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Gate Burton Energy Park EN010131

Statement of Commonality
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Regulation 5(2)(q)
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Gate Burton Energy Park Limited



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1. Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality (this “Statement”) relates to an application made by Gate Burton Energy Park Ltd (the Applicant) to the Planning Inspectorate (PINS) on behalf of the Secretary of State for the Department for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for a Development Consent Order (DCO). If made, the DCO would grant consent for the Applicant to develop the Gate Burton Energy Park (the Scheme). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement [APP-011/3.1].
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between Gate Burton Energy Park Ltd and prescribed consultees, statutory undertakers and interested parties (“other parties”).
- 1.1.3 ~~The Applicant updated~~~~It is the Applicant’s intention to update~~ this Statement during the course of the Examination as a record of progress ~~that is being~~ made with the various SoCGs. ~~This document provides the final version for the close of Examination. When sufficient progress has been made on agreements between parties,~~ this document ~~will also discuss~~ areas of commonality between parties to enable efficient resolution of remaining issues ~~and details of matters not agreed.~~

1.2 Structure

- 1.2.1 The remainder of this Statement is structured as follows:
- **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs (for relevant Examination Deadline).
 - **Section 3** provides an update on the status of each SoCG.
 - **Section 4** sets out the commonality between SoCGs and provides an overview of the position reached on key issues with respective SoCGs.
 - **Section 5** of this Statement sets out the collective positions on key principal matters.
 - **Section 6** provides a list of matters remaining in the unsigned SoCG with Trent Valley Internal Drainage Board.

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2. Structure of Statements of Common Ground

2.1 Structure

2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopted a standard format. Abbreviations used ~~in~~ across [SoCG are provided in Table 2-1.](#)

Table 2-1: Abbreviations

Abbreviation	In Full
AW	Anglian Water
BDC	Bassetlaw District Council
CRT	Canal and Rivers Trust
CSP	Cottam Solar Project
DCO	Development Consent Order
EA	Environment Agency
ExA	Examining Authority
HistE	Historic England
LA	Local Authority
LCC	Lincolnshire County Council
NCC	Nottinghamshire County Council
NE	Natural England
PA 2008	Planning Act 2008
PINS	The Planning Inspectorate
SoCG	Statement of Common Ground
SU	Statutory Undertaker
TSP	Tillbridge Solar Project
TVIDB	Trent Valley Internal Drainage Board
UWIDB	Upper Witham Internal Drainage Board
WBSP	West Burton Solar Project
WLDC	West Lindsey District Council

2.2 List of SoCGs to be submitted

2.2.1 The Applicant began preparation of SoCGs with a number of parties it considered beneficial to do so during the preparation of the DCO Application. The following SoCGs were submitted with the application on 27 January 2023:

- West Lindsey District Council (WLDC) **[APP-200/4.3A]**
- Nottinghamshire County Council (NCC) and Bassetlaw District Council (BDC) **[APP-201/4.3B]**
- Natural England (NE) **[APP-202/4.3C]**
- Historic England (HistE) **[APP-203/4.3D]**
- Environment Agency (EA) **[APP-204/4.3E]**
- Trent Valley Internal Drainage Board (TVIDB) **[APP-205/4.3F]**
- Upper Witham Internal Drainage Board (UWIDB) **[APP-206/4.3G]**
- Lincolnshire County Council (LCC) **[APP-206/4.3H]**

2.2.2 The following SoCG were also submitted at Deadline 1 in response to a request from the ExA in the Rule 6 letter dated 31 May 2023.

- SoCG: Canal and Rivers Trust **[EN010131/APP/4.3I]**
- SoCG: Anglian Water **[EN010131/APP/4.3J]**; and
- SoCG: Cottam, West Burton and Tillbridge Solar Projects **[EN010131/APP/4.3K]**.

~~2.2.2.2.3 After submission, the Applicant began the preparation of a number of other SoCGs with whom SoCGs were requested by the ExA in the Rule 6 letter dated 31 May 2023. Table 3-1 lists all the SoCG under preparation and the stage of production.~~

3. Status of Statements of Common Ground

3.1 Summary of current position

3.1.1 This section provides an update on the status of each SoCG. Table 3-1 provides a high-level position and where necessary includes further detail to aid understanding for the ExA. In summary, the high-level positions used in Table 3-1 are as follows:

- SoCG in draft: SoCG drafted by the Applicant but not yet shared
- SoCG shared draft: The SoCG has been drafted by the Applicant and has been shared with the other party. No comments have yet been received.
- SoCG with matters outstanding – The SoCG has been shared with the other party and comments have been received. The parties are actively working towards resolving outstanding queries.
- Final Signed SoCG with matters outstanding – The final version of the SoCG has been signed by both parties. There remain areas of discussion or disagreement but both parties agree these issues will not be resolved during Examination.
- Final Signed SoCG with all matters agreed – The final version of the SoCG has been signed by both parties and all matters are agreed.

