCO in line with Advice Note 15. This gives certainty to LPAs that the fees will be paid and not be subject of a separate agreement	The Applicant has shared with the LPAs a draft fee schedule for requirement discharge and awaits feedback.	Under Discussion
LCC 12-01	Articles	see LCC response to ExQ1 Q5.0.6 - Article 6 (Application and modification of statutory provisions) regarding the ability to disapply the requirements of Section 23 of the Land Drainage Act 1991 is included in Article 6 of the Draft Development Consent Order (Rev 3).	Please see Applicant's response at [REP3-028]. Applicant has been in touch with the relevant Internal Drainage Boards to discuss this further and to clarify whether it will consent on the LLFA's behalf to LLFA responsible watercourses.	Under discussion

Table 13 – Management Plans

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 13-01	Management plans	<p>As per LCCs response to the ExAs FWQs Q1.19, Outline plans listed in a) to i) are generally acceptable at this stage and note final schemes/details will be secured as DCO Requirements.</p> <p>In relation to the OLEMP it could however be more detailed at this stage setting out a more robust set of targets and tasks supplemented by a methodology for reviewing progress. Even if it is not proposed to include specific plant species at this stage an idea of provenance and mixes rather than just areas of planting would be helpful. The % commitment to BNG should also be increased to more than a minimum 10% given the assessment shows a much</p>	<p>Noted. The Applicant has not seen the suggested revised wording referred to and will engage with LCC on this post Deadline 4. However, it has updated Requirement 7 in line with the discussion at ISH2 and ISH3 to provide for a higher BNG percentage.</p> <p>In respect of the OLEMP itself, the Applicant would welcome detailed discussion with LCC as to what wording it would seek to be added.</p>	Under discussion

		<p>higher % rate (71%). This should therefore be confirmed in the wording of Requirement 7</p> <p>Refer to separate submission at Deadline 4 containing suggested revised wording.</p>		
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Table 13 – Planning Policy context and Compliance

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
South Kesteven District Council Local Plan (2011-2036)				
LCC 13-07	Policies considered important and relevant	A list of local policies important and relevant to the ExAs decision has been agreed and are appended to this SoCG	Noted – see Appendix A for the agreed list of important and relevant local policy.	Agreed
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016)				
LCC 13-12	Policy M11 – Safeguarding of Mineral Resources	Refer to Local Impact Report	A Minerals Assessment has been submitted within Appendix 4 of the Planning Statement. This concludes that the development is reversible and so minerals within the Order limits would not be permanently sterilised, and there is an overriding need for the development and that it could not be reasonable sited elsewhere. The development is therefore compliant with Policy M11.	Agreed

Appendix 1

Local Policy considered important and relevant

<input type="checkbox"/> South Kesteven Local Plan 2011 – 2036 (adopted 2020)	South Kesteven Local Plan 2011 – 2036 (adopted 2020) Renewable Energy Appendix	Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016)
Policy SD1 (The Principles of Sustainable Development in South Kesteven)	Criterion 1 Landscape and Visual Impact	Policy M11 – Safeguarding of Mineral Resources
Policy SP1 (Spatial Strategy)	Criterion 2 Residential amenity assessment	
Policy SP5 (Development in the Open Countryside)	Criterion 3 of the Renewable Energy Appendix Cumulative Impact Assessment	
Policy RE1 (Renewable Energy Generation)	Criterion 4 Heritage assets	
Policy EN1 (Landscape Character)	Criterion 5 – Noise impact	
Policy EN2 (Protecting Biodiversity and Geodiversity)	Criterion 6 Impact on highways	
Policy EN3 (Green Infrastructure)	Criterion 7 impact on Designated Sites	
Policy EN4 (Pollution Control)	Criterion 8 Glint and glare to aircraft movement	
Policy EN5 (Water Environment and Flood Risk Management)	Criterion 9 Agricultural land	
Policy EN6 (The Historic Environment)		
Policy ID2 (Transport and Strategic Transport Infrastructure)		
Policy DE1 (Promoting Good Quality Design)		

Signatures

6.1 This Statement of Common Ground is agreed upon:

On behalf of Lincolnshire County Council:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date: