



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

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

**Deadline 4 - July 2023**

EN010127

EN010127/APP/8.10

## **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 Rutland 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 Government<sup>1</sup>.

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 Rutland 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 Rutland County Council.

<sup>1</sup> 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 Rutland County Council**

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

**Table 1 – Record of Engagement**

<b>Date</b>	<b>Form of Correspondence</b>	<b>Key topics discussed and key outcomes</b>
10/09/2021	Virtual meeting	Introduction to project and team.
15/10/2021	Email	The Applicant sent an email introducing the Proposed Development and extending a meeting invitation.
	Email from RCC	RCC requested details on the traffic survey data scope and timings to confirm that the surveys undertaken are suitable.
21/10/2021	Email	The Applicant engaged with Rutland County Council (RCC) Flood Risk Officer RCC (LLFA) Robyn Green (RG).
01/11/2021	Email	The Applicant engaged with the Rutland County Council Highways Team. To confirm appropriate point of contact and agree methodology of Flood Risk Assessment (FRA)..
04/11/2021	Virtual Teams meeting	Pre-briefing presentation – Introducing Mallard Pass Solar Farm; Impact of proposals on amenity and property valuations; Visual impact and mitigation; Technological advancements in solar and renewable energy; Environmental Impact Assessment; Human footprint of the Site; and Connectivity to the National Grid
18/11/2021	Virtual meeting	<ul style="list-style-type: none"> <li>- General update</li> <li>- DCO process introduction roles and responsibilities</li> </ul>



Date	Form of Correspondence	Key topics discussed and key outcomes
		Consultation strategy
06/12/2021	Email	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).
18/12/2021	Video call meeting	Proposed scope of the desk-based assessment, key sources of information, proposed scope / extent / timings of the geophysical survey.  Addressed within Section 8.2 in <b>Chapter 8: Cultural Heritage [EN010127/APP/6.1]</b> of the ES and in greater detail in <b>Appendix 8.4: Desk Based Assessment [EN010127/APP/6.2]</b>
12/2021 – 01/2022	Email	The Applicant engaged with RCC's Public Protection Section. The proposed baseline noise survey methodology and locations were reviewed by RCC and considered comprehensive and satisfactory.  Survey was undertaken on the basis of the proposed approach.
06/01/2022	Email	The Applicant engaged with the Rutland County Council Highways Team.  Follow up email following no response to agree methodology on FRA and Sustainable drainage systems (SuDS). No response received.
07/01/2022	Letter via email from Applicant	The Applicant confirming LVIA approach including methodology, study area and viewpoint locations
	Virtual meeting	- Stage One Non-Statutory Public Consultation feedback  Further discussions around Planning Performance Agreement

Date	Form of Correspondence	Key topics discussed and key outcomes
03/02/2022	Email	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.
16/02/2022	Email	The Applicant engaged with RCC's Environmental Health Office. Record request of Private Water Supplies (PWS) within 2 km of Project site. Response received on 17/02/2022. Data used to inform the assessment.
14/03/2022	Letter and Email	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	The Applicant engaged with RCC's Lisa Borley. Response from RCC providing registered PWS. Letters issued to residents on 02/04/2022.
31/03/2022	Email	The Applicant shared an earlier working draft version of the Statement of Community Consultation (SoCC).
02/03/2022	Email	The Applicant engaged with RCC's Highways Team Robyn Green.
03/03/2022	Email	The Applicant engaged with RCC's Nick Hodgett. Email to planning officer to obtain details of flood risk teams.
07/03/2022	Email	LHA provided further response to transport scoping

Date	Form of Correspondence	Key topics discussed and key outcomes
09/03/2022	Email	The Applicant engaged with the Tourism Officer for Rutland County Council. (The consultation has informed the mitigation and assessment of tourism impact in the socioeconomics ES chapter.
18/03/2022	RCC Scoping Report – Appended to PINS scoping Opinion	RCC response included in Scoping Opinion adopted on 18 March. Link to doc: <a href="#">Mallard Pass Scoping Opinion</a>
21/03/2022	Email from RCC	Rutland County Council provides the Applicant with preliminary comments on the earlier working draft copy of the SoCC, which the Applicant shared with Local Authorities on 17 February 2022.
23/03/2022	Email	The Applicant shares a copy of the draft SoCC via email, marking the launch of the draft SoCC consultation period.
	Email from RCC	Advice received on assessment of construction traffic
01/04/2022	Virtual meeting	Regular engagement
02/04/2022	Letter via email from Applicant	<p>The Applicant engaged with RCC Registered PWS: Hales Lodge; North Lodge; Tickencote Hall; and Tickencote Warren Farm.</p> <p>Issued the first batch of letters to residents with potential PWS.</p> <p>Follow up where resident responses are received. Issued second letter on 14/07/2022.</p>
06/04/2022	Virtual meeting	<ul style="list-style-type: none"> <li>- General update – setting regular engagement</li> </ul> <p>Programme lookahead</p>

Date	Form of Correspondence	Key topics discussed and key outcomes
07/04/2022	Email	<p>Written response to the EIA Scoping Response: concerns raised regarding the 'scoping out' of cultural heritage (buried archaeology).</p> <p>Outcome: Buried archaeology and built heritage now scoped in and the assessment is presented in <b>Chapter 8: Cultural Heritage</b>.</p>
14/07/2022	Meeting	Written response to the PEIR: no issues raised.
12/05/2022	Meeting	LHA (JS) met with Transport Consultant Velocity to discuss Transport Assessment detail.
13/06/2023	Email	Email communication between LHA and Transport Consultant Velocity to gain clarification on a couple of points.
20/04/2022	Virtual meeting	<p>Regular engagement – general update and forward look to Statutory Consultation</p> <p>Further comments provided on the draft SoCC</p>
22/04/2022	Letter via email	RCC provide the Applicant with an official response to draft SoCC.
04/05/2022	Virtual meeting	Regular engagement
11/05/2022	Email	The Applicant notifies the local authority of the upcoming Stage Two Statutory Consultation, providing dates and consultation information and offering a pre-briefing meeting.
17/05/2022	Virtual meeting	RCC provided advice relating to traffic and transport to be assessed in the future once details are available.

Date	Form of Correspondence	Key topics discussed and key outcomes
26/05/2022	Email	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.
14/07/2022	Applicant letter via email	<p>The Applicant engaged with RCC and SKDC registered PWS: Banthorpe Lodge; Bowthorpe Park Farm; Glen Lodge; Hales Lodge; North Lodge; Spa Cottage; Spa House; Spa Lodge Farm; Tickencote Hall; and Tickencote Warren Farm. Issued second batch of letters where no response received.</p> <p>Follow up where resident responses received. Properties visited during site visit on 01/08/2022 and 02/08/2022.</p>
20/07/2022	Virtual meeting	General update - Stage Two Statutory Consultation update
29/07/2022	Feedback	Stantec on behalf of RCC have reviewed the PEIR chapter and have no comments, concluding the assessment has been conducted in accordance with best practice.
07/2022	Feedback	<p>The Applicant engaged with Barton Willmore on behalf of RCC and SKDC– Section 42 consultation (review of PEIR).</p> <p>No comments on Chapter 10 of PEIR (Noise and Vibration) – approach to assessment in accordance with best practice.</p> <p>Similar approach retained.</p>

Date	Form of Correspondence	Key topics discussed and key outcomes
04/08/2022	Feedback	Peer review of PEIR by Reading Agricultural Consultants. Semi detailed ALC generally accepted, criticised PEIR for containing no mention of loss of food production.
31/08/2022	Virtual meeting	<ul style="list-style-type: none"> <li>- Combined authorities (LCC, RCC, SKDC) catch up</li> <li>- Stage Two consultation early feedback</li> </ul>
07/09/2022	Virtual meeting	<ul style="list-style-type: none"> <li>- Combined authorities (LCC, RCC, SKDC) catch up</li> <li>- Approach to SoCGs and DCO timeline update</li> </ul>
14/09/2022 16/09/2022	Virtual meeting Letter via Email	<ul style="list-style-type: none"> <li>- Combined authorities (LCC, RCC, SKDC) Stage 2 consultation feedback discussion</li> <li>- Site visit arrangements</li> </ul> <p>The Applicant notifies RCC of onsite survey works; trial trenching.</p>
21/09/2022	Virtual meeting	<ul style="list-style-type: none"> <li>- Combined authorities (LCC, RCC, SKDC) site visit re-arrangement due to bank holiday</li> <li>- PPA for examination discussion</li> </ul>
28/09/2022	Virtual meeting	<ul style="list-style-type: none"> <li>- Combined authorities (LCC, RCC, SKDC)</li> <li>- Trial trenching</li> <li>- DMMO</li> <li>- LCC climate change meeting set up</li> <li>- Discussion regarding requirement for and scope of a Minerals Assessment</li> </ul>

Date	Form of Correspondence	Key topics discussed and key outcomes
Late August and early September 2022	Telephone and email	Telephone and email correspondence on the matter of archaeological trial trenching (with Mr Richard Clarke of Leicestershire County Council, advising RCC).
05/10/2022	Site Walkover Meeting	<ul style="list-style-type: none"> <li>- Combined authorities (LCC, RCC, SKDC)</li> <li>- Site meeting to discuss LVIA and Public Rights of Way (PRoWs)</li> </ul> <p>Sheep grazing beneath PV Arrays – how will this dual use be secured during the operational stage of the Proposed Development.</p> <p>Outcome: Sheep grazing to managed in strips as secured through the outline Landscape and Ecology Management Plan (oLEMP), compliance with which is secured by the DCO.</p> <p>Permissive footpaths – how will these be maintained during the operational stage of the Proposed Development.</p>
12/10/2022	Virtual meeting	<ul style="list-style-type: none"> <li>- Combined authorities (LCC, RCC, SKDC)</li> <li>- Site visit de-brief</li> <li>- PPA for examination discussions</li> <li>- Trail trenching</li> </ul>
01/03/2023	Letter from RCC to PINS	Written relevant representation response on the DCO Application.

Date	Form of Correspondence	Key topics discussed and key outcomes
24/05/2023	Virtual meeting	An initial call to discuss RCC's relevant representation, Rule 6 letter and the draft SoCG. Discussion around a template which suits both parties and the key topics mentioned in the Rule 6 letter.
19/04/2023 – 12/06/2023	Email Correspondence	Email exchanges between the Applicant and RCC regarding the drafting of the SoCG
27/06/2023	Virtual Meeting	A virtual meeting to discuss the approach to the draft SoCG between both parties, alongside the recently submitted LIR and WR.
05/07/23	Virtual Meeting	A virtual meeting to discuss the draft SoCG between both parties and timelines submitting
05/07/2023 – 25/07/2023	Email Correspondence	Email exchanges between the Applicant and RCC regarding the drafting of the SoCG.



## 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 Rutland County Council, including any matter where discussions are ongoing.

**Table 1 – Planning Policy**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC1-1	Site Selection and Assessment of Alternatives	Concerns over the site selection process and the loss of such a significant amount of agricultural land	The Applicant has sought to reduce the loss of best and most versatile (BMV) land through the site selection process in response to the ExA's FWQ (Q1.3.6) [REP2-037] and in the Site Selection Report [APP-203]	Under Discussion
RCC1-2	Planning policy context and compliance	<p>The Proposed Development will need to consider policies as adopted in the RCC development plan including:</p> <ul style="list-style-type: none"> <li>- Rutland Local Development Framework Core Strategy (2011)</li> <li>- Rutland Local Plan Site Allocations</li> <li>- Policies Development Plan Document (2014)</li> </ul>	The Applicant has carried out a planning policy assessment of the relevant development plan policies, which can be found in Table 8 – Rutland County Council Local Planning Policy - Table of Compliance, Appendix 3, within the Planning Statement [APP-203]. Following this, it is considered that the Application is in compliance with this policy.	Under Discussion

		However, the RCC have identified where there is conflict between the Proposed Development and the development plan policies as identified within the Local Impact Report.		
RCC 1-3	Important and Relevant Local Policies	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 policies	Agreed

**Table 2 – Scope and Methodology of the Environmental Statement**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC2-01	Environmental Impact Assessment	RCC have commissioned an independent compliance review of the applicant's Environmental Statement, jointly with South Kesteven District Council (SKDC). This review produced by Stantec confirms that the EIA undertaken is considered in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the proposed development.	Noted.	Agreed

**Table 3 – Duration of the proposed development**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC 3-01	Duration of the development	Uncertainty of the lifetime of the proposed development, makes meaningful assessment of the impacts of the proposal, in particular any decommissioning phase, extremely difficult which creates further concern and uncertainty amongst the local community	See Applicant's Response to Interested Parties' Deadline 2 Submissions on draft Development Consent Order [REP3-028], which confirms that Chapter 5 of the Environmental Statement [REP2-012] states that the EIA has been carried out on the basis that the Proposed Development is permanent, to ensure a worst-case assessment of likely effects during operation. Whilst the EIA has assessed the operational impacts of the Proposed Development as permanent, it is the case that any impacts related to the use of the land are considered to be reversible, pursuant to the management plans secured by the DCO. The Applicant has also assessed the impacts of decommissioning as is made clear in paragraph 5.18 of Chapter 5 [APP-035]. See also the Applicant's Summary of Oral Submissions at ISH1 and ISH2 submitted at Deadline 4, which reflects the Applicant's position expressed at those Hearings.	Under discussion

**Table 4 – Landscape and Visual Impact**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC 4-1	ES Figures 6.6 and 6.7 - Representative viewpoints, illustrative viewpoints and visual receptor groups	RCC have been involved in the agreement of viewpoints at the pre-submission stage and therefore have nothing further to add in respect of viewpoints.	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.	Agreed
RCC4-2	Cumulative schemes	Candidate cumulative schemes for the LVIA to be agreed with RCC as a project milestone.	The candidate cumulative schemes to be assessed within the LVIA were previously submitted within Chapter 19 and Appendix 19.1 of the Stage 2 PEIR. The cumulative schemes as agreed with RCC have been further assessed within the LVIA.	Agreed

**Table 5 – Heritage and Archaeology**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC5-1	Trial Trenching	<p>The matter discussed with Leicestershire County Council, advising RCC.</p> <p>The RCC local impact report [ REP2-048], appendix 3 discusses the advice provided by the Archaeological consultant. The local impact report details concern with the archaeological assessment completed by the applicant, stating the assessment is incomplete, and the information provided within the assessment is not sufficient to understand the extent and significance of the archaeological remains. Furthermore, there are concerns with the 'no-dig' method, due to the lack of detail provided within the assessment.</p>	Trial trenching was completed within Rutland (see Appendix 8.6: Trial Trenching Report of the ES for details).	Under discussion

**Table 6– Highways and Access**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC6-1	Construction impacts	Concerns that the proposed wheel wash systems are not satisfactory and have the potential to result in a significant negative impact through the deposition of mud and detritus on the highway	The Outline Construction Traffic Management Plan (oCTMP) [APP-212] in Section 4.9 proposes incorporating a wheel washing system with rumble grids to dislodge accumulated dust and mud before leaving the Order limits access points.	Under discussion
RCC6-2	Traffic generation during operation	The Local Highways Authority has indicated that the operational phase of the development will result in a negligible impact in respect of traffic generation, both in terms of the number of trips generated and the size of vehicles involved.	This accords with the Transport Assessment [APP-074] findings, which found that the operational transport impacts of the Proposed Development are likely to be negligible.	Agreed
RCC6-3	Negative impact due to accesses to the Site.	The LHA was concerned that in its current form, this access at the junction of the Drift with the B1176 would potentially result in a high negative impact due to concerns relating to highway safety. Further to engagement with the Applicant, it is agreed that these concerns have been alleviated.	A Stage 1 Road Safety Audit (RSA) was carried out concerning the B1176 / The Drift access junction, following the auditor's suggestion (as set out in Appendix D of the Transport Assessment, in Appendix 9.4 of the ES [APP-074]).  The Applicant has undertaken further consultation with RCC's highways officer, who has confirmed via email on 20 June 2023 that they do not have any concerns regarding the proposed access works at	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
			the B1176 / The Drift junction given the RSA did not raise any concerns and appropriate visibility splays can be provided in accordance with the Design Manual for Roads and Bridges (DMRB) requirements.	
RCC6-4	Traffic data	RCC agreed with the traffic data supplied by the Applicant and was utilised appropriate, plus the timings were suitable.	Noted.	Agreed
RCC6-5	Methodology	<p>Agreed that the primary transport impacts of the Proposed Development are associated with construction, and only this phase will be assessed. Decommissioning will be assessed in the future once details are available.</p> <p>It was noted by RCC that it is expected that the primary impacts associated with the Proposed Development are associated with the construction phase, rather than the operational.</p>	Noted.	Agreed



**Table 7 – Ecology and biodiversity**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC7-1	Biodiversity	Concerns that the planting proposed is limited in quality, with much of it being limited to 'proposed tussock grassland with wildflowers' with only one small area of woodland copse and one area of wet woodland planting proposed.	<p>The proposals set out in the Green Infrastructure Strategy Plan [APP-173] were designed to deliver a net gain in biodiversity and complement existing on and off-site habitats, while non-precluding the return of the land potentially to agriculturally productive land in future, for example, diverse grasslands.</p> <p>Further details can be found within document [REP3-026] Applicants Responses to Interested Parties' Deadline 2 Submissions - Ecology.</p>	Under Discussion

**Table 8 – Noise and Air quality**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC8-1	Methodology	The proposed baseline noise survey methodology and locations were reviewed by RCC and considered comprehensive and satisfactory.	A survey was undertaken on the basis of the proposed approach.	Agreed.
RCC8-2	Substation and transmission network noise	Concerns about the noise generated by the substation and transmission network and would want the examining authority to be satisfied that the ES statement is correct in order to ensure that there was no adverse impact from this element of the proposed development.	The final design and component specification of the Onsite Substation would be controlled through a DCO requirement (paragraph 16 of Schedule 2 of the draft DCO). This requires an operational noise assessment to be prepared by the Applicant and to be submitted and approved by the relevant local authorities and for this assessment to demonstrate how the scheme design has mitigated noise impacts to the levels set out in the ES which will ensure that no significant effects arise.	Under discussion
RCC8-3	Construction noise	A negative impact arises from the development in terms of construction noise, given the timescale of the construction phase.	The temporary effects of noise associated with the construction activities have been assessed in Chapter 9, Noise and Vibration in the ES [APP-040] and the effects are controlled through the Construction Environmental Management Plan (CEMP) which is controlled through a DCO	Under Discussion

			<p>requirement (paragraph 11 of Schedule 2 of the draft DCO ). This requires a detailed CEMP to be prepared by the Applicant and to be submitted and approved by the relevant local authorities.</p>	
RCC8-4	Construction times	<p>Questions the appropriateness of the proposed core construction hours of 07:00 to 19:00 Monday to Saturday. Suggest that given the scale of the project and to provide local residents with some respite from construction noise there should be no working on Saturdays as well as Sundays</p>	<p>The outline Construction Environmental Management Plan [REP2-020] sets out that core construction working hours will be 07:00 to 19:00 Monday to Saturday (excluding works likely to generate substantial levels of noise, which will be limited to 13:00 on Saturdays, including HGV deliveries). The construction hours proposed, including Saturday morning works, are considered commonplace as they are referenced in the British Standards Institution code of practice for construction noise and vibration control, specifically in Annex E of BS 5228-1.</p> <p>If construction hours are restricted further, for example to avoid Saturday morning works entirely, this will likely extend further the overall duration of the construction.</p>	Under Discussion
RCC8-5	Odour	<p>Solar farms are not generally associated with odour emission during operation, however the construction phase is likely to be an intensive part of any development process</p>	<p>Construction works are not usually associated with odour nuisance. It is considered unlikely that odour during the construction phase would create a statutory nuisance based on the FIDOL factors (frequency, intensity, duration, odour unpleasantness and location). In any</p>	Agreed

			event, the outline CEMP measures will mitigate against emissions impacts from the construction phase.	
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**Table 9 – Water Resources and Flood Risk**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC9-1	Impact on the surface water drainage within the site	Consider that the application does not adequately address the matter of soil compaction or the insertion of a concrete base to secure the installation of the panels and the combined impact this would have on the surface water drainage within the Site.	<p>The Soil Management Plan will be provided prior to construction as required by the DCO, which will outline how to avoid soil compaction during the construction phase.</p> <p>The potential use of concrete blocks or 'shoes' may be used to secure PV racking array where it is deemed necessary for the preservation or protection of below ground archaeology (<i>refer to the Applicant's response to Q6.0.7 in Applicant's Responses to ExA's First Written Questions [REP2-037]</i>).</p> <p>The Applicant has explained how the Proposed Development is likely to lead to reduced surface water run-off rates compared to the baseline agricultural scenario in its answer to Q12.0.6 a) in <i>the Applicant's Responses to ExA's First Written Questions [REP2- 037]</i>.</p> <p>Further details are in Applicant's Response to Interested Parties' Deadline 2 Submissions - Water Environment [REP3-035].</p>	Under Discussion

RCC9-2	Flood prevention measures	Consider that the information submitted alongside the application does not make provision for flood prevention measures throughout the construction period when works to implement any consent would also affect surface water drainage in ways that differ from those predicted once the development is complete.	<p>The Outline Water Management Plan (oWMP) [APP-214] specifically refers to drainage features (cut-off ditches, swales and retention ponds) to be employed for the construction phase for the dual function of reducing run-off rates and sediment control. These features will be secured through the oWMP and oCEMP [APP-207] and will require approval by RCC pursuant to the DCO.</p> <p>The Applicant responded to the issue raised by RCC in Applicant's Response to Interested Parties' Deadline 2 Submissions - Water Environment [REP3-035].</p>	Under Discussion
RCC9-3	Impact on existing water apparatus	Consider that the proposed development will break the existing land drains across the site, which, if not reinstated as part of any decommissioning of the project at the end of its life	<p>There is not expected to be an adverse effect on the existing drainage network, which is expected to remain functional for all phases of the Proposed Development.</p> <p>Table 3-7 Water Resources and Ground Conditions of the Outline Construction Environmental Management Plan also states <i>"if during the construction of any of the infrastructure, here is any interruption to existing land drainage, then new sections of drainage will be constructed"</i>. Consequently, there is not expected to be a adverse effect on the existing drainage network which is expected to remain functional for all phases of the Proposed Development</p>	Under Discussion

RCC9-4	Further Information Request -	More information required considering the lie of the land, existing ground conditions and areas of infiltration and if areas of the land can be used for natural flood management (NFM).	<p>The Applicant responded to the issue raised by RCC in Applicant's Response to Interested Parties' Deadline 2 Submissions - Water Environment [REP3-035].</p> <p>Regarding NFM, the introduction of planting within the Mitigation and Enhancement Areas will increase the interception potential of surface water within the Solar PV Site relative to the existing land use. This is in line with the Environment Agency's Rural Sustainable Drainage Systems (RSuDS) document.</p>	Under Discussion
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**Table 10 – Land Use and Soils**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC10-01	Loss of agricultural land and arable land	Concerns on the permanent and negative impacts of the development on the loss of arable agricultural land, the vast majority of which is classed best and most versatile land.	The Applicant responded to the issue raised by RCC in Applicant's Response to Interested Parties' Deadline 2 Submissions – Land Use and Soil Environment [REP3-031] which explains the approach to site selection and notes that there is very limited permanent loss of BMV soils arising from the Proposed Development, noting that there is a key difference between the loss of soils, and a change in use of the land.	Under Discussion
RCC10-02	Cumulative impacts on the loss of arable agricultural land.	The view is that the cumulative negative impacts of the loss of arable agricultural land place pressure on the function of this important part of the local and wider Lincolnshire and Rutland rural economy.	The proposed development involves 817 ha of agricultural land, a very small proportion of agricultural land in Lincolnshire and Rutland [Table 12-3, APP-042].  The assessment of the area affected by infrastructure is presumed to be similarly small, of the order of 2% of each proposed development. That	Under Discussion



Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
			<p>would involve the order of 42ha of land of BMV quality. In each case, the BMV soil is not 'lost' as it will be able to utilised for farming again once the schemes are decommissioned.</p> <p>The Applicant responded to the issue raised by RCC in Applicant's Response to Interested Parties' Deadline 2 Submissions – Land Use and Soil Environment [REP3-031].</p>	
RCC10-03	Inadequate agricultural production assessment	The statement does not appear to assess the overall impact of the loss of agricultural production from the site as a whole.	<p>The potential agricultural production from the Order limits as a whole is set out in Chapter 12 of the ES in Table 12-9 [APP-042].</p> <p>The Applicant responded to the issue raised by RCC in Applicant's Response to Interested Parties' Deadline 2 Submissions – Land use and Soil Environment [REP3-031].</p>	Under Discussion

**Table 11 – Climate change**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC8-1	Methodology	The Climate Change Officer provides commentary and concludes that the scheme will have a 'positive effect when considering the transition towards renewable energy generation at a UK-wide level.	Noted	Agreed

**Table 11 – Socio–economics**

<b>Ref.</b>	<b>Description of Matter</b>	<b>Stakeholder Comment</b>	<b>Applicant's Response</b>	<b>Status</b>
RCC11-01	Tourism	The proposal would have a negative impact in respect of the tourism industry.	<p>The assessment of the impact on tourism is set out in ES Chapter 14 Socio-Economics [APP-044], which showed no negative adverse impacts based on our assessments.</p> <p>The Applicant's responded to the issue raised by RCC in Applicant's Response to Interested Parties' Deadline 2 Submissions – Socio-economic Effects [REP3-033] and notes that the conclusion of the ES is that no significant effects to tourism are expected.</p>	Under Discussion
RCC11-02	Recreational walking and cycling	Creating an adverse impact on recreational spaces & wellbeing of local residents.	The consideration of PRow has been a key Design Principle as detailed within the Design and Access Statement (DAS) [REP2-018], which has driven the spatial design response as illustrated in the Green	Under Discussion

			<p>Infrastructure (GI) Strategy Plan [APP-173].</p> <p>The Applicant's responded to the issue raised by RCC in Applicant's Response to Interested Parties' Deadline 2 Submissions – Socio-economic Effects [REP3-033] and to Public Rights of Way and Permissive Paths [REP3-022].</p>	
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**Table 12 – Public Rights of Way**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC12-01	Permissive Paths	The Proposed Development includes the provision of new permissive footpaths, which is a potential positive area of mitigation, although there are concerns about the mechanism for securing these over the lifetime of the development. The requests for future information on the planning conditions will be used to ensure implementation.	<p>See Applicant's Response to Interested Parties' Deadline 2 Submissions on Public Rights of Way and Permissive Paths [REP3-022].</p> <p>The provision of permissive paths, as illustrated on the GI Strategy Plan [APP-173] would be maintained for the entire operational period of the Proposed Development as set out in the outline Operational Environmental Management Plan [APP-208] and secured via Requirement 7 of the draft DCO.</p>	Under discussion
RCC12-02	Negative impacts on the Users	The Proposed Development would be to discourage the use of the Public Rights of Way network in the vicinity of the application site and diminish the enjoyment of the existing green infrastructure network.	The impacts on ProW, both within the Order Limits and in the vicinity, have been assessed with the Amenity and Recreation Assessment (ARA) [APP-058], which forms Appendix 6.5 to the LVIA [APP-036]. The consideration of PRoW has been a key Design Principle as detailed within the Design and Access	Under Discussion

			<p>Statement (DAS) [REP2-018], which has driven the spatial design response as illustrated in the Green Infrastructure (GI) Strategy Plan [APP173].</p> <p>Please also see the Applicant's response to Interested Parties on these issues [REP3-022] which sets the Proposed Development's impacts in context</p>	
RCC12-03	Impact on footpaths	<p>Whilst such planting may have the desired effect in terms of screening the panels themselves, the resulting associated impact is that, in many cases, users of the footpaths will then feel like they are walking a corridor in the countryside, with little to benefit in terms of views or appreciation of the wider area as a result.</p>	<p>The impacts on PRoW, both within the Order Limits and in the vicinity, have been assessed with the Amenity and Recreation Assessment (ARA) [APP-058], which forms Appendix 6.5 to the LVIA [APP-036].</p> <p>With the Applicant's offsets built in, it is considered that a corridor effect will arise, but even if this is not agreed, it is in any event only for a short distance of a wider journey</p>	Under Discussion
RCC12-04	Horse riding	<p>The extended working days are also likely to make horse riding in the area problematic during construction.</p>	<p>The outline Construction Environmental Management Plan [REP2-020] provides details as to how potential impacts to PRoW during construction can be minimised and managed, including working hours for construction.</p>	Under Discussion

**Table 13 – outline Management Plans**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC13-01	Comments on outline Plans and potential amendments that may require to secure appropriate environmental outcomes and mitigation	RCC have not yet been able to review all of the above outline plans but do wish to reserve the opportunity to do so, (particularly as they may be developed throughout the examination) as these plans are one of various areas that seek to manage the mitigating impacts of the proposed development during the construction and operational phases of development.	The Applicants acknowledge the council's comments and will continue to engage with RCC.	Under discussion



**Table 14 – Cumulative sites**

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC14-01	Cumulative list	The list appears up to date – RCC happy to engage and keep it under review	Noted – the applicant will schedule a meeting with RCCs to review the LPAs application register and provide update at Deadline 5.	Agreed

**Table 15 – draft Development Consent Order**

Where an Article/Requirement is not referred to in the following table, then the LPAs have no comment on it.

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC15-01	Procedure for discharging requirements	Procedure not agreed with applicant to date	The Applicant will engage with RCC to discuss the procedure for discharging the requirements.	Under Discussion
RCC15-02	Part 2(1) of Schedule 16	Timeframes for decisions set out in Part 2(1) and (3) of Schedule 16 not considered sufficient	<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 are required.</p> <p>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 have been made at Deadline 4 to provide that key (but not all) requirements will have a 10 + 4 weeks discharge period rather than 8 + 4.</p>	Under Discussion

RCC15-03	Schedule 16 – Fees	RCC considers that it would be appropriate to require that fees should be payable to the discharging authority.	The Applicant has shared with the LPAs a draft fee schedule for requirement discharge and awaiting feedback.	Under Discussion
RCC15-04	Requirement 7 (Landscape and Ecology Management plan)	See RCC response to Q5.2.4 [REP2-050] regarding the oLEMP	Please see the Applicant's responses provided to the ExA's First Written Question 5.2.4 [REP2-037]. The Applicant does not consider that the replacement period should be extended to a minimum of 15 years. The 5 years allows for fixes if growth rates are not being met rather than replacing a planted tree or shrub in the long term. The 5 years is preceded in other solar DCOs and DCOs in other sectors (noting it was included in the original model provisions), including the Cleve Hill Solar Park Order 2020.	Under Discussion
RCC15-05	Article 6 – Application and modification of statutory provisions	The LLFA would want section 23 applying to this application, as it gives the LLFA greater control of outfalls and design of outfalls into a watercourse. Specific details of the outfalls tend not to be provided at	Noted. The Applicant intends to continue to seek this disapplication and will discuss appropriate wording in the DCO to protect the LLFA's position.	Under Discussion

		planning stage as these would be covered under Section 23.		
RCC15-06	Requirement 10 - Archaeology	RCC considers that the suggested archaeological requirement is not adequate, as it only makes mention of one further phase of archaeological work and a single Written Scheme of Investigation (WSI).	Noted – the wording of the Requirement will be developed with RCC as the Applicant continues to develop the Outline WSI for submission at a later deadline.	Under Discussion

Appendix A

Local Policy considered important and relevant for Rutland County Council

<b>Rutland Local Development Framework Core Strategy (2011) &amp; Rutland Local Plan Site Allocations Policies Development Plan Document (2014)</b>
Core Strategy Policy CS1 – Sustainable Development Principles
Site Allocations Plan Policy SP1 – Presumption in favour of sustainable development.
Core Strategy Policy CS2 – Spatial Strategy
Core Strategy Policy CS4 – location of development
Site Allocations Plan Policy SP7 – Non-residential development in the countryside
Core Strategy Policy CS6 – Re-use of redundant military bases and prisons.
Core Strategy Policy CS20 – Energy Efficiency and low carbon energy generation
Site Allocations Plan Policy SP18 – Wind turbines and low carbon energy developments
Site Allocations Plan Policy SP23 – Landscape Character in the Countryside
Core Strategy Policy CS21 – The Natural Environment
Site Allocations Plan Policy SP19 – Biodiversity & Geodiversity Conservation
Core Strategy Policy CS22 – The historic and cultural environment
Site Allocations Plan Policy SP20 – The Historic Environment
Core Strategy Policy CS23 – Green infrastructure, open space, sport and recreation
Core Strategy Policy CS15 – Tourism
Core Strategy Policy CS18 – Sustainable transport and accessibility
Core Strategy Policy CS19 – Promoting Good Design
Site Allocations Plan Policy SP15 – Design and amenity
Core Strategy Policy CS8 – Developer Contributions
Core Strategy Policy CS16 – the Rural Economy
Policy 10 of the Minerals Core Strategy and Development Policies DPD

## **Signatures**

6.1 This Statement of Common Ground is agreed upon:

On behalf of Rutland County Council:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

