

# West Burton Solar Project

## Statement of Commonality Revision B

Prepared by: Lanpro Services  
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## Issue Sheet

Report Prepared for: West Burton Solar Project Ltd.  
Deadline 4

### Statement of Commonality Revision B

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## 1 Introduction

### 1.1 Purpose of this Document

1.1.0 This document has been prepared to provide the Examining Authority (ExA) with the latest position on Statements of Common Ground (SoCG) between West Burton Project Ltd. (the ‘Applicant’) and statutory consultees, statutory undertakers and other Interested Parties (the ‘parties’) in relation to the proposed West Burton Solar Project (the ‘Scheme’).

1.1.1 This document provides a position on the commonality on specific points between SoCGs at Deadline 4 (being 28 February 2024).

1.1.2 The Applicant will, for each deadline during the course of the Examination, update this Statement as a record of the progress being made with the various parties. When sufficient progress has been made on agreements between parties, this document will also discuss those areas of commonality between parties to enable the efficient resolution and focusing in on the remaining issues.

### 1.2 Structure of this Document

1.2.1 This Statement of Commonality is structured as follows:

- Section 2 details the structure of each SoCG document. **Table 2.1** provides a full list of SoCGs being produced and offers an overview of the status of each SoCG being submitted to Deadline 1;
- Section 3 sets out the commonality between SoCGs; and
- Section 4 provides a narrative on specific topic areas for each SoCG being progressed.

## **2 Statements of Common Ground**

### **2.1 Structure of SoCGs**

2.1.1 Each SoCG adopts a standard format to ensure consistency in the approach taken to documenting those matters agreed, matters subject to ongoing discussion or matters not agreed.

2.1.2 Each SoCG is structured as follows:

- Section 1 provides an introduction to the SoCG, identifies the relevant parties and describes the purpose of the document;
- Section 2 summarises the parties' engagement undertaken to date; and
- Section 3 details those matters agreed, those matters under discussion and those matters which have not been agreed.

Table 2.1: List of and Status of SoCGs at Deadline 1

Doc. Ref.	Party	Deadline 1	Deadline 2	Deadline 3	Deadline 4	Deadline 5	Deadline 6	Deadline 7
EX1/WB8.3.1	Lincolnshire County Council	Draft Submitted to Party No comments have yet been received. Discussions Ongoing.	No further update		Discussions have progressed alongside discussion on the Cottam Solar Project SoCG. Please see 4.2 below for further details.			
EX1/WB8.3.2	West Lindsey District Council	Draft Submitted to Party No comments have yet been received. Discussions Ongoing.	No further update		Discussions have progressed alongside discussion on the Cottam Solar Project SoCG. Please see 4.3 below for further details.			
EX1/WB8.3.3	Historic England	Draft Submitted to Party. Comments have been received. Discussions Ongoing.	No further update		No further update.			
EX1/WB8.3.4	National Highways	<b>Submitted. Final signed SoCG with all matters agreed.</b>						
EX1/WB8.3.5	The Environment Agency	Draft Submitted to Party. Comments have been received. Discussions Ongoing.	No further update		Further discussions have been undertaken regarding EMF Risk Assessment, BNG, fertiliser reduction and displacement of flood storage by piles. Please see 4.6 below for further details.			
EX1/WB8.3.6	Network Rail	Draft Submitted to Party. No comments have yet been received. Discussions Ongoing.	No further update		Discussions have progressed alongside discussion on the Cottam Solar Project SoCG. Please see 4.7 below for further details.			
EX1/WB8.3.7	Natural England	Draft Submitted to Party. Comments have been received. Discussions Ongoing.	Updated draft submitted to reflect changes made on the Cottam Solar Project SoCG, awaiting response.		No further update.			

Doc. Ref.	Party	Deadline 1	Deadline 2	Deadline 3	Deadline 4	Deadline 5	Deadline 6	Deadline 7
EX1/WB8.3.8	Nottinghamshire County Council & Bassetlaw District Council	Draft Submitted to Party. Comments have been received. Discussions Ongoing.	No further update		Meeting held on 14/11/2023. Discussions have progressed alongside discussion on the Cottam Solar Project SoCG. Please see 4.9 below for further details.			
EX1/WB8.3.9	Lincolnshire Wildlife Trust	Draft Submitted to Party. Comments have been received. Discussions Ongoing.	No further update		No further update.			
EX1/WB8.3.10	Nottinghamshire Wildlife Trust	<b>Submitted.</b> <b>Final signed SoCG with all matters agreed.</b>						
EX1/WB8.3.11	Gate Burton Energy Park, Tillbridge Solar Project and Cottam Solar Project	<b>Submitted.</b> <b>Final signed SoCG with all matters agreed.</b>						
EX1/WB8.3.12	Anglian Water	Draft Submitted. Comments have been received. Discussions Ongoing.	<b>Submitted.</b> <b>Final signed SoCG with all matters agreed.</b>					

### 3 Commonality

- 3.1.1 This section of the Statement provides an overview of the topics covered in the SoCGs. **Table 3.1** presents, at a high level, where there is commonality in the topics discussed between the Applicant and the parties, or where matters are progressing through discussion, or where matters discussed have reached a final position of ‘Not Agreed’.
- 3.1.2 Where a topic is not relevant to a particular party, the cell has been greyed out. Where the topic is relevant to the party, the status is shown as follows:

**Figure 3.1: Summary of Commonality Key**

Cell	Status
	Matter agreed
	Matter subject to ongoing discussion
	Matter not agreed
	Matter not relevant to parties

- 3.1.3 The colour of each cell corresponds to the status figure (as above) in each individual SoCG.
- 3.1.4 At Deadline 4, the Applicant has shared draft SoCG’s with a number of parties and is awaiting feedback from them. Therefore, where the Applicant considers there to be a high degree of certainty over matters being agreed and is waiting for confirmation, they are marked as green in **Table 3.1**.
- 3.1.5 Following the Summary of Commonality in **Table 3.1**, **Section 3.2** outlines the principal outstanding matters which are subject to further discussion before a final position can be reached.



Table 3.1: Summary of commonality with parties

SoCG Party	Principle of Development, Planning Matters and General	Alternatives and Design Evolution	Climate Change	Landscape and Visual Impact	Ecology and Biodiversity	Hydrology, Flood Risk and Drainage	Ground Conditions and Contamination	Minerals	Cultural Heritage	Transport and Access	Noise and Vibration	Glint and Glare	Air Quality	Socio-Economics, Tourism and Recreation	Soils and Agriculture	Waste	Other Environmental Matