



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

**Final Statement of Common
Ground with South Kesteven
District Council**

Deadline 9 - November 2023

EN010127

EN010127/APP/8.9.4

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 South Kesteven District 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 South Kesteven District 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 South Kesteven District 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 South Kesteven District Council

- 3.1 The following schedule addresses the position of Mallard Pass Solar Farm Limited and South Kesteven District 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 South Kesteven District Council in relation to the Application.

Table 4.1 – Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
10/09/2021	Email	Introduction to project and team.
01/10/2021	Virtual meeting	Case officer and senior planning team introduction.
15/10/2021	Email	The Applicant sent an email introducing the Proposed Development and extending a meeting invitation.
21/10/2021	Virtual meeting	General update DCO process introduction roles and responsibilities Consultation strategy
01/11/2021	Virtual meeting	Pre-briefing presentation – Introducing Mallard Pass Solar Farm; Location of the Site; Agricultural Land Classification Grade of Site; Stage One consultation events; and Engagement with parish councils and the community.
04/11/2021	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).
18/11/2021	Virtual meeting	Proposed scope of the desk-based assessment, key sources of information, proposed scope / extent / timings of the geophysical survey. In regard to the specifics of the desk-based

Date	Form of Correspondence	Key topics discussed and key outcomes
		assessment references were made to the need for a review of the historic environment record, lidar analysis, historic map regression, review of data from the Portable Antiquities Scheme.
06/12/2021	Virtual meeting	Pre-briefing presentation – Introducing Mallard Pass Solar Farm; Opportunities for enhancements; Visual impact from Public Rights of Way (PRoWs); Carbon savings and efficiency; Lifespan of solar panels; Mitigation opportunities for Parish Councils around the site during construction; Mitigate perceived flood risk; Capacity of substation; and Agricultural Land Classification. Discussions around PPA.
17/12/2021	Virtual meeting	General update on Stage One non-statutory consultation · Discussions around Planning Performance Agreement
11/2021 – 02/2022	Virtual meeting	The Applicant engaged with SKDC Environmental Health Services. The proposed baseline noise survey methodology and locations were presented. SKDC queried the location of the potential noise-generating plant in relation to proposed survey locations and typical noise emission levels. Further discussion on approach to consideration of rated noise levels in accordance with BS 4142. Specifically, it was proposed to consider a lower limit of 35 dB for rated noise levels.
07/01/2022	Letter via email	The Applicant confirming LVIA approach including methodology, study area and viewpoint locations
16/02/2022	Phone call	The Applicant engaged with SKDC Customer Services' Christian Polzin. Record request of Private Water Supply (PWS) within 2 km of Project site. Response received on 14/03/2022. Data used to inform the assessment.

Date	Form of Correspondence	Key topics discussed and key outcomes
	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 shared an earlier working draft version of the Statement of Community Consultation (SoCC).
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.
14/03/2022	Email	Response from SKDC providing registered PWS.
23/03/2022	Email	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	Ecology Landscape and Visual Impact Planning Performance Agreement (scope and instruction)
01/04/2022	Virtual meeting	The Applicant engaged with the Tourism and Visitor Economy Officer for Invest South Kesteven. The consultation was used to confirm the tourism offer of the South Kesteven area, particularly within a 2km radius of the proposed Order limits, and key tourism receptors (attractions and accommodation providers) that the Applicant should account for in its design layout considerations and overall assessment.

Date	Form of Correspondence	Key topics discussed and key outcomes
		The consultation has informed the mitigation and assessment of tourism impact in the socioeconomics ES chapter. The socio-economics assessment assesses the impact upon tourism and accommodation providers as not-significant, as such no mitigation is required.
07/04/2022	Email	Written response to the EIA Scoping: 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.
07/04/2022	Meeting	The Applicant engaged with SKDC Registered PWS: Banthorpe Lodge; The Stables; Kettles Barn; Glen Lodge; Bowthorpe Park Farm; Spa House; Spa Cottage; Spa Lodge Farm.
12/04/2022	Virtual meeting	General update Draft SoCC
22/04/2022	Letter via email	SKDC submit feedback on the draft SoCC to the Applicant in a letter delivered by email.
11/05/2022	Virtual meeting	Statutory consultation forward look · SoCC
	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.

Date	Form of Correspondence	Key topics discussed and key outcomes
18/05/2022	Virtual Teams meeting	Presentation – Introduction to Stage Two consultation; Description of the Applicant; Project boundary of the Site; Our consultation process; Design development; residential setback, visual screening, ecological mitigation and enhancement, recreational amenity; Stage Two design; and Events and contact information.
25/05/2022	Virtual meeting	Statutory consultation forward look.
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.
22/06/2022	Virtual meeting	· Stage Two Statutory Consultation update
14/07/2022	Meeting	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.
22/07/2022	Virtual meeting	General update Stage Two Statutory Consultation update
27/07/2022	Virtual meeting	Stage Two Statutory Consultation update

Date	Form of Correspondence	Key topics discussed and key outcomes
07/2022	Virtual meeting	<p>The Applicant engaged with SKDC Environmental Health – Section 42 consultation (based on PEIR).</p> <p>PEIR assessment was reviewed and summarised. SKDC Environmental Health were satisfied with the assessment undertaken and the proposed control and mitigation measures.</p> <p>Comparable approach retained in the ES.</p>
		<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 in ES.</p>
01/08/2022		<p>The Applicant engaged with SKDC's Climate Change Officer. 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.'</p>
05/08/2022	Virtual meeting	Stage 2 consultation feedback process / planning committee briefing discussion
26/08/2022	Letter via Email	SKDC submit response to Stage Two Statutory Consultation on all topics
31/08/2022	Virtual meeting	<p>Combined authorities (LCC, RCC, SKDC) catch up</p> <p>Stage Two consultation early feedback</p>

Date	Form of Correspondence	Key topics discussed and key outcomes
07/09/2022	Virtual meeting	Combined authorities (LCC, RCC, SKDC) catch up Approach to SoCGs and DCO timeline update
14/09/2022	Virtual meeting	Combined authorities (LCC, RCC, SKDC) Stage 2 consultation feedback discussion Site visit arrangements
16/09/2022	Letter via Email	The Applicant notifies SKDC of onsite survey works; trial trenching.
21/09/2022	Virtual meeting	Combined authorities (LCC, RCC, SKDC) site visit re-arrangement due to bank holiday PPA for examination discussion
28/09/2022	Virtual meeting	Combined authorities (LCC, RCC, SKDC) Trial trenching DMMO LCC climate change meeting set up Discussion regarding requirement for and scope of a Minerals Assessment
05/10/2022	Site Walkover Meeting	Combined authorities (LCC, RCC, SKDC) Site meeting to discuss LVIA and PRow
		Agricultural Land Classification (ALC) – hectare area calculations to be provided for each soil grading across the Solar PV Site.

Date	Form of Correspondence	Key topics discussed and key outcomes
		Outcome: Area calculations for the Solar PV Site for each agricultural land classification to be provided within ES Chapter 12, Land Use and Soils.
12/10/2022	Virtual meeting	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.
24/05/2023	Virtual meeting	An initial call to discuss SKDC'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 SKDC 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.
06/07/2023	Virtual Meeting	Meeting to discuss agreement of draft SoCG content in advance of ISH1 and for issue to the ExA at DL4
20/07/2023	Virtual Meeting	Call to discuss SoCG progress post ISH and agree updates for DL4 submission to EXA

Date	Form of Correspondence	Key topics discussed and key outcomes
20/07/2023 – 25/07/2023	Email correspondence	Agreement of draft SoCG for submission at deadline 4
10/08/2023	Virtual Meeting	DCO drafting session
23/08/2023	Virtual meeting	Review SoCG and DCO drafting
31/08/2023	Virtual meeting	Confirm SoCG updates for Deadline 5
31/08/2023 – 05/09/2023	Email Correspondence	Email exchanges between the Applicant and SKDC regarding the drafting of the SoCG
15/09/2023	Virtual Meeting	Review SoCG and confirm updates for Deadline 6.
15/09/23 – 4/10/23	Email Correspondence and Virtual Meeting	Email exchanges between the Applicant and SKDC regarding the drafting of the SoCG. Meeting to discuss Community benefits.

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 South Kesteven District Council, including any matter where discussions are ongoing.

Table 1 – Planning Policy

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 1-01	Policy	<p>The Proposed Development will need to consider policies as adopted in the SKDC development plan including:</p> <ul style="list-style-type: none"> • South Kesteven Local Plan 2011 – 2036 (adopted 2020) • Appendix 3 Renewable Energy • Design Guidelines for Rutland & South Kesteven Supplementary Planning Document (adopted November 2021) • Carlby Parish Neighbourhood Development Plan 2018-2036 (Made 2019) 	Noted	Agreed

		<ul style="list-style-type: none"> Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) 		
SKDC 1-02	Local Policies	A list of local policies important and relevant to the ExAs decision has been agreed and are appended to this SoCG	Noted – see Appendix A for the agreed list of important an relevant local policies. Section 6.5 of the Planning Statement [APP-203] also includes a schedule of local policy, including SPDs which have been considered by the Applicant.	Agreed

Table 2 – Scope and Methodology of the Environmental Statement

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC2-01	Environmental Impact Assessment	SKDC have commissioned an independent compliance review of the applicant's Environmental Statement, jointly with Rutland County Council (RCC). Noting the limitations of the review set out in paragraph 1.4 of the report, the review produced by Stantec confirms that the EIA undertaken is considered in compliance	Noted	Agreed

		<p>with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the proposed development.</p> <p>Notwithstanding this, SKDC notes that other technical consultees may have comments on elements of the approach.</p>		
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Table 3 – Duration of the proposed development

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 3-01	Duration of the development	<p>Uncertainty of the lifetime of the proposed development, makes meaningful assessment of the impacts of the proposal, in particular any decommissioning phase, extremely difficult which creates further concern and uncertainty amongst the local community.</p> <p>60 year time limit noted, but remain of the view that this should be 40 years, as is precedent for other similar schemes.</p> <p>Amended wording noted. SKDC would request that the additional wording in the oOEMP (2.2.2) is updated to include an approval process for annual maintenance activities and/ or that this process is part of the DCO.</p>	<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. The Applicant considers that there is no planning reason for the lifetime of the development to be shorter than this.</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 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 OEMP now provides for the LPAs to be satisfied that an annual maintenance schedule that includes replacement activities will not lead to materially new or materially different effects to those</p>	Disagree on project lifetime only

			assessed for the operation phase of the project.	
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Table 3 – Landscape and Visual Impact

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 3-01	ES Figures 6.6 and 6.7 - Representative viewpoints, illustrative viewpoints and visual receptor groups	SKDC have been involved in the agreement of viewpoints at the pre-submission.	Noted	Agreed
SKDC -02	Methodology and conclusions	As confirmed at ISH2 the LPA are content that the scope and methodology for the LIVA are appropriate. Notwithstanding this, SKDC notes that other technical consultees may have comments on elements of the approach.	Noted	Agreed

SKDC -03	Impacts	<p>Significance of effects reported in LVIA not disputed. General concerns related to overall impacts and wider enjoyment of the Countryside remain</p> <p>SKDC recognise elements of the assessment identify significant adverse impacts.</p>	Noted	Agreed
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Table 4 – Heritage and archaeology

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 4-01	Impact on heritage assets	Section 42 stage response – No objection from a conservation point of view given the distances from the development site [to built heritage assets]	Noted	Agreed
SKDC 4-02	Archaeology	SKDC will defer to Lincolnshire County Council's judgement on this matter, it is noted there is dispute over the extent of trial trenching.	Noted	Agreed

Table 5 – Highways and Access

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 5-01	Highways	SKDC will defer to Lincolnshire County Council's judgement on this matter with regard to impacts. Please refer to table 13 below for comments on the CTMP.	Noted	Agreed

Table 6 – Ecology and biodiversity

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 6-01	Ecology assessments	SKDC do not have an inhouse ecologist. The scope of the PEIR stage assessments assessed by appointed consultants were considered appropriate. For further detailed comments, SKDC would defer to Lincolnshire Wildlife Trust.	Noted	Agreed
SKDC 6-02	Biodiversity Net Gain (BNG)	Requirement 7 as currently presented within the draft DCO only seeking a minimum of 10%, which would greatly reduce the extent of the positive impact. Updated wording noted in relation to BNG. No further comments.	The dDCO (Rev 5) submitted at Deadline 5 has been updated to specify that the 65% biodiversity net gain relates to habitat units and that a minimum biodiversity net gain of 36% applies to hedgerow unit. BNG Metric calculations are based on the Green Infrastructure Strategy Plan [APP-173] and measures that are in the Outline LEMP. All habitat creation and enhancement measures will be set out in the detailed LEMP which is required to be in accordance with the Outline LEMP compliance with which is secured via DCO Requirement.	Agreed

