



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

Draft Statement of Common Ground with Rutland County Council

Deadline 7 - October 2023

EN010127

EN010127/APP/8.10.2

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 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 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.

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 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

Date	Form of Correspondence	Key topics discussed and key outcomes
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"> - General update - DCO process introduction roles and responsibilities

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 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]
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: Mallard Pass Scoping Opinion
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"> - General update – setting regular engagement <p>Programme lookahead</p>

Date	Form of Correspondence	Key topics discussed and key outcomes
07/04/2022	Email	Written response to the EIA Scoping Response: concerns raised regarding the 'scoping out' of cultural heritage (buried archaeology). Outcome: Buried archaeology and built heritage now scoped in and the assessment is presented in Chapter 8: Cultural Heritage .
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	Regular engagement – general update and forward look to Statutory Consultation Further comments provided on the draft SoCC
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"> - 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 16/09/2022	Virtual meeting Letter via Email	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) Stage 2 consultation feedback discussion - Site visit arrangements <p>The Applicant notifies RCC of onsite survey works; trial trenching.</p>
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
28/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) - Trial trenching - DMMO - LCC climate change meeting set up - Discussion regarding requirement for and scope of a Minerals Assessment

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"> - Combined authorities (LCC, RCC, SKDC) - Site meeting to discuss LVIA and Public Rights of Way (PRoWs) <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"> - Combined authorities (LCC, RCC, SKDC) - Site visit de-brief - PPA for examination discussions - Trail trenching
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 for submitting
05/07/2023 – 25/07/2023	Email Correspondence	Email exchanges between the Applicant and RCC regarding the drafting of the SoCG.
31/07/2023- 31/08/2023	Email Correspondence and Virtual Meeting	Meetings and email exchanges between the Applicant and RCC regarding the drafting of the DCO, side agreements and the SoCG.
9/10/2023	Virtual Meeting	A virtual meeting between Applicant, RCC and RCC LLFA to discuss Water Resource and outstanding matter within 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"> - Rutland Local Development Framework Core Strategy (2011) - Rutland Local Plan Site Allocations - Policies Development Plan Document (2014) <p>However, RCC have sought to identify where there is conflict between the</p>	<p>The Applicant has updated Appendix 3 – Policy Accordance tables at deadline 4 [REP4-020], which incorporates the additional policies from the RCC development plan and updated changes to the NPSs.</p> <p>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</p>	Agreed

		Proposed Development and the development plan policies.	Compliance, Appendix 3, within the Planning Statement [APP-203]. Following this, it is considered that the Application is in compliance with this policy.	
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 a list of important a relevant local policy	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	<p>RCC welcomes the commitment to a time limit, but considers this should be 40 years in line with other projects and NPS commentary.</p> <p>With the rapid advancements of technology in the energy sector, it is reasonable that significant changes in the energy industry could take place over the operational lifetime of the development that renders the long-term use of the site for solar power generation unnecessary and therefore, it is reasonable to limit the period of consent to allow for commercial and land-use decisions to be taken in respect of the site and the need for the development at the time when the useful life of the solar panels has expired. Without such a limit, the site has the potential to be so reduced in effectiveness and need as to become a large-scale impact on the countryside around it without generating the benefits currently associated with the scheme.</p>	<p>The Applicant has updated the dDCO (Rev 5) submitted at Deadline 5 to provide that decommissioning must commence no later than 60 years from the date of final commissioning of Work No. 1.</p> <p>The Outline OEMP (Rev 3) has also been updated at Deadline 5 to provide that the LPAs will be informed of when the development has stopped generating electricity and a process and timeframe by which decommissioning works must be brought forward (and be subject to approval of a related DEMP), all of which will be included within the detailed OEMP.</p> <p>The Applicant has explained the 60 year timeframe, and why this does not change the conclusions of the Environmental Statement, in its Deadline 7 submissions (ISH4 Summary and separate Statement on Impact of 60 Year Time Limit).</p>	Disagree

