



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

### Statement of Commonality (Tracked)

**Deadline 9 - November 2023**

EN010127

EN010127/APP/8.1.7

## **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

### Overview

- 1.1 This Statement of Commonality of Statements of Common Ground has been prepared on behalf of Mallard Pass Solar Farm Limited (the 'Applicant'). This document provides the Examining Authority (ExA) with the position on Statements of Common Ground (SoCG) between the Applicant and statutory consultees and Interested Parties in relation to the proposed Mallard Pass Solar Farm. It will be updated throughout the course of the Examination.
- 1.2 The Applicant is seeking development consent for 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.
- 1.3 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 15 of the PA 2008, as the capacity exceeds 50MW and, as such, requires a DCO to proceed.
- 1.4 The PA 2008 prescribes that the SoS is responsible for determining the DCO Applications, with the power to appoint an Examining Authority (ExA) of an appointed person(s) to manage and examine the Application. The ExA, appointed through the Planning Inspectorate, will make procedural decisions and examine the Application. The ExA will make a recommendation to the SoS who will then decide whether to grant a DCO Application. Energy NPSs have an effect on decisions by the SoS on applications for energy developments that are nationally significant under the PA 2008.

### Description of Development

- 1.5 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.
- 1.6 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 are 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
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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 are 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.

### **Structure of the Statement of Commonality**

1.7 This Statement of Commonality document is structured as follows:

- Section 2 details the structure of each SoCG document and provides a list of the SoCGs that are being produced;
  - Section 3 addresses the status of each SoCG; and
  - Section 4 sets out the commonality between SoCGs and a summary of their position.
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## 2.0 Position

### Structure of SoCGs

2.1 Each SoCG adopts a standard format to ensure consistency in the approach taken to documenting matters agreed, matters subject to an ongoing discussion, or matters not agreed upon. However, the SoCG between the Applicant and the Mallard Pass Action Group has adopted a different format to ensure that all points can be easily distinguished between agreed and not agreed.

2.2 Each of the SoCGs are structured in the following way:

- Section 1 provides an introduction to the SoCG, including a description of the document and the relevant party;
- Section 2 provides a summary of engagement between the Applicant and the relevant party so far; and
- Section 3 provides a schedule of matters raised by the relevant party and the Applicant's responses to these.

2.3 It is noted that not all matters may be covered in the existing drafts. The drafts represent a point in time and further matters may be raised as engagement continues with the relevant stakeholders. These will be presented in future drafts.

### List of SoCGs

2.4 The Rule 6 letter identified a number of statutory consultees and interested parties with which SoCGs were to be prepared. Accordingly, SoCGs ~~are being prepared~~ have been finalised with the following stakeholders:

- Lincolnshire County Council
  - Rutland County Council
  - South Kesteven District Council
  - Environment Agency
  - Historic England
  - Natural England
  - Lincolnshire Wildlife Trust
  - Anglian Water
  - Mallard Pass Action Group
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2.5 The Rule 8 letter (23<sup>rd</sup> May 2023) discusses at Annex B, that Annex F of the Rule 6 Letter (13<sup>th</sup> April 2023) identifies the matters to be discussed with these parties. Each SoCG corresponds to these topics where identified to be relevant.

2.6 In addition to the above statutory consultees listed by the Examining Authority in the Rule 6 letter a SoCG has been prepared and agreed with National Highways and was submitted to the ExA at Procedural Deadline A.

### **Statutory Undertakers**

2.7 Further to the Rule 8 Letter, the Applicant has taken the following approach with the statutory undertakers referred to.

2.8 Protective provisions have been agreed between the Applicant and:

- (i) Anglian Water;
- (ii) Cadent Gas;
- (iii) National Grid Electricity Transmission;
- (iv) National Gas Transmission; National Grid Electricity Distribution;
- (v) Environment Agency; and
- (vi) Network Rail Infrastructure Limited.

2.9 With the protective provisions having been agreed, the Applicant does not consider an SoCG to be required for these parties save for Anglian Water, where a SoCG has been progressed and finalised.

2.10 The position on the objections for each party is as follows:

- Anglian Water withdrew their objection to the Proposed Development following agreement of the protective provisions on 12 June 2023;
  - Cadent Gas withdrew their objection to the Proposed Development following agreement of the protective provisions and completion of the side agreement on 10 July 2023;
  - National Grid Electricity Transmission and National Gas Transmission withdrew their objection to the Proposed Development following agreement of the protective provisions on 7 June 2023;
  - National Grid Electricity Distribution withdrew their objection to the Proposed Development following agreement of the protective provisions and completion of the side agreement on 24 August 2023;
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- The protective provisions with the Environment Agency are now agreed and section 150 consent has been issued;
- The protective provisions and Framework Agreement ~~(also known as Basic Asset Protection Agreement)~~ with Network Rail have been agreed and Network Rail have withdrawn their objection on 20 August 2023 and the Framework Agreement is in the process of being signed and completed. Completion of the agreement is anticipated imminently and the withdrawal of NR's objection is anticipated prior to the end of the Examination.

### 3.0 Status of SoCGs

#### Summary of Current Position

3.1 This section confirms the current status of each SoCG as of Deadline ~~97~~ of the Examination on ~~10 October 2023~~ 10 November 2023.

3.2 Table 3.1 provides a high-level position on the status of each SoCG and where necessary includes further detail to aid the understanding of the status.

~~3.2~~

3.3 The terms used in Table 3.1 (below) are as follows:

- Final SoCG - the final SoCG has been agreed upon by both parties, with no outstanding matters to resolve.
- Draft SoCG - the SoCG has mainly been agreed upon between both parties, but there are a number of issues still outstanding, and it is yet to be signed off. The final column indicates if updated Drafts of the SoCGs submitted at Deadline ~~97~~ to reflect later discussions. Where updated Drafts are not submitted, at Deadline ~~97~~, the previously submitted SoCG still stands.

**Table 3.1 – Current Status of SoCGs**

Document Ref.	Relevant Party	Position at Deadline <del>97</del>	Submitted at Deadline <del>97</del> (Yes/No)
8.2	Environment Agency	<del>Draft SoCG</del> <u>Final SoCG</u>	Yes
8.3	National Highways	Final SoCG	No
8.4	Lincolnshire Wildlife Trust	Final SoCG	No
8.5	Historic England	<del>Draft SoCG</del> <u>Final SoCG</u>	<del>Yes</del> <u>No</u>
8.6	Natural England	<del>Draft SoCG</del> <u>Final SoCG</u>	Yes
8.7	Anglian Water	Final SoCG.	No
8.8	Lincolnshire County Council	<del>Draft</del> <u>Final</u> SoCG	Yes
8.10	Rutland County Council	<u>Final</u> <del>Draft</del> SoCG	Yes



8.9	South Kesteven District Council	<u>Final-Draft</u> _SoCG	<u>Yes</u> <del>No</del>
8.11	Mallard Pass Action Group	<del>-Draft</del> SoCG <u>Final</u> <u>SoCG</u>	Yes

~~3.4 The SoCG between the Applicant and Historic England was last submitted at deadline 4 [REP4-035], with three 'under discussion' points outstanding. Since then, the Applicant has been trying to engage with Historic England via emails to come to an agreement on the last outstanding points. However, a response is yet to be received and therefore the SoCG submitted at deadline 4 is still the most up to date.~~

~~3.5 The SoCG with Mallard Pass Action Group is continuing to progress between both the Applicant and Mallard Pass Action Group and discussions will continue post Deadline 7 on its contents.~~

## Commonality

### Summary

4.1 This section provides a summary of the main topics covered by the ~~draft~~ SoCGs submitted at this deadline (Deadline 9) and identifies where there is a commonality in the topics between the SoCG parties.

4.2 Table 4.1 has been produced to set out the topics covered across the SoCGs and the status of the matter at this deadline with the relevant party. The Colour coding used within this table has been described further below.

Cell	Status
	<del>Agreed</del> Matters Agreed
	<del>Currently subject to disagreement</del> Matter (or some aspects) not agreed
	<del>Not applicable</del> Matter not relevant to a particular SoCG party

4.3 The colours of each cell correspond to the status table in each individual SoCG.

~~4.4~~ This is with the exception of Mallard Pass Action Group, whose SoCG takes a different format from others and so is not included in the table below.

#### 4.4

4.5 As part of the final SoCGs submitted at Deadline 9, all matters have been marked as either agreed or not agreed. Table 4.2 provides a summary list of matters not agreed between the parties. Details on the matters agreed and not agreed are provided within the individual SoCG.

### Table 4.1 – Summary of commonality with relevant stakeholders

[illegible]

[illegible]

**Table 4.2 – Summary of list of matters not agreed**

<b><u>Document Ref.</u></b>	<b><u>Relevant Party</u></b>	<b><u>Matters not agreed</u></b>
<u>8.2</u>	<u>Environment Agency</u>	<u>Not applicable.</u>
<u>8.3</u>	<u>National Highways</u>	<u>Not applicable.</u>
<u>8.4</u>	<u>Lincolnshire Wildlife Trust</u>	<u>Not applicable.</u>
<u>8.5</u>	<u>Historic England</u>	<u>Not applicable.</u>
<u>8.6</u>	<u>Natural England</u>	<u>Not applicable.</u>
<u>8.7</u>	<u>Anglian Water</u>	<u>Not applicable.</u>
<u>8.8</u>	<u>Lincolnshire County Council</u>	<ul style="list-style-type: none"> <li>- <u>Location of Representative viewpoints</u></li> <li>- <u>Photomontages</u></li> <li>- <u>Public Rights of Way Impact</u></li> <li>- <u>L VIA Methodology</u></li> <li>- <u>Residential Visual Amenity Assessment</u></li> <li>- <u>Written Scheme of Investigation (WSI) method statement</u></li> <li>- <u>Trial trenching</u></li> <li>- <u>Evaluation of archaeology</u></li> <li>- <u>WSI Position statement</u></li> <li>- <u>Agricultural Lane and Soils</u></li> <li>- <u>Schedule 16 – Fees</u></li> <li>- <u>Duration of Development</u></li> </ul>
<u>8.10</u>	<u>Rutland County Council</u>	<ul style="list-style-type: none"> <li>- <u>Site Selection and Assessment of Alternatives</u></li> <li>- <u>Duration of the development</u></li> <li>- <u>Trial Trenching</u></li> <li>- <u>Construction Times</u></li> <li>- <u>Loss of agricultural land and arable land</u></li> <li>- <u>Cumulative impacts on the loss of arable agricultural land</u></li> <li>- <u>Inadequate agricultural production assessment</u></li> <li>- <u>Tourism – Socio-economic impacts</u></li> <li>- <u>Recreational walking and cycling</u></li> <li>- <u>Negative impact on the users of the PROWs</u></li> <li>- <u>Impact on footpaths</u></li> </ul>

		<ul style="list-style-type: none"> <li>- <u>Impact on Horse Riders</u></li> <li>- <u>Part 2(1) of Schedule 16</u></li> <li>- <u>Schedule 16 – Fees</u></li> <li>- <u>Requirement 10 - Archaeology</u></li> </ul>
<u>8.9</u>	<u>South Kesteven District Council</u>	<ul style="list-style-type: none"> <li>- <u>Project lifetime</u></li> <li>- <u>Land Use</u></li> <li>- <u>Socio-economic impacts</u></li> <li>- <u>Public Rights of Way</u></li> <li>- <u>Permissive Paths</u></li> <li>- <u>Part 2(1) of Schedule 16</u></li> <li>- <u>Schedule 16 – Fees</u></li> <li>- <u>Requirement 7 – Outline Landscape and Environmental Management Plan</u></li> </ul>
<u>8.11</u>	<u>Mallard Pass Action Group</u>	<ul style="list-style-type: none"> <li>- <u>Completeness of Environmental Statement</u></li> <li>- <u>Site Selection Assessment</u></li> <li>- <u>Case for scheme design</u></li> <li>- <u>Duration of consent</u></li> <li>- <u>Panel Layout</u></li> <li>- <u>Need</u></li> <li>- <u>Land Use</u></li> <li>- <u>Benefits of Scheme</u></li> <li>- <u>Carbon payback and benefit</u></li> <li>- <u>Case for Compulsory Acquisition</u></li> <li>- <u>Landscape and Visual</u></li> <li>- <u>Fencing</u></li> <li>- <u>Best and Most Versatile Land assessment</u></li> <li>- <u>Impact on BMV agricultural land</u></li> <li>- <u>Glint and Glare Assessment</u></li> <li>- <u>Soil management and protection</u></li> <li>- <u>Flood Risk</u></li> <li>- <u>Noise and Vibration assessment</u></li> <li>- <u>Cultural Heritage assessment</u></li> <li>- <u>Biodiversity net gain</u></li> <li>- <u>Biodiversity assessment</u></li> <li>- <u>Community benefits</u></li> <li>- <u>Socio-economic assessment</u></li> <li>- <u>Traffic and transport assessment</u></li> <li>- <u>In-combination assessment</u></li> </ul>