3.1.2 The Applicant is actively working to move SoCG through the above stages to provide clarity on the positions of agreement/ disagreement between parties. Text in bold represents SoCG that were submitted at that deadline. Where squares are shaded green, they represent final signed SoCG.



Table 3-1: Statement of Common – Examination Status

Doc. Ref.	Party	Position at Submission	Position at D1	Position at D2	Position at D3	Position at D4	Position at D5	Position at D6
4.3A	West Lindsey District Council	Submitted. SoCG shared draft (V1)	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Submitted. Final signed SoCG. (V2)
4.3B	Nottinghamshire County Council & Bassetlaw District Council	Submitted. SoCG shared draft (V1)	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Submitted - Draft SoCG with matters outstanding (V2)	Submitted. Final signed SoCG. (V3)
4.3H	Lincolnshire County Council	Submitted. Draft SoCG with matters outstanding (V1)	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Not submitted – Draft SoCG with matters outstanding	Submitted - Draft SoCG with matters outstanding (V2)	Submitted. Final signed SoCG. (V3)
4.3E	Environment Agency	Submitted. Draft SoCG with matters outstanding (V1)	Submitted. Final signed SoCG with all matters agreed (V2)					Submitted. Final signed SoCG with all matters agreed (V32)

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4.3C	Natural England	Submitted. Draft SoCG with matters outstanding (V1)	Submitted. Draft SoCG with matters outstanding (V2)	Not submitted. Draft SoCG with matters outstanding (V2)	Not submitted. Draft SoCG with matters outstanding	Not submitted. Draft SoCG with matters outstanding	Not submitted. Draft SoCG with matters outstanding	Submitted. Final signed SoCG with all matters agreed (V3)
4.3D	Historic England	Submitted. Draft SoCG with matters outstanding (V1)	Submitted. Final signed SoCG with all matters agreed (V2)					
4.3F	Trent Valley Internal Drainage Board	Submitted. SoCG shared draft (V1)	Not submitted. Shared draft with matters outstanding.	Not submitted. Draft SoCG with matters outstanding (V2)	Not submitted. Draft SoCG with matters outstanding	Not submitted. Draft SoCG with matters outstanding	Not submitted. Draft SoCG with matters outstanding	Submitted. Final unsigned SoCG with matters outstanding (V2)
4.3G	Upper Witham Internal Drainage Board	Submitted. Draft SoCG with matters outstanding (V1)	Not submitted. Draft SoCG with matters outstanding	Submitted. Final signed SoCG with all matters agreed (V2)				
4.3I	Canal and Rivers Trust	Not prepared	SoCG with matters outstanding (V1)	Not submitted. Draft SoCG with matters outstanding	Submitted. Final signed SoCG with all matters agreed (V2)			
4.3J	Anglian Water	Not prepared	SoCG with matters outstanding (V1)	Not submitted. Draft SoCG with matters outstanding	Not submitted. Draft SoCG with matters outstanding	Submitted. Final signed SoCG with all matters agreed (V2)		
4.3K	Tillbridge Solar Project (TSP), West Burton Solar Project (WBSP) and Cottam Solar Project (CSP)	Not prepared	SoCG with matters outstanding (V1)	Not submitted. Draft SoCG with matters outstanding	Not submitted. Draft SoCG with matters outstanding	Not submitted. Draft SoCG with matters outstanding	Submitted. Final signed SoCG with all matters agreed (V2)	

4. Commonality

- 4.1.1 This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.
- 4.1.2 Table 4-1 is presented in such a way to show topics covered within the various SoCGs, how these are relevant to each party, and a position for each topic, as follows:

Matters agreed	
Some matters agreed, some matters not agreed	
Matter <u>outstanding</u> subject to further discussion	
Matters not agreed	

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- 4.1.3 At Deadline ~~05~~, the Applicant ~~has submitted final signed versions of all SoCGs and does not anticipate any further updates will be required. All SoCG have been signed by both parties except the SoCG with Trent Valley Internal Drainage Board. The SoCG is considered final as no discussions have progressed for some time but formal agreement or signature has been obtained from the IDB so issues remain recorded as 'under discission'. is still awaiting feedback from a number of parties on draft SoCGs issued at previous deadlines. Where the Applicant considers matters have a high degree of certainty of being agreed and is awaiting the parties confirmation that this is the case, these are marked as 'Green' within Table 4-1 therefore presents the final status of all matters agreed, not agreed or outstanding with each party.~~
- 4.1.4 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore shown as blank in Table 4-1.