		<p>In the absence of any evidence to the contrary, RCC considers that the indication in paragraph 3.10.56 of the draft National Policy Statement (NPS) EN-3 (March 2023) saying that an upper time limit of 40 years is typical would be a reasonable time period.</p> <p>The applicant has now confirmed a 60-year time limit to the proposal however information should be provided to demonstrate why this time period is appropriate in place of the more typical 40-year limitation, which is also aligns with the timeframes assessed within the ES.</p>		
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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 Outline WSI and drafting has been discussed with Leicestershire County Council, advising RCC</p> <p>They have advised:</p> <p>Whilst in principle, we see value in the preparation of a framework for the further management of the archaeological investigation of the application area, we are concerned that the inadequacy of the archaeological trial trenching undertaken in support of the scheme, compromises the ability to prepare a sufficiently detailed, robust and meaningful document, that would materially assist in bringing forward adequate management of the archaeological resource in the context of a permitted development scheme.</p> <p>In addition, given the need to prepare a number of separate site and/or phase specific Written Schemes for components</p>	<p>The Applicant has issued the Outline Written Scheme of Investigation (Rev 0) that has been submitted at Deadline 5 and the dDCO (Rev 5) has been updated to provide that the authorised development must be carried out in accordance with the WSI.</p> <p>The Outline WSI itself sets out the processes by which the various authorities will be involved in the development of the detailed archaeological mitigation measures.</p> <p>The Applicant in its Deadline 6 [REP6-004] and 7 (ISH4 Summary) submissions has set out why its approach to trenching and the Outline WSI is appropriate.</p> <p>Whilst the Applicant considers its approach to pre-application trial trenching is robust, the Applicant submitted 'without prejudice' drafting for a Requirement</p>	Disagree

		<p>of the site, and to reflect the two stage process of further archaeological investigation (trenching and further mitigation), it is recommended the Outline Written Scheme of Investigation is retitled, Outline Archaeological Mitigation Framework.</p> <p>We are concerned that the document is not satisfactory as an 'Outline Written Scheme of Investigation' (OWSI). We would expect a WSI to include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development. As noted in the submitted OWSI (1.6), the document is not able 'to prescribe the specific requirements for work in defined locations', in which case we do not believe the document can fulfil its purpose. To summarise our primary concerns;</p> <p>1) The OWSI does not consider site-specific constraints, requiring the submission of further detailed WSIs at a later stage, and is therefore not suitably specific in its outlook.</p>	<p>relating to the amount of pre-commencement additional trenching being agreed by the Secretary of State at Deadline 4 [REP4-041]. The Applicant's position is that where such a Requirement was considered necessary, given the differing positions of the Applicant and the LPAs on this point, and the need for the Proposed Development, it should be the Secretary of State to approve this to avoid the dispute continuing on into the implementation stage.</p> <p>Trial trenching was completed within Rutland (see Appendix 8.6: Trial Trenching Report of the ES for details).</p>	
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		<p>2) The document lacks clarity regarding the extent of the significant areas of archaeological buried remains. Without understanding these an appropriate mitigation programme can't be defined.</p> <p>3) The document does not appropriately consider the potential issues of the various design solutions. There is also a lack of clarity regarding the feedback loop between the archaeological evaluation and the site design, which we would expect to be a mutually informative process.</p> <p>4) There is no scope for consideration of ridge & furrow earthworks as a factor in the mitigation of the archaeological issues, which we would expect to see in addition to the buried remains.</p> <p>The OWSI is too broad in its scope. As an overview of the application area as a whole the document attempts to cover multiple phases of archaeological work (further evaluation trenching, subsequent</p>		
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		<p>mitigation) across several areas with differing archaeological issues/implications. The document does not provide sufficient detail of the site-specific constraints and localised archaeological issues that would be encountered within these various areas of the site. As such, it would be necessary for the applicant to submit further WSIs to ensure an adequate programme of work was provided for each area of archaeological interest. The scope of any document submitted at this stage would therefore be more suitably termed an overarching 'archaeological mitigation strategy' or something similar, and not a Written Scheme of Investigation, which would require a more specific outlined programme of archaeological work.</p> <p>The OWSI does not sufficiently define the areas of archaeological interest within the site. The five areas identified during the previous evaluation lack sufficient clarity, being described using phrases such as 'in proximity to...', 'to the north of...' etc. (paragraph 3.11). As part of a satisfactory mitigation WSI we would expect clearly outlined archaeological areas using plans within the document. The use of indicative zones, providing a buffer around areas of</p>		
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		<p>known archaeology, could be used where the evaluation has not had adequately evaluated the extent of these areas. In addition to the known areas of archaeological interest there are broad areas of site which have not been sufficiently evaluated. As such, whilst a document submitted at this stage could outline a broad methodological approach (further trial trenching within untested areas, followed by mitigation), it is not possible to provide sufficient clarity on the specifics of this work. We are particularly concerned that in the absence of detailed proposed trenching figures and a plan layout within the WSI there will be no opportunity to review the scope of further evaluation, as paragraph 3.7 states that 'The relevant LPAs will not be able to refuse approval of the Site Specific WSIs on the basis that they consider that there are an insufficient number of trial trenches proposed'.</p> <p>We are not satisfied that the document sufficiently considers the various development impacts. Piled foundations can have an impact on buried remains. Whilst the impact is localised, it is also indiscriminate and consistent across the site. Design solutions such as</p>		
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		<p>concrete feet often do require some ground reduction. In this case their appropriateness could only be ascertained once we have a better understanding of soil depths (landscapes are variable spaces, whilst some areas will contain significant overburden, other will have less), overburden compaction(?), nature and sensitivity of archaeological buried remains etc. The OWSI lacks clarity regarding the feedback loop between the archaeological evaluation and the design process. Phrases such as 'no-dig'/'exclusion zone' need to be clarified; would this mean no ground reduction or related construction activity? Paragraphs such as 3.18 are unclear, if concrete shoes are to be used can this area still be considered an exclusion zone? Further trial trenching results would be required to determine what mitigation or design solutions would be appropriate.</p> <p>The document does not contain any provision for ridge & furrow earthworks to be considered as part of the mitigation of archaeological remains. The document refers to extensive areas of ridge & furrow earthworks within the site (2.24), but does not discuss this later in the methodology. We would expect any well-</p>		
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		<p>preserved, extant earthworks to be considered either as part of the design process, or through appropriate archaeological recording. There should be sufficient flexibility/provision within the document to ensure this.</p> <p>Considering the above factors, we would advise that the submitted document is not sufficient in outlining a satisfactory archaeological programme of work. Given the absence of sufficient evaluation we have concerns with the feasibility of covering the archaeological requirements within a single document at this stage.</p>		
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Table 6– Highways and Access

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC6-1	Construction impacts	Happy with amended wording to oCTMP	<p>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.</p> <p>Detailed Construction Traffic Management Plan will be submitted to the relevant planning authorities for approval prior to commencement of any phase, as secured in Requirement 13 of Schedule 2 of the dDCO (Rev 5).</p> <p>The oCEMP, oCTMP & oDEMP have been updated at Deadline 5 to provide for wheel washes at each compound, as requested</p>	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
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 had concerns that the access at the junction of the Drift with the B1176 would result in a high negative impact due to concerns relating to highway safety, but following discussions with the Applicant, is now content.	<p>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]).</p> <p>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 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.</p>	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
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
RCC6-6	Details of Highways works proposed by the Proposed Development	Agree to the principle of having a separate agreement with the DCO, which replicates an S278 Agreement process. Having such an agreement in place would satisfy the LPA's concerns related to detailed highways works approvals and booking. However, we have yet to see the draft wording of such an agreement; therefore, this is not yet confirmed.	The Applicant considers that whilst the DCO drafting is well precedented, it is content to seek to agree to a side Agreement with RCC to provide such protections, similar to what would be expected under a section 278 Agreement.	Agreed

Table 7 – Ecology and biodiversity

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC7-1	Biodiversity	<p>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> <p>Happy that the revised wording to Schedule 2 requirement 7 of the DCO to secure 65% BNG and 36%BNG on hedgerow units</p>	<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>	Agreed

