



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

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

Deadline 9 - November 2023

EN010127

EN010127/APP/8.8.4

1.0 Introduction

Status of the Statement of Common Ground

- 1.1 This Statement of Common Ground ('SoCG') is being submitted to the Examining Authority as an agreed draft between both parties. It will be amended as the examination progresses in order to enable a final version to be submitted to the Examining Authority.

Purpose of this document

- 1.2 This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared in relation to the Mallard Pass Solar Farm Development Consent Order (the Application). The SoCG is a 'live' document that has been prepared by Mallard Pass Solar Farm Limited and Lincolnshire County Council.
- 1.3 The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2015 by the Department for Communities and Local Government¹.
- 1.4 Paragraph 58 of the Department for Communities and Local Government (DCLG) Guidance comments that:
- "A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence".*
- 1.5 The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between Lincolnshire County Council and Mallard Pass Solar Farm Limited on matters relating to Mallard Pass Solar Farm.
- 1.6 The document will be updated as more information becomes available and as a result of ongoing discussions between Mallard Pass Solar Farm Limited and Lincolnshire County Council.

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

1.7 It is intended that the SoCG will provide information for the examination process, facilitating a smooth and efficient examination and managing the amount of material that needs to be submitted.

Terminology

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

“Agreed” indicates where the issue has been resolved.

“Not Agreed” indicates a position where both parties have reached a final position that a matter cannot be agreed between them.

“Under Discussion” indicates where points continue to be the subject of on-going discussions between parties.

2.0 Description of development

2.1 The Proposed Development comprises the construction, operation, maintenance, and decommissioning of a solar photovoltaic (PV) array electricity generating facility with a total capacity exceeding 50 megawatts (MW) and export connection to the National Grid.

2.2 The Mallard Pass DCO Project comprises those parts of the Mallard Pass Project which are to be consented to by a DCO, namely:

- The Solar PV Site - the area within the Order limits that is being proposed for PV Arrays, Solar Stations and the Onsite Substation.
- Onsite Substation - comprising electrical infrastructure such as the transformers, switchgear and metering equipment required to facilitate the export of electricity from the Proposed Development to the National Grid. The Onsite Substation will convert the electricity to 400kV for onward transmission to the Ryhall Substation via the Grid Connection Cables.
- Mitigation and Enhancement Areas - the area within the Order limits that is being proposed for mitigation and enhancement.
- Highway Works Site - the areas that are being proposed for improvement works to facilitate access to the Solar PV Site
- Grid Connection Corridor - the proposed corridor for the Grid Connection Cables between the Onsite Substation and the National Grid Ryhall Substation.

3.0 Current Position

Position of Mallard Pass Solar Farm Limited and Lincolnshire County Council

- 3.1 The following schedule addresses the position of Mallard Pass Solar Farm Limited and Lincolnshire County Council, following a series of meetings and discussions with respect to the key areas of the project.
- 3.2 As mentioned previously, this is a 'live' document and there are some aspects that are still under discussion between the parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and ultimately both parties agree on relevant points.

4.0 Record of Engagement

Summary of consultation and engagement

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

Table 4.1 – Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
09/09/2021	Virtual Meeting	Introduction to project and team
15/10/2021	Email from LCC	LCC requested details on the traffic survey data scope and timings to confirm that the surveys undertaken are suitable.
	Email from LCC	It was noted by LCC that it is expected that the primary impacts associated with the Proposed Development are associated with the construction phase, rather than the operational. Decommissioning could be assessed in the future once details are available.
	Email from LCC	LCC requested that the access strategy sought to minimise new points of access onto the LRN and to retain the existing access points, where possible. Outcome: The existing access points have been utilised, where possible. Where it is not possible to retain or use an existing access, the new access locations have been chosen in order to meet highway safety requirements and minimise the associated environmental impacts.
03/11/2021	Virtual Teams meeting	Pre-briefing presentation – Introducing Mallard Pass Solar Farm

Date	Form of Correspondence	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> - General update - DCO process introduction roles and responsibilities - Consultation strategy
04/11/2021	Email from Applicant	The Applicant provides digital notification of the launch of the Stage One non-statutory consultation, including links to consultation materials and information regarding consultation events (digital and in-person).
08/11/2021	Virtual Teams meeting	<p>The Applicant engaged with Lincolnshire County Council Cllr. Ashley Baxter.</p> <p>Pre-briefing presentation – Introducing Mallard Pass Solar Farm; Land use on Site; Perceived flood risk and mitigation; Visual impact and mitigation; Local policy and national policy statement; Agricultural land use versus renewable energy; Agricultural Land Classification Grade and soil sampling; Assessment of carbon mileage; and Consultation process.</p>
18/11/2021	Video call meeting	<p>Proposed scope of the desk-based assessment, key sources of information, proposed scope / extent / timings of the geophysical survey.</p> <p>Addressed within Section 8.2 in Chapter 8: Cultural Heritage [EN010127/APP/6.1] of the ES and in greater detail in Appendix 8.4: Desk Based Assessment [EN010127/APP/6.2]</p>
06/01/2022	Meeting	<p>The Applicant engaged with LCC's Ian Field. Meeting with LLFA to discuss FRA and SuDS requirements. Agreed that SuDS measures should focus on the substation and surface water management for the PV Arrays could be implemented through SuDS techniques.</p> <p>Agreement on principles for SuDS and FRA proposed by Arcus. Set out in Appendix 12.5: Flood Risk Assessment [EN010127/APP/6.2]</p>

Date	Form of Correspondence	Key topics discussed and key outcomes
10/01/2022	Letter via email from Applicant	The Applicant confirming LVIA approach including methodology, study area and viewpoint locations ahead of EIA Scoping Report submission.
18/01/2022	Phone call	The Applicant engaged with LCC's Ian Field. To discuss any requirements for watercourse buffers.
03/02/2022	Email from Applicant	The Applicant informs the local authority of the submission of the Environmental Impact Assessment (EIA) Scoping Report and providing general updates about the status of the Proposed Development.
07/02/2022	Virtual meeting	<ul style="list-style-type: none"> - Planning Performance Agreement - General update - Ongoing work
15/02/2022	Email from LCC	LCC provided feedback on the proposed construction strategy. LCC confirm preference to avoid two-way construction vehicle conflicts occurring.
	Email from Applicant	Information was provided to LCC on the methodology to develop construction trip rates. Outcome: The methodology to develop construction trip rates has been deemed as reasonable by LCC.
16/02/2022	Letter and Email from Applicant	The Applicant shares a link to the Scoping Report, a PDF copy of the Applicant's community newsletter, and of the post-Stage One FAQs document.

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

Date	Form of Correspondence	Key topics discussed and key outcomes
21/04/2022	Letter via email from Applicant	LCC submits feedback on the draft SoCC to the Applicant in a letter delivered via email.
05/05/2022	Email from LCC	<p>A consultation response was received from AAH consultants on behalf of LCC on 5th May 2022 requesting the inclusion of a number of additional viewpoints. These viewpoints were subsequently included in this chapter as representative or illustrative viewpoints.</p> <p>Outcome: The additional viewpoints requested by LCC / AHH have been included within the representative viewpoints (Figure 6.8.1 - 6.8.20) and the illustrative viewpoints (Figure 6.9.A – 6.9.H) of the submission LVIA.</p>
11/05/2022	Letter via Email from Applicant	To set out the intended scope of surveys (as detailed in the Baseline Report - BSG Ecology, 2022) and interim findings.
	Email from Applicant	The Applicant notifies the local authority of the upcoming Stage Two Statutory Consultation, providing dates and consultation information, and offering a pre-briefing meeting.
25/05/2022	Virtual meeting	Statutory consultation forward look
26/05/2022	Email from Applicant	The Applicant notified the local authority of the start of the Stage Two Statutory Consultation, informing councillors of changes in the Proposed Development, of public consultation events and information (including CAP site details), and of links to the relevant consultation documents, including the PEIR and PEIR NTS.
03/08/2022	Letter via Email from LCC	LCC submit feedback to Stage Two Statutory Consultation in a letter delivered via email.

Date	Form of Correspondence	Key topics discussed and key outcomes
	Stage Two response	The Applicant engaged with LCC's Stage Two response. Approach for SuDS agreed. Best practice outlined in Appendix 11.6 Outline Surface Water Drainage Strategy .
10/08/2022	Virtual meeting	<ul style="list-style-type: none"> - General update - Stage 2 consultation update
22/08/2022	Virtual meeting	University of Derby on behalf of LCC attended a meeting to discuss the PEIR stage comments related to Climate Change chapter.
31/08/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) catch up - Stage Two consultation early feedback
07/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) catch up - Approach to SoCGs and DCO timeline update
14/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) Stage 2 consultation feedback discussion - Site visit arrangements
16/09/2022	Letter via Email from Applicant	The Applicant notifies LCC of onsite survey works; trial trenching.
21/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC) site visit re-arrangement due to bank holiday - PPA for examination discussion
28/09/2022	Virtual meeting	<ul style="list-style-type: none"> - Combined authorities (LCC, RCC, SKDC)

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

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

Date	Form of Correspondence	Key topics discussed and key outcomes
14/06/2023	Email correspondence	Applicant received copies of LCC's Local Impact Report (LIR) via email. This will be included within the SoCG following assessment.
06/07/2023	Email Correspondence	Agreement of important and relevant local policies
17/07/2023	Email Correspondence	Applicant issue of updated SoCG for comment
19/07/2023	Virtual Meeting	To discuss amendments to SoCG following ISH
24/07/2023	Email correspondence	To confirm final version of SoCG to submit to the ExA for Deadline 4
10/08/2023	Virtual meeting	DCO drafting session with Applicant, LCC, RCC and SKDC
11/08/2023	Virtual meeting	S278 agreement process meeting
15/08/2023 – 21/08/2023	Email Correspondence	To share the Applicants response to comments on the drafting of the DCO
21/08/2023	Virtual meeting	To discuss LCC response to Applicants position on DCO drafting
05/09/2023	Virtual meeting	To discuss final amendments to SoCG prior to DL5 submission

Date	Form of Correspondence	Key topics discussed and key outcomes
04/10/2023	Virtual meeting	To discuss matters relating to DCO drafting and updates to the SoCG prior to DL7 submission

5.0 Current Position

5.1 The tables below provide a schedule that details the position on relevant matters on a topic-by-topic basis between Mallard Pass Solar Farm Limited and Lincolnshire County Council, including any matter where discussions are ongoing.

Table 1 – Access and highways

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 1-01	Survey Scope	LCC requested details on the traffic survey data scope and timings to confirm that the surveys undertaken are suitable.	It has been agreed with LCC that the traffic data collected is valid and appropriate.	Agreed
LCC 1-02	Impacts	It was noted by LCC that it is expected that the primary impacts associated with the Proposed Development are associated with the construction phase, rather than the operational. Decommissioning could be assessed in the future once details are available.	It has been agreed that the primary transport impacts of the Proposed Development are associated with construction and only this phase will be assessed. Decommissioning would be assessed in the future once details are available.	Agreed
LCC 13-11	Policy ID2 – Transport and Strategic Transport Infrastructure	the negative impacts arising from this development in terms of increased traffic, disruption to road users and as a result of junction improvement works, would not be expected to result in an unacceptable impact upon highway	Noted	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		safety or a severe residual cumulative impact upon the capacity of the existing local highway network within Lincolnshire, subject to the development being carried out as proposed within the DCO application documents and further details being agreed as part of subsequent DCO Requirements, LCC states that only a minor part of the highway network will be affected within Lincolnshire, therefore RCC should be consulted as well.		
LCC-12-06	Details of Highways works proposed by the Proposed Development	Agree to the principle of having a separate agreement to the DCO which replicates a S278 Agreement process. Having such an agreement in place would satisfy the LPAs concerns related to detailed highways works approvals and booking. LCC has received a draft of the side agreement however it has not been possible to agree/complete the	The Applicant notes LCC position and will continue to negotiate with the LCC to agree that Side Agreement as soon as practicable and with the aim of updating the Secretary of State prior to the decision being made .	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>agreement before the Examination closes.</p> <p>Notwithstanding the above, Articles 9, 10 and 13 have been updated to confirm that the powers conferred cannot be exercised without the consent of the highway/street authority and that such consent is to be in a form reasonably required by the highway/street authority. This therefore provides LCC with sufficient comfort those works cannot take place until some form of agreement is secured whether this be via the side agreement or not but it will continue to negotiate with the Applicant to agree that Side Agreement as soon as practicable and with the aim of updating the Secretary of State prior to the decision being made .</p>		