Table 4-1: Table of Commonality

		Principle of the development	Policy compliance	Design and engineering	Draft DCO	Protective Provisions	Other Consents and Licences	EIA methodology and adequacy of assessment	Landscape & Visual	Ecology and biodiversity	Climate change	Cultural heritage	Agricultural land use and soils	Transport and access	Glint and glare	Water environment and flooding	Socioeconomics and Human health	Trees, hedgerows and ancient woodland	Minerals & waste	Battery safety and fire risk	Noise	Cumulative Impacts	Other Environmental Topics	Order limit changes October 2023
4.3 A	WLDC	Yellow	Yellow	Yellow	Yellow			Yellow			Red		Yellow	Yellow	Green	Yellow	Yellow	Yellow	Green	Green	Yellow	Green		
4.3 B	NCC & BDC	Green	Green	Green	Green			Green					Green	Green		Green			Yellow			Green		
4.3 H	LCC	Yellow	Yellow	Green	Yellow	Green		Green	Yellow				Yellow	Green		Green		Green	Green	Green	Green	Yellow		
4.3 E	EA					Green	Green	Green		Green						Green								
4.3 C	NE							Green		Green			Green					Green						
4.3 E	HistE			Green				Green		Green		Green											Green	Green
4.3 F	TVIDB			Orange			Orange									Orange								

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4.3 G	UWID B																				
4.3 H	CRT																				
4.3 J	AW																				
4.3 K	TSP, WBSP & CSP																				

5. Principal Matters

- 5.1.1 The following section provides a narrative on the specific topic areas which are the subject of on-going discussion with key stakeholders (i.e there is not yet agreement). This section provides the ExA with a summary of the position on the outstanding matters with this section arranged by topic. Where relevant, cross referencing will be made to specific SoCGs.
- 5.1.2 The focus of Section 5 is to summarise the current or final positions of respective Parties on the identified key issues in order to aid the ExA.

5.2 Lincolnshire County Council

- 5.2.1 LCC has worked proactively with the Applicant throughout the development of the Scheme. LCC objects to the Scheme in principle, but the areas of disagreement have been narrowed significantly through collaborative working throughout Examination, and discussions are ongoing to narrow the areas of disagreement.
- 5.2.2 Discussions with LCC are ongoing and areas of agreement were identified following a meeting held with LCC on 5 July 2023. The Applicant and LCC discussed the SoCG at a meeting held on 13 November 2023 which further narrowed items under discussion. The draft SoCG submitted at Deadline 5 reflects these discussions and identifies where agreements have been reached and where parties have agreed to disagree. All items are now agreed or not agreed in the Statement of Common Ground. The Applicant and LCC will discuss the last items under discussion in advance of Deadline 6.

5.3 West Lindsey District Council

- 5.3.1 ~~Discussions with WLDC are ongoing, with currently no further updates to the document submitted at the application stage [APP 200/4.3A]. Therefore, an updated version has not been submitted. The Applicant and WLDC met on 15 November 2023 with a further meeting arranged on 30 November to discuss the draft SoCG.~~ The Applicant and WLDC have worked proactively to submit a final signed SoCG at Deadline 6. WLDC maintain their objection on the principle of development, landscape and visual impacts and impacts on agricultural land. The parties have been able to reach agreement on other matters. All matters are now agreed or not agreed and this is documented in the final signed SoCG submitted at Deadline 6.

5.4 Nottinghamshire County Council and Bassetlaw District Council

- 5.4.1 This document has been updated to reflect the ongoing discussions with NCC and BDC. Following a meeting held with NCC and BDC on 9 March 2023, matters were agreed including on the following topics: design principles, climate change, cultural heritage, water environment and flooding and noise

and vibration. The Applicant, NCC and BDC have worked proactively to close most matters under discussion with agreements reached on the majority of items. Only one area of disagreement has been identified in respect of what is considered to be a reasonable worst case scenario in relation to cumulative impacts on landfill sites in Nottinghamshire. These discussions are reflected in the version submitted at Deadline 5. The Applicant, NCC and BDC have finalised the SoCG, with the final signed version submitted at will finalise this SoCG for Deadline 6.

5.5 Environment Agency

- 5.5.1 The Applicant and the Environment Agency have made great progress in negotiations since submission of the Application and a signed Statement of Common Ground has been submitted at Deadline 1. Matters which have been agreed between parties include Environmental Permitting, Water Framework Directive, Flood Risk, Aquatic Ecology and Water Quality. In particular, the Applicant has provided more detailed assessment on the proposed approach to culverts and there is now no disagreement between the parties on this matter.
- 5.5.2 The only remaining matter for discussion between the two parties is on Protective Provisions, which is expected to be agreed shortly. Given that the Protective Provisions will be included in the draft DCO and are expected to be agreed it is currently considered unlikely that future iterations of the Statement of Common Ground would be required to cover this matter.
- 5.5.3 The Applicant has discussed ~~ing~~ Electric and Magnetic Fields (EMF) with the Environment Agency and aiming to reach ~~ed~~ agreement on this issue. When matters are agreed (or not agreed) the Applicant would aim to submit a final signed revised Statement of Common Ground to record this progression has been submitted at Deadline 6.

5.6 Historic England

- 5.6.1 All matters have now been agreed between Parties including no objection to the Scheme as presented in the Application. The parties are in agreement on the cultural heritage assessment, deposit modelling and impacts on identified heritage assets.
- 5.6.2 A final signed SoCG has been submitted at Deadline 1.

5.7 Natural England

- 5.7.1 Matters have been agreed through positive discussions between the Applicant and Natural England. This has included agreement on matters including Internationally and Nationally Designated Sites, ancient woodland and ancient/veteran trees, Biodiversity Net Gain and agricultural land. Natural England has also agreed that there is no requirement for Protected Species licences associated with the Scheme. The document submitted at Deadline 1 reflects the ongoing discussions and continues to await comments. The

Applicant has also requested a view from Natural England on EMF. This was included in the final signed SoCG with Natural England submitted at Deadline 6, with all matters agreed.

5.8 Upper Witham IDB and Trent Valley IDB

- 5.8.1 The Applicant has agreed all matters in the SoCG with the Upper Witham IDB. A final signed SoCG has been submitted at Deadline 2. The Applicant ~~has~~ is progressing/continued discussions with Trent Valley IDB throughout the Examination, however the final SoCG submitted at Deadline 6 between the parties could not be finalised, with matters remaining outstanding. These are detailed in Section 6. The minimum depth for Horizontal Directional Drilling under watercourses has been agreed between the parties, and will update on these discussions throughout the Examination. parties.

5.9 Canal and Rivers Trust

- 5.9.1 Discussions between the Applicant and the Canal and Rivers Trust are ongoing. As requested by the ExA, an initial draft SoCG was submitted at Deadline 1. A final signed SoCG was submitted at Deadline 3 with all matters agreed.

5.10 Anglian Water Services

- 5.10.1 Anglian Water Services requested that the Applicant prepares a SoCG in their Relevant Representation submission **[RR-015]**. An initial draft SoCG was submitted at Deadline 1 **[REP-016/4.3J]**. A final signed SoCG was submitted at Deadline 4 with all matters agreed.
- 5.10.2 In addition to discussions on existing utilities, the Applicant has been discussing the potential for a mains water connection to the site to provide water in the unlikely event of a fire at the battery storage area of the site. The Applicant will update on these discussions throughout Examination. This connection is optional because the Application proposes water tanks on the site that will provide an alternative source of water in an emergency. This position does not therefore need to be finalised pre-consent.

5.11 Cottam, West Burton and Tillbridge Solar Projects

- 5.11.1 The Applicant has prepared a joint SoCG with the promoters of Cottam, West Burton and Tillbridge Solar Projects following the ExA's request in its Rule 6 Letter **[PD-005]**. A draft SoCG between the parties was submitted at Deadline 1 to capture the initial discussions. Further information on joint working and discussions between the parties was provided in the Joint Report on Interrelationships between Nationally Significant Infrastructure Projects **[REP5-045/document 8.26]** and its previous iterations. All matters are now



agreed between the parties and this is reflected in the version submitted at
Deadline 5.

6. List of matters not agreed where SoCG could not be finalised

6.1 Trent Valley IDB

6.1.1 The final SoCG with the Trent Valley IDB submitted at Deadline 6 [ref 4.3F] could not be finalised and signed. Matters left outstanding between the parties include Byelaw 3, Byelaw 10 and Byelaw 17 and requirements for culverting of watercourses within the Order limits. Further details of each party's position are documented in the final SoCG.

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