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	RCC is satisfied with the requirement for validation noise surveys to be completed once the development is operational to ensure that the envisaged noise levels set out in the ES are achieved and included within the oOEMP	This is provided for in the oOEMP.	Agreed
RCC8-3	Construction noise	RCC are satisfied that the requirements of the DCO and the CEMP will provide sufficient controls over construction noise during the construction phase of the development.	Noted, the relevant measures are set out in the OCEMP, secured by Requirement 11 of the DCO	Agreed
RCC8-4	Construction times	<p>Questions about 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>Would like further clarification on what constitutes 'substantial levels of noise'</p>	<ul style="list-style-type: none"> The outline Construction Environmental Management Plan [REP6-006] sets out that core construction working hours under table 2-1 will be 07:00 to 19:00 Monday to Saturday all activities. Percussive piling within 400 m of residential properties must be limited such that these activities may only occur for two periods of four hours (between 08:00 to 	Disagree

		<p>this is open to significant interpretation. A more appropriate approach would be to set an agreed noise level which should not be breached.</p> <p>RCC Still considers that there should be no construction work on Saturdays in order to provide respite to local residents and users of the Public Rights of Way and Bridleways that run throughout the DCO area.</p>	<p>18:00) with at least one hour break between the two periods.</p> <ul style="list-style-type: none"> • Saturday 09:00- 13:00 All activities except percussive piling within 400 m of residential properties. • Saturday 13:00 – 18:00, All activities except for: <ul style="list-style-type: none"> ○ HGV deliveries ○ Works likely to generate substantial levels of noise (which is defined as activities generating more than 45dB LAeq at neighbouring dwellings) ○ percussive piling (Unless agreed with the relevant local authority) • Sundays and Bank holidays and outside of the construction hours marked above (including nights). No activities except for HDD drilling which could be required subject to the restrictions set out in Table 3-5 of this oCEMP and would be agreed with the relevant planning authority. 	
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RCC8-5	Odour	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	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 event, the outline CEMP measures will mitigate against emissions impacts from the construction phase.	Agreed
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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	<p>RCC LLFA are satisfied with the principles of mitigation set out in Section 3.2 of the oSWDS in relation to the impact of installing concrete bases.</p> <p>Furthermore, RCC LLFA acknowledges it will have the opportunity to review the detailed surface water drainage design and final CMTP under the DCO to ensure that the development does not result in any flood risk. As such, the principals put forward in the oSMP, oSWDS & oWMP are accepted, so the status of this item can be shown as Agreed,</p>	Noted, all of these measures are secured through the DCO Requirements.	Agreed
RCC9-2	Flood prevention measures	<p>RCC LLFA are now satisfied with the principles set out in Table 1-1 and Section 2.5 of the oWMP in respect of flood risk mitigation.</p> <p>Furthermore, RCC LLFA acknowledges it will have the opportunity to review the detailed surface water drainage design and final CMTP and SMP under the DCO to ensure that the development does not result in any flood risk. As such, the principals put forward in the oSMP, oSWDS & oWMP are accepted,</p>	Noted, all of these plans are secured through the DCO Requirements.	Agreed
RCC9-3	Impact on existing water apparatus	RCC LLFA are now satisfied with the principles set out in Section 3.1 of the oWMP in respect of potential damage caused to existing land drains.	Noted, this is secured through the DCO Requirements.	Agreed

		<p>Furthermore, RCC LLFA acknowledges it will have the opportunity to review the final WMP under the DCO to ensure that appropriate treatment, timelines and mitigation are agreed to ensure that the development does not result in any flood risk as a result of damaged land drains. As such, the principals put forward in the oWMP are accepted, ,</p>		
RCC9-4	Further Information Request -	<p>RCC LLFA are now satisfied with the principles set out in para 7.10 of the oSMP in respect of flood risk mitigation.</p> <p>Furthermore, RCC LLFA acknowledges it will have the opportunity to review the detailed surface water drainage design including mitigation such as grass laying and final CMTTP and SMP under the DCO to ensure that the development does not result in any flood risk. As such, the principals put forward in the oSMP, are accepted, so the status of this item can be shown as Agreed,</p>	Noted, this is secured through the DCO Requirements.	Agreed