Table 7 – Noise and air quality

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 7-01	Operational noise	SKDC confirm no comment on assessment methodology or conclusions set out in ES with regard to Operational noise and note final schemes/details will be secured as DCO Requirements.	Noted	Agreed
SKDC 7-02	Construction noise	<p>See points raised at 6.7.1 of LIR.</p> <p>SKDC EHO response to ExA qu. 5.2.7: A & B)</p> <p>A public right of way would be classed as low sensitivity with transient receptors. The principles of the PPGN can be applied to non-residential noise sensitive receptors such as a public right of way (PRoW), such that a noise could be audible but doesn't result in any change of behaviour and as such would be below the LOAEL (Lowest Observed Adverse Effect Level). The very nature of the noise from a transformer house (potential hum) is not an adverse impact type of</p>	<p>Please Refer to applicants' response to interested parties submissions on air quality, noise and vibration [REP3-025].</p> <p>The oOEMP sets out the Applicant's proposals for controlling noise at public rights of way.</p> <p>The Applicant notes the comments regarding operational noise in part C and D and will be updating the oOemp at Deadline 6 to provide for a validation assessment of the noise levels arising from the operational equipment for the Proposed Development.</p>	Agree

		<p>noise such as mechanical banging which would have a greater intrusive impact.</p> <p>C)</p> <p>A validation noise assessment of the operational development could be conditioned to ensure that the proposed noise levels are achieved and whether further mitigation (mainly associated with the electrical and mechanical plant)</p> <p>D)</p> <p>There is continued and open communication from SKDC Environmental Protection Officers relating to the noise impacts and proposed levels for the development both at the construction and operational phases of the development. This includes dialogue with the applicant and importantly members of public ensuring that operational noise levels are met.</p>		
SKDC 7-03	Air quality	<p>SKDC 6.7.1 outline concerns regarding dust.</p> <p>oCEMP mitigation measures noted and agreed.</p>	<p>Please Refer to applicants' response to interested parties submissions on air quality, noise and vibration [REP3-025], this confirms that within the oCEMP [REP2-020], mitigation measures have been specified based on a potential large risk of dust emission during construction</p>	Agreed

			as a precautionary approach. On this basis, it is not anticipated that there will be any significant residual effects.	
SKDC 7-05	Core Construction Hours	<p>The Applicants proposed working hours are acceptable subjected to proposed condition set out in response Q1.0.11 [REP2-052] with regard to noise impacts.</p> <p>SKDC response to ExA qu. 13.1.2:</p> <p>It could be expected that the weekends (Saturday) are more sensitive to receptors and as such the proposed later start time and earlier finish time for Saturdays be taken on board by the applicant as more appropriate.</p> <p>SKDC Environmental protection has previously commented that a caveat for the core hours during the week that the contractor makes an assessment/determination of impact from those noisier activities if they are being carried out within 250m of a sensitive receptor and that the noisier activities end at 16:00.</p>	<p>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 18:00) with at least one hour break between the two periods.</p> <p>Saturday 09:00- 13:00 All activities except percussive piling within 400 m of residential properties.</p> <p>Saturday 13:00 – 18:00, All activities except for:</p> <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) 	Agreed

			<p>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.</p> <p>Noted. Please refer to Applicants Response to Interested Parties Submissions' on Air Quality, Noise and Vibration [REP3-025].</p>	
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Table 8 – Water Resources

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
8-01	Flood Risk	SKDC will defer to Lincolnshire County Council's and other statutory drainage authorities judgement on this matter as LLFA	Noted	Agreed

Table 9 – Land use and soils

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 9-01	Assessment of Agricultural Land and soils	SKDC will Defer to Natural England's advice on the adequacy of the assessment.	Noted	Agreed
SKDC 9-02	Land use	<p>Concern regarding:</p> <ul style="list-style-type: none"> • loss of Best and Most Versatile and all grades of agricultural land and impacts upon arable food production • Cumulative impacts with other similar NSIP projects • Food security and carbon impacts of food imports • Lack of mechanism for replacement of agricultural land <p>See section 6.3 of SKDC Local Impact Report [REP2-051] for full response</p>	<p>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.</p>	Disagree

Table 10 – Climate change

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 10-01	Climate change	SKDC's Report to Planning committee 11 th August 2022 – confirms at 2.2.6 "The proposed development would therefore have a positive impact in directly mitigating against emissions of carbon dioxide to the atmosphere for energy requirements, and significantly 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
SKDC11-01	Study area	Consultation with the Applicant was used to confirm the tourism offer of the South Kesteven area, particularly within a 2km	The consultation has informed the mitigation and assessment of tourism impact in the socio-economics ES	Agreed

		radius of the proposed DCO limits, and key tourism receptors (attractions and accommodation providers) that we should account for in our design layout considerations and overall assessment.	chapter. The socio-economics assessment assesses the impact upon tourism and accommodation providers as not-significant, as such no mitigation is required.	
SKDC 11-02	Impacts	6.2.5 As it is noted in Renewable Energy Appendix 3, the South Kesteven District includes extensive areas of countryside which are popular destinations for walking, cycling, horse riding and fishing. There is an extensive network of public rights of way and bridleways across the District, and National Cycle Network routes through Grantham and Stamford. The impact upon existing public footpaths and their associated recreational value as a result of the development is noted as a key consideration. As such the change in the character of the area, from an attractive rural destination to an urbanised landscape, is a key area of concern. Further, the potential wider negative impacts on the visitor economy as a result of the development require careful consideration.	Noted. Please refer to response to SKDC12-01 below	Disagree

Table 12 – Public Rights of Way

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 12-01	Public Rights of Way	<p>Concern in the local community associated with recreational impacts from the perspective of Public Rights of Way (PRoW) that pass in and around the Order limits.</p> <p>Concern on impact during construction.</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 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</p>	Disagree

			<p>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>	
SKDC 12-02	Public Rights of Way	<p>SKDC EHO response to ExA qu. 10.0.3:</p> <p>A public right of way would be classed as low sensitivity with transient receptors. The principles of the PPGN can be applied to non-residential noise sensitive receptors such as.</p> <p>A permissive path and/or a public right of way (PRow), would be a transient receptor and exposure to the noise would be of a very short period of time and minimal.</p> <p>b)</p> <p>The predicted worst-case noise levels in Appendix C would not exceed 50dB LAeq, which is below the 55dB threshold of significance derived (on a</p>	<p>The oOEMP sets out the Applicant's proposals for controlling noise at public rights of way.</p>	Agree

		precautionary basis). The very nature of the noise from a transformer house (potential hum) is not an adverse impact type of noise such as mechanical banging which would have a greater intrusive impact. SKDC Environmental protection have no further comments on the new information and remain that even at the worst-case scenario of 50dB LAeq the impact would be minimal (given the type and nature of the noise) and not of significant impact to the transient users of the PRow.		
SKDC 12-03	Permissive Paths	Following ISH2 – SKDC are content that Permissive Paths would be retained during duration of development	Noted	Agreed
SKDC 12-04	Permissive Paths	The weight to be afforded to the benefit of the permissive paths needs to be considered in the context of the impact of the Proposed Development on the proposed routes.	The Applicant considers that the permissive paths should be seen as a benefit of the Proposed Development and that they are not a mitigation measure for impacts to PRowS (which are minimal). The Applicant has put controls into the oOEMP and oCEMP in order to mitigate any impacts to users of those permissive paths, with no likely significant effects identified in the ES.	Disagree

SKDC 12-05	Permissive Paths	<p>Agree that there is a benefit of extended permissive paths to the DCO scheme and the improvement to connectivity across the order area.</p> <p>SKDC accept that permissive paths can be secured for the lifetime of the development,</p>	The applicant is in agreement that permissive paths are a benefit to the scheme and improve connectivity across the order area.	Agree
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Table 13 – outline Management Plans

Where a management plan is not referred to in the following table, then the LPAs have no comment on it.

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
13-01	Outline Construction Traffic Management Plan	<p>See SKDCs response to ExA Q1 – Q1.0.19 for comments regarding:</p> <ul style="list-style-type: none"> • Parking numbers during construction • Routing and vehicle numbers • Access • Working hours and delivery 	<p>The updated version of the oCTMP [Rev 3] includes reference to the submission of plans of vehicle tracking in and out of the construction compounds which will be provided within the detailed CTMP which is secured by way of Requirement on the DCO.</p> <p>.</p>	Agreed

		<p>Appropriateness of walking and cycling targets</p> <p>Deadline 5 oCTMP changes noted – no further comments.</p>		
13-02	<p>Outline Operational Environmental Management Plan [APP-208]</p> <p>Outline Decommissioning Environmental Management Plan [APP-209]</p> <p>Outline Landscape and Ecology Management Plan [APP-210]</p> <p>Outline Employment, Skills and Supply Chain Plan [APP211]</p>	<p>oOEMP – no further comments</p> <p>oDEMP – no further comments</p> <p>oLEMP - Updated minimum BNG figures for habitats and hedgerow units noted.</p> <ul style="list-style-type: none"> - Welcome inclusion of requirement for pre-submission engagement with CLG regarding interpretation board and planting detail alongside PRowS and permissive paths. <p>oESSCP – no further comments</p> <p>oCTMP – no further comments</p> <p>oSMP – no further comments</p> <p>oWMP – no further comments</p> <p>oTP – no further comments</p>	Noted, the Applicant awaits detailed comment for review.	Agree