Table 2 – Landscape and Visual impact

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 2-01	Location of Representative viewpoints	LCC is content with the methodology and location of the viewpoints used and accepts that most of the additional viewpoints as suggested have been included. (also see LCC2-01.5 below).	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
LCC 2-01.5		Notwithstanding the comments in LCC2-01 above, the Local Impact Report confirms that whilst it is likely most effects do arise in that circumference, the impacts, however intermittent cannot be ignored beyond the 2km boundary. Given the height of some of the taller elements of the development LCC consider that it would have been beneficial for the LVIA to include viewpoints beyond 2km even if just to prove the lack of impact.	The Applicant considers that the viewpoints cover the relevant and necessary positions. Please see further response in Applicants Response to Deadline 2 submissions on Landscape and Visual matters [REP3-032] and Summary of its oral submissions at ISH2 submitted at Deadline 4.	Not agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 2-02	Landscape Characterisation	Requests inclusion of the Lincolnshire Historic Landscape Characterisation Project within the LVIA.	Chapter 6 of the ES [APP-036] has included a review of the Lincolnshire Historic Landscape Characterisation Project to inform the baseline study.	Agreed
LCC 2-03	Photomontages	AHH/LCC requested that photomontages are undertaken in accordance with AVR Level 2 or Level 3 standards.	The photomontages were produced to AVR Level 3.	Agreed
2-03.5	Photomontages	<p>The Local Impact Report confirms the number of photomontages appears limited especially given the scale of the development. Whilst the selection of the viewpoints has been discussed with LCC during the pre-application consultation stage, the exact location was not in all instances agreed.</p> <p>Some of the images used in the assessment are also considered to be of less than ideal quality with dark</p>	<p>The methodology for the provision of the photomontages is detailed within Appendix 6.2 [APP-055]. The photomontages have been produced in accordance with the <i>Landscape Institute's, Technical Guidance Note 06/19, Visual Representation of Development Proposals</i>. It should be recognised that all photomontages are illustrative and the Applicant would recommend that these are reviewed at the relevant viewpoints in the field.</p>	Not agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		views rendering it hard to ascertain the finer grain of Information. The choice of winter imagery is fine but the actual weather at the time of assessment should not diminish the value of the images. The close image of the assessors car in some of these images adds little to the value of the panoramic.	Please see further response in Applicants Response to Deadline 2 submissions on Landscape and Visual matters [REP3-032] and Summary of its oral submissions at ISH2 submitted at Deadline 4.	
LCC 2-04	PRoW	<p>LVIA should acknowledge that many of the local roads are also used as pedestrian routes between recreational footpaths/PRoW network.</p> <p>See Local Impact Report - in terms of impacts on users of the area, there appears to be a lack of appreciation that the road network is used by pedestrians, cyclists and not just motorists. Therefore the assessment of roadside viewpoints needs to consider these multi-faceted users.</p>	<p>The submission LVIA acknowledges that some of the rural lanes are also used by walkers as links between the existing PRoW network. See paragraph 1.2.4 of the Amenity and Recreation Assessment [APP-058] and Table 6-1 'Visual Receptor Groups' of Chapter 6 Landscape and Visual of the ES [APP-036]</p> <p>The impacts to PRoW both within the Order Limits and in the vicinity has been assessed with the Amenity and Recreation Assessment (ARA) [APP-058] which forms Appendix 6.5 to the LVIA [APP-036]. The Applicant's Response to Interested Parties' Deadline 2</p>	Not agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>LCC notes the Applicants response in the corresponding column and whilst the effect on non-motorised users using routes within or close proximity to the development has been assessed, the significance of the effect upon the experience of different users will vary depending upon the route and type of user and so cannot agree that the Proposed Development does not cause a significant effect to recreational use of the PRoWs or recreational use of the countryside as a community resource more generally.</p>	<p>Submissions on Public Rights of Way and Permissive Paths REP3-022 includes a Walking Routes and Viewpoints Table which, considered in light of the ARA and the Green Infrastructure Strategy, illustrate that Non Motorised Users have has been duly considered and assessed by the Applicant as part of the DCO submission and that impact to them would be limited to those routes within, or in close proximity to the Solar PV area.</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> <p>As such, the Applicant considers that the Proposed Development does not cause a significant effect to recreational use of the PRoWs or recreational use of the countryside as a community resource more generally.</p> <p>.</p>	

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 2-05	Methodology	<p>LVIA methodology identifies effects of Major-Moderate as being significant – usually the threshold for significant effects are considered to be Moderate and above.</p> <p>See Local Impact Report - the assessment considers that only effects classified as Major or Moderate-Major are considered as significant with all other classifications being 'of lesser concern' and not significant. LCC consider this approach is a break with the norm for LVIA's where any classification Moderate and above is considered to be significant and so the LVIA seeks to down-play the impacts of the development.</p>	<p>Within the EIA Regs, judgements regarding the likelihood of significant or not significant effects must be clearly set out by a suitably qualified consultant. However, no particular threshold is given for the determination of significant or not significant effects, and it is for the assessor to determine this threshold.</p> <p>The significance ratings within the LVIA methodology indicates a 'sliding scale' of the relative importance of effects with Major being the most important and Minimal being the least important. Effects that are judged to be 'Major' or 'Major-Moderate' are deemed to be significant. Effects which are of 'Moderate' significance or less are judged to be not significant. Further justification or explanation for the significance of effects is provided within the LVIA in accordance with the methodology in Appendix 6.2.</p> <p>Please see further response in Applicants Response to Deadline 2 submissions on Landscape and Visual matters [REP3-032]</p>	Not agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
			and Summary of its oral submissions at ISH2 submitted at Deadline 4.	
LCC 2-06	Residential Amenity	RVAA – a study area of 100m from the Site has been included although this should be extended beyond 100m in relation to the proposed substation and ancillary buildings of higher elevation.	<p>The study area of 100m from the Solar PV Site is considered to be appropriate for the RVAA. The RVAA submitted in the Stage 2 PEIR did not identify any overbearing effects on the residential properties located within 100m of the Solar PV Site and Onsite Substation and this is also the case at submission. As such, it is not considered necessary to extend the study area beyond 100m as no overbearing effects were identified within this study area.</p> <p>Please see further response in Appendix D to the Summary of its oral submissions at ISH1 submitted at Deadline 4.</p>	Not agreed

Table 3 – Climate Change

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

Table 4 – Archaeology

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 4-01	Written Scheme of Investigation (WSI) method statement	<p>The outline WSI was submitted by the Applicant at Deadline 8 and has been reviewed and LCC position is unchanged in that insufficient pre-determination has been carried out.</p> <p>Although the outline WSI suggests that further trial trenching could be undertaken pre-construction and site specific WIS's submitted and agreed with the LPAs, the outline WSI states that trenching will not be used in areas where activities involve piling as such works are likely to avoid all or any surviving remains. LCC has explained in earlier submissions why we disagree with this sweeping assumption and why additional trenching is needed.</p> <p>The Councils position on trenching is as per the position set out in the relevant parties' summaries of ISH</p>	<p>An outline Written Scheme of Investigation [REP5-075] was submitted at Deadline 5 by the Applicant. The Applicant does not intend to provide any further significant changes to its approach.</p> <p>The Applicant in its Deadline 8 [REP8-017] and 7 (ISH4 Summary) submissions has set out why its approach to trenching and the Outline WSI is appropriate.</p>	Not Agreed

		and responses to ExAQs and Rule 17 requests.		
LCC 4-02	Trial trenching quantity	<p>LCC maintains that further pre-determination evaluation needs to be carried out in order to be able to properly identify, understand and assess the potential impacts and for an appropriate mitigation strategy to be developed. If the Applicant is not agreeable or forthcoming in carrying out such further work pre-determination and the ExA is minded to grant the DCO and require additional trenching to be carried out, then details of this will need to be agreed in advance and also a WSI agreed.</p> <p>LCC does not consider the 'without prejudice' drafting and alternative route of the Applicant going direct to the SoS for approval of the additional trenching as necessary. If a scheme is required (the content of which could be confirmed/clarified in the wording of the DCO) and this is submitted to LCC directly (or SKDC)</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 oWSI.</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>Whilst the Applicant considers its approach to pre-application trial trenching is robust, the Applicant submitted 'without prejudice' drafting for a Requirement 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</p>	Not Agreed

		<p>then this would only be refused if it fundamentally conflicted with the terms of that Requirement. However, if for some reason the scheme were to be refused then the Applicant has a right of appeal and so can exercise that right. This is the same as that which exists for any other Requirement and so LCC does not see why a different decision route for this specific matter is necessary.</p> <p>In terms of the WSI, in the absence of additional trenching, LCC submits that the only suitable package of mitigation within that WSI would be to secure archaeological Strip Map and Record (SMR) in all areas not previously evaluated as this would ensure any surviving archaeology can then be mapped, investigated and recorded as necessary.</p> <p>Refer to response to ExQ2 for suggested revised drafting and further responses on this issue set out in Summaries of Oral submissions from ISHs and responses to Rule 17 requests.</p>	<p>avoid the dispute continuing on into the implementation stage.</p>	
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LCC 4-03	Evaluation	LCC maintains insufficient evaluation has been undertaken to allow for an understanding of the archaeological potential or to provide the basis for reasonable mitigation to deal with the impacts of this development.	The Applicant is of the opinion that sufficient assessment (evaluation) has been undertaken to design suitable mitigation and thus inform the decision, in accordance with industry good practice and aligned with policy. The Applicant further understands that LCC's concern is focused on the extent of evaluation undertaken, not the evaluation methods undertaken.	Not Agreed
LCC 4-04	Mitigation	LCC is of the view that further archaeological evaluation within the red line boundary is necessary to understand the extent, nature and significance of surviving archaeology so that appropriate mitigation can be determined.	In light of the policy requirements, the Applicant is of the opinion that sufficient assessment work has been completed to inform the options for mitigating the potential impacts of the Proposed Development (on buried archaeological remains) to reflect the archaeological characterisation of the Site that has been developed in light of the evaluation undertaken.	Not Agreed
LCC 4-05	WSI Position Statement	LCC position is as set out at 4-02, above.	<p>The Outline Written Scheme of Investigation (WSI) (rev0) was shared with the Local Authorities on 17 August 2023 and issued to the ExA at Deadline 8 [REP8-017].</p> <p>The Applicants position on trenching is as per the position set out in the relevant parties' summaries of ISH.</p>	Not agreed

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Table 5 – Ecology and Biodiversity

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 5-01	Designated sites	<p>International Designated Sites – no issue in principle given the low number of wildfowl identified (based on surveys carried out thus far) and distance from Rutland Water SPA.</p> <p>National Designated Sites – no issue in principle and note PINs agreed operational impacts can be scoped out. In terms of construction impacts, these are to be addressed/mitigated principally through the provision of stand-offs and a CEMP and so it will be necessary for such a CEMP to be contained within the ES to ensure that these can be assessed in terms of the appropriateness.</p>	<p>Section 7.4 of Chapter 7: Ecology and Biodiversity [APP-037] assesses impacts on designated sites and the shadow HRA provided in Appendix 7.5 [APP-063] demonstrates that there would be no adverse effects on the European sites.</p> <p>An outline CEMP (oCEMP) [PDA-005]. Has been prepared as part of the DCO application and the requirement to produce a detailed CEMP is secured under the DCO produced covering mitigation measures pertaining to designated sites and retained habitats.</p>	Agreed
LCC 5-02	Species	<p>Breeding birds – original surveys were conducted in 2021 and so it is suggested that updated surveys be</p>	<p>At the submission of the DCO, the surveys are only one year old and the habitats within the Order limits have not changed significantly, therefore, no update surveys are needed to</p>	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>conducted in 2022 to ensure findings/evidence base is as up to date as it can be given the Examination is not likely to take place until 2023 (by which time the original surveys will be nearing 2 years old).</p> <p>Otter and water vole – original surveys were conducted in 2021 and so it is suggested updated surveys be conducted in 2022 to ensure findings/evidence base is as up to date as it can be given the Examination is not likely to take place until 2023 (by which time the original surveys will be nearing 2 years old).</p>	<p>assess the impacts of the Proposed Development. This age of data is in line with CIEEM guidance.</p>	
LCC 5-03	Species	<p>GCN – agree with the suggested approach but recommend that the planned 2022 survey includes on-site ponds as well as off-site ponds to ensure 2021 findings remain true.</p>	<p>At submission of the DCO, the data at time of submission is only 1 year old and therefore sufficient for the purposes of the assessment. Updated and more detailed data will be sought for licensing purposes prior to construction in accordance with the oCEMP. Paragraph 7.6.33 of Chapter 7 of the ES [APP-037] confirms that both onsite and offsite ponds immediately adjacent to the order limiter were included in the survey.</p>	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 5-04	Species	Badgers – surveys conducted in 2021 and so it is suggested that updated surveys be conducted in 2022 to ensure findings/evidence remains true.	Update badger surveys are to be carried out as a mitigation and avoidance measure due to the mobile nature of the species as set out in the Chapter 7: Ecology and Biodiversity. These will be carried out prior to construction in accordance with the oCEMP. The data presented is considered sufficiently recent to be used for the purposes of this assessment.	Agreed
LCC 5-05	Biodiversity Net Gain	<p>The application suggests that there would be a substantial biodiversity net gain created across the scheme as part of the Mitigation and Enhancement areas. This gain is cited as being within the region of 71% which is well in excess of the 10% gain that is advocated at a national level and so would be a positive impact of the development if delivered.</p> <p>LCC welcome the revisions made to Requirements 5 & 7 of the dDCO which confirm a commitment to a higher BNG %.</p>	Noted.	Agreed

Table 6 – Noise

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

Table 7 – Water resources

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 7-01	Methodology	The Council is agreeable to the general approach and methodology detailed within the Environmental Statement.	Noted.	Agreed
LCC 7-02	Offsets from ditches	9m is required for IDB ditches and so if the ditch is not an IDB ditch then the landowner is responsible for maintenance of watercourse ditch. The suggested offsets would appear reasonable to LCC but ultimately it will be for the landowner to agree. Also refer to response to ExQ2 12.0.4	Drainage ditches within the Order limits are not adopted by the IDB and therefore the 9m buffer is not applicable. Fencing surrounding the PV Arrays will be offset at least 10m either side from main rivers & ponds and 6m from ditches.	Agreed
LCC 7-03	SUDS	Meeting with LLFA to discuss FRA and SuDS requirements. Agreed that SuDS measures should focus on the substation and surface water management for the PV Arrays could be implemented through	Noted	Agreed

		RsuDS techniques. Agreement on principles for SuDS and FRA proposed by Arcus on behalf of the Applicant.		
LCC 7-04	Flood risk	<p>The impacts of proposed development, in terms of flooding, within Lincolnshire are neutral.</p> <p>However, as the vast majority of the MPSF affects land lying within Rutland, the ExA are advised to take into account the views of RCC as set in its LIR.</p>	Noted.	<i>Agreed</i>

Table 8 – Air quality

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

Table 9 – Agricultural Land and Soils

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 9-01	Agriculture and Soils	Please refer to LIR [REP2-044] for detailed response – in summary LCC notes concerns with the use of BMV land within the proposed development, majority of the land proposed for solar PV development comprises Grade 3A land. LCC has concerns specifically with the long-term affect, the proposed development would have on the food production economy, including farm enterprises who will be affected. LCC also has concern due to the other proposed developments proposed within LCC, including on food security and the permanent loss of agricultural land. LCC view the loss of agricultural land as a result of development as a negative affect.	The Applicant has made submissions throughout Examination to set out that (a) there is 'no' loss of BMV land, but a temporary change in use of that land; (b) the cumulative impacts with other NSIPs in Lincolnshire and Rutland is 0.5% of the total BMV land in that area; (c) there is no impact to food security from the Proposed Development and in any event this is not a matter of planning policy; and (d) the agricultural land is not 'lost' so it does not need to be replaced	Not Agreed

		LCC have reviewed the briefing note provided by the Applicant, however, there is no change in position and the issue of food security remains a concern.		
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Table 10 – Public Rights of Way

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 10-01	DMMOs	The Applicant and LCC discussed this matter on 04/10/23 where progress has been made and revised wording for Article 12 has now been agreed.	At Deadline the Applicant has amended article 12 and this has now been agreed as acceptable to LCC.	Agreed
LCC 10-02	Impact upon PRow	LCC notes concerns with the size and scale of the development and the affect the development would have on PRow which pass in and around the order limits, specifically on the recreational value of various public rights of way. LCC acknowledges there will be new permissive footpaths developed as part of the development, there are concerns for the mechanism for securing these over the lifetime of the development. And would suggest that these routes should be secured and adopted as part of the definitive network. LCC further acknowledges the imposition of a 60 year time limit, however,	The impacts to PRow both within the Order Limits and in the vicinity has been assessed with the Amenity and Recreation Assessment (ARA) [APP-058] which forms Appendix 6.5 to the LVIA [APP-036]. The ARA concludes there would be Major-Moderate adverse effects (significant) during construction and decommissioning to Bridleways E182 (BrAW/1/1) and E169 that traverse through the Solar PV Site reducing to Moderate Adverse effects (not significant) post maturation of planting at year 15. All other PRow within the Order Limits and locality would experience effects no greater than Slight adverse (not significant) reducing to Minimal Adverse (not significant) post maturation of planting at year.	Not Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		maintains the permanent adoption of permissive routes is appropriate.	<p>The Applicant's Deadline 3 submissions set out the full context of the Proposed Development's impacts to users of PRowWs in the area.</p> <p>The permissive paths are secured pursuant to Requirement 7 of the DCO. The Applicant does not propose that these are to become public rights of way.</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 is secured by the [REP4-13] and Requirement 7 of the draft DCO.</p>	

Table 11 - Need case, site selection and alternatives

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

Table 12 – draft Development Consent Order

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC-12-01	Article 2 – Interpretation	LCC agreeable to definition as set out in the dDCO submitted at DL8 along with the updated oOEMP submitted at DL8 [REP8-012] – see LCC submissions REP7-040 and REP-8a-011A maintenance schedule (setting out planned works) could be submitted at least 12 months in advance and so if submitted like other Requirements under Schedule 16, then there would be plenty of time for the decision to be made and (if disagreement exists and the schedule refused) an appeal to be made to SoS as per the existing provisions. Taking enforcement action would be reactionary whereas the approval route would be preventative.	Noted	Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC-12-02	Schedule 2	<p>As identified in REP[4-044] it would be preferable for LCC to be named as a "relevant planning authority" and therefore the discharging authority for requirements in relation to highways and rights of way and archaeology. However, as this has not been agreeable we welcome revised wording of Requirements 7, 8, 11, 12 and 18 to make clear that Lincolnshire County Council is a specified consultee.</p> <p>This response to be read in conjunction with comments on WSI/Requirement 10 and response to ExA second written questions.</p>	The Applicant notes LCC response and is happy with the security provided by way of commitments to consultation with LCC in requirements 7,8, 11, 12 and 18.	Agreed
LCC-12-03	Schedule 16	<p>LCCs position regarding the timeframe for discharge of requirements remains unchanged from that set out previously – i.e. we maintain this should be 10 week for all requirements especially given the need to carry out consultation with interested parties on these requirements. A longer period therefore would allow sufficient time</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.	Not Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
		<p>for this. Also see LCC responses REP7-040 and REP8a-011.</p> <p>Like the Applicant, LCC position on this matter is unchanged and therefore will for the ExA and the SoS to decide as parties cannot agree.</p>		
LCC-12-04	Schedule 16 - Fees	<p>The latest version of the DCO now includes fee provisions which gives certainty to LPAs that the fees will be paid for the discharge of requirements. LCC has previously made comments on fees but as we are not a discharging authority we will not receive them. However, we would agree with the other LPAs that any fees need to avoid 'fixed amounts' and the DCO wording amended to allow provision for increases as a result of inflation or other increases like those for fees under the TCPA regime which are due to increase by 35% in April 2024 with annual rises thereafter.</p>	<p>The Applicant notes LCC comments and is pleased that the certainty is provided, however, the Applicant does not propose to add drafting to allow for fee increases.</p>	Not Agreed

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC-12-05	Duration of development	LCC maintain time-limit should be 40 years as per comments in REP8-024 and REP8a-11.	<p>The dDCO (Rev 5) submitted at Deadline 5 has been updated to provide that decommissioning must commence no later than 60 years the date of final commissioning of Work No. 1.</p> <p>Further to discussions with the relevant planning authorities, the Outline OEMP (Rev 3) has been updated at Deadline 5 to provide that the detailed OEMP must provide that the undertaker must provide notice to the relevant planning authorities once the authorised development stops generating electricity. If within 12 months of the date of the notice the authorised development does not re-generate electricity, decommissioning of the authorised development must commence unless it was a force majeure event that occurred which caused the authorised development to stop generating electricity or a force majeure event happens within that 12-month period (which would re-set the 12-month clock).</p> <p>The Applicant considers there is no sound planning reason for the duration to be less than 60 years.</p>	Disagree

Table 13 – Management Plans

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC 13-01	Outline Construction Environmental Management Plan	LCC agrees to the contents and commitments set out in the oCEMP	PRoW width updated to 2m and Bridleway to 3m	Agreed
LCC 13-02	Outline Decommissioning Environment Management Plan	LCC agrees to the contents and commitments set out in the oDEMP.	Noted	Agreed
LCC 13-03	Outline Operational Environment Management Plan	LCC agrees that there is no necessity for an individual PRoW Management Plan as appropriate measures are captured within the oCEMP and OEMP	Noted. Updates to paras 2.2.2 and 2.2.4 provide LCC with comfort re maintenance schedule PRoW width updated to 2m and Bridleway to 3m	Agreed
LCC 13-04	Outline Landscape and Ecology Management Plan	LCC notes the commitment to BNG targets set out in Requirement 7 of the Draft DCO LCC agrees to the contents and commitments set out in the oLEMP.	Noted	Agreed

LCC13-05	Outline Construction Traffic Management Plan	LCC agrees to the contents and commitments set out in the oCTMP	Noted	Agreed
LCC13-06	Outline Soil Management Plan	LCC agrees to the contents and commitments set out in the oSMP	Noted	Agreed
LCC13-07	Outline Water Management Plan	LCC agrees to the contents and commitments set out in the oWMP	Noted	Agreed
LCC13-08	Outline Travel Plan	LCC agrees to the contents and commitments set out in the oTMP	Noted	Agreed
LCC13-09	Outline Surface Water Management Plan	LCC agrees to the contents and commitments set out in the oSWMP	Noted	Agreed

Table 13 – Planning Policy context and Compliance

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

Table 14 – Cumulative Sites

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
LCC1 4-01	Cumulative list	LCC notes the updated cumulative list submitted at Deadline 8 [REP8-022] and is agreeable to this but recommends that consideration also be given to recently announced NSIP project known as One Earth which is another utility scale solar project on the Notts/Lincs boundary. This was announced on 27 August 2023 and in early stages but should still be taken into account and reflected in cumulative assessment as appropriate. Recommend updated list for Deadline 9.	One Earth included Deadline 9 submissions.	Agreed

Appendix 1

Local Policy considered important and relevant

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

Signatures

6.1 This Statement of Common Ground is agreed upon:

On behalf of Lincolnshire County Council:

Name: Neil McBride

Signature: *N McBride*

Date: 10th November 2023

On behalf of the Applicant:

Name: Sarah Price

Signature: Sarah Price

Date: 10th November 2023