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].	Disagree
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. Concerns about wide food security impacts	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 Applicant submitted an assessment of the land involved for the other application sites across Lincolnshire and Rutland [REP3-037]. In total they involve of the order of 2,100 ha of land of BMV quality. This would represent 0.5% of the BMV of Lincolnshire and Rutland (2,114/419,600). 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].	Disagree

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC10-03	Inadequate agricultural production assessment	<p>The statement does not appear to assess the overall impact of the loss of agricultural production from the site as a whole.</p> <p>The scheme will result in the loss of BMV land, with over 42% of the site falling within the BMV grades. In light of the South Derbyshire appeal decision it is evident that this loss, which would in itself represent a smaller proportion of the site but a larger total area of land (360 Hectares by the applicant's calculation in APP-201), would be significant and represent a weighty consideration for the Examining Authority. Clearly in that appeal decision, the Inspector concluded that the loss of agricultural land was of such significance that it outweighed the contribution made to renewable energy targets by the proposed development. In that regard, this proposal represents a greater loss of BMV land than was deemed sufficient to justify dismissal of that appeal, and in light of that decision the loss of BMV land</p>	<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>	Disagree

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		proposed is therefore considered to be a matter of considerable weight in the determination of the current application.		

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

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
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].</p>	Disagree
RCC11-02	Recreational walking and cycling	Creating an adverse impact on recreational spaces & wellbeing of local residents.	<p>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 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 its Response to Interested Parties' Deadline 2</p>	Disagree

			Submissions on Public Rights of Way and Permissive Paths [REP3-022].	
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Table 12 – Public Rights of Way

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC12-01	Permissive Paths	<p>The Proposed Development includes the provision of new permissive footpaths, which is a potential positive area of mitigation.</p> <p>The oOEMP States “<i>The detailed OEMPs will require that if at any time in the operational phase, the existing PRoWs or new permissive paths need to be diverted or temporarily closed to facilitate maintenance activities, this will require approval of the local planning authority.</i>”</p> <p>RCC is satisfied that this will secure the Paths throughout the life of the development.</p>	Noted	Agreed
RCC12- 02	Negative impacts on the Users	<p>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.</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]. The consideration of PRoW has been a key Design Principle as detailed within the Design and Access</p>	Disagree

			Statement (DAS) [REP2-018], which has driven the spatial design response as illustrated in the Green Infrastructure (GI) Strategy Plan [APP173]. See Applicant's Response to Interested Parties' Deadline 2 Submissions on Public Rights of Way and Permissive Paths [REP3-022].	
RCC12-03	Impact on footpaths	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>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>The Applicant has also updated the oLEMP at Deadline 5 to provide that prior to submission of detailed LEMPs, it will engage with the Community Liaison Group (of which RCC will be a member) on the planting proposals around PROWs and permissive paths.</p>	Disagree
RCC12-04	Horse riding	The extended working days are also likely to make horse riding in the area problematic during construction.	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. The Applicant does not consider that negative impacts will be caused to horse riders during construction.	Disagree



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	<p>RCC have reviewed the management plans and are generally happy with the content.</p> <p>We would suggest that the Surface Water Management Plan should have a section included to require future flooding events to be investigated and reported to the LLFA and then any additional mitigation measures required to stop future flood risk are implemented.</p>	<p>The Applicants acknowledge the Council's comments and will continue to engage with RCC.</p> <p>The OOEMP has been updated at Deadline 7 to provide for reviews in the event of future flooding events.</p>	Agreed

Table 14 – Cumulative sites

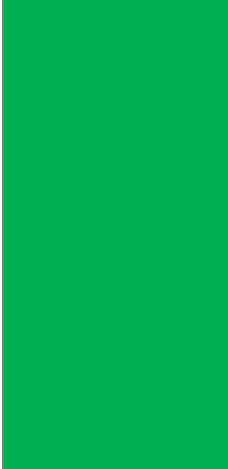
Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC14-01	Cumulative list	RCC has reviewed the updated cumulative list and is happy with the updated list.	Noted – The Applicant will engage and look to update the cumulative list and associated assessment, which was submitted at Deadline 6.	Agreed