	<p>Outline Construction Traffic Management Plan [APP-212]</p> <p>Outline Soil Management Plan [PDA-007]</p> <p>Outline Water Management Plan [APP-214]</p> <p>Outline Travel Plan [APP215]</p>			
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Table 14 – Cumulative sites

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
14-01	Cumulative list	List appears up to date – SKDC happy to engage and keep under review. Deadline 6 updated cumulative scheme long list up to date.	Noted –SKDC to review the LPAs application register and provide update at Deadline 6.	Agreed

Table 15 – DCO

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

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
SKDC 15.02	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>SKDC welcome the Applicant's proposal to increase the notice period to 8 weeks and the reference made to other similar DCO's. SKDC would also wish to refer to the Longfield Solar DCO scheme, which provided a 10 week period and a more flexible approach, which SKDC would also advocate would be appropriate for Mallard Pass</p>	<p>Please see the response provided to the ExA's First Written Question 5.4.2 [REP2-037].</p> <p>The dDCO [REP4-027] submitted at Deadline 4 provides a period of 8 weeks rather than 6 weeks for the discharging of the majority of the requirements, except for requirements 7, 11, 12 and 18, where a longer period of 10 weeks is deemed appropriate. The Applicant will informally discuss the pre-warnings of any submission with SKDC should the DCO be granted.</p> <p>The Applicant does not propose to amend the time limits any further in Examination.</p>	Disagree
SKDC 15.03	Schedule 16 – Fees	SKDC are happy with the fees proposed in Schedule 16 in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site	The Applicant does not propose to make this change as the Fee regime in the DCO is not the same as the 2012 Regulations, and there are therefore not 'equivalent fees' to those	Disagree

		Visits) (England) Regulations 2012 fees however would request that the drafting contains the following point <i>'Stated fees subject to change in-line with any changes to equivalent fees stated within the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(a) (as may be amended)'</i> in line with response to ExA's Questions at Deadline 8A.	Regulations to which the suggested drafting could bite.	
SKDC 15.04	Requirement 7 – Outline Landscape and Environmental Management Plan	<p>SKDC considers that any commitment to mitigate landscape effects that the assessment identifies as being necessary should be secured over a minimum of 15 years.</p> <p>SKDC would refer to its previous response to this question at Deadline 2 and the importance of ensuring full landscape mitigation is delivered over a minimum period of 15 years</p>	Please see the Applicants responses provided to the ExA's First Written Question 5.2.4 [REP2-037]. The Applicant does not consider that the <u>replacement</u> 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, and DCOs in other sectors (noting it was included in the original model provisions). The maintenance of landscape mitigation will be	Disagreed

			<p>implemented over the duration of the development.</p> <p>Following completion of construction, monitoring of the LEMP(s) will be undertaken every 5 years by a suitably qualified ecologist and landscape architect and a written report produced and provided to the relevant local planning authority</p>	
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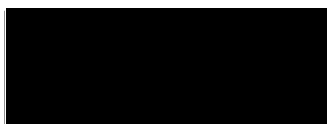
Signatures

6.1 This Statement of Common Ground is agreed upon:

On behalf of South Kesteven District Council:

Name: Phil Jordan, Development Management & Enforcement Manager

Signature:

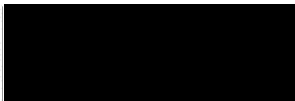


Date: 8th November 2023

On behalf of the Applicant:

Name: Sarah Price

Signature:



Date: 8th November 2023

Appendix 1

Local Policy is considered important and relevant for South Kesteven

South Kesteven Local Plan Plan 2011 – 2036 (adopted 2020)	South Kesteven Local Plan Plan 2011 – 2036 (adopted 2020) Renewable Energy Appendix	Carlby Neighbourhood Plan –.	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 P.0.	Policy M11 – Safeguarding of Mineral Resources
Policy SP1 (Spatial Strategy)	Criterion 2 residential amenity assessment	V.0.	
Policy SP5 (Development in the Open Countryside)	Criterion 3 of the Renewable Energy Appendix Cumulative impact assessment	D.0	
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)			