Table 15 – draft Development Consent Order

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
RCC15-01	Procedure for discharging requirements	The procedure is not agreed with the 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	<p>Timeframes for decisions set out in Part 2(1) and (3) of Schedule 16 not considered sufficient</p> <p>Following further consideration, the Council considers that a compromise where all discharge requirements are set at 10 weeks is appropriate. This is consistent with other DCOs and would avoid the Council having to set up to systems for the discharge of different requirements.</p>	The DCO at Deadline 7 sets out the Applicant's position on this matter. 10 weeks has been given for agreed 'complex' requirements, and 8 weeks for less complex requirements.	Disagree
RCC15-03	Schedule 16 – Fees	<p>RCC considers that it would be appropriate to require that fees should be payable to the discharging authority.</p> <p>RCC is concerned that the wording of the DCO currently does not provide sufficient fees and only appears to include fees relating to discharge of conditions.</p> <p>RCC would expect fees similar to reserved matters application rates for the approval of</p>	The Applicant acknowledges this feedback. It had sought to provide simplicity (and accordance with precedents) in referencing the TCPA 2012 Fees Regulations, but has updated the position to better reflect previous discussions with RCC. This is provided in its Deadline 7 DCO submission.	Under Discussion

		detailed requirements of the DCO given the significant amount of work and consultation involved.		
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, including the Cleve Hill Solar Park Order 2020.	Under Discussion
RCC15-05	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).	Requirement 10 has been updated at Deadline 5 to simply require compliance with the Outline WSI now submitted. The Outline WSI sets out the process for approval of further phases of archaeological work.	Under Discussion
RCC15-06	Articles 2/5 Power to maintain	RCC is concerned with ensuring that there is no large-scale replacement of panels. It notes the suggested maintenance schedule but considers that it should be approved by the LPAs, not be for information purposes only. Given that the information could be provided 12 months in advance, it is considered that the most appropriate way forward would be for the Councils to have approval powers and that if there was a	As above. In addition, the Outline Operational Management Plan submitted at Deadline 4 [REP4-009] provides that the Applicant will provide notification of planned maintenance activities to SKDC and RCC for the forthcoming year on an annual basis. At the same time, the Applicant will be required to confirm that the planned maintenance activities will not give rise to any new or materially different environmental effects than those identified in the ES.	Disagree

		<p>disagreement (that the Council considered the works went beyond maintenance) the better process would be for the applicant to appeal that decision. This would avoid enforcement action for works that may have already started but still provide sufficient time for an appeal to be determined before the maintenance works needed to be undertaken.</p>	<p>The Outline OEMP (Rev 3) submitted at Deadline 5 has been updated to provide that alongside the maintenance schedule, any supporting environmental and traffic information will be provided to evidence that there are no materially new or materially different environmental effects arising from any planned maintenance activities.</p> <p>The text has also been updated to be specific about the part of the Environmental Statement that such information will have to show it is consistent with – being section 5.17 in Chapter 5 and provide a specific quantified control on activities through a restriction of 5 HGV two-way movements a day.</p> <p>Following discussion at the Hearings, the Applicant has updated the OOEMP at Deadline 7 to provide that any activities within the maintenance schedule that involve the replacement of solar equipment cannot take place until the relevant LPA has confirmed that they agree that those can be considered to lead to effects not materially new or materially different environmental effects than those reported for the operational phase in the ES.</p>	
RCC15-07	Article 6 – Application and	RCC are now happy with the provisions of the DCO and oCEMP and the DCO.	The disapplication of section 23 is a standard process in DCOs, with replacement protections via the drafting in the DCO, including article 16, Requirement 9, the set-	Agreed

	<p>modification of statutory provisions</p>	<p>Rutland County Council consents to the disapplication of relevant statutory provisions under article 6 of the DCO including section 23 (prohibition of obstructions, etc., in watercourses) of the Land Drainage Act 1991, the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991 and the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of authority) to the Water Resources Act 1991.</p>	<p>offs already provided for in the Order limits, and the measures set out in the oCEMP.</p>	
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Appendix A

Local Policy considered important and relevant for Rutland County Council –

Rutland Local Development Framework Core Strategy (2011) & Rutland Local Plan Site Allocations Policies Development Plan Document (2014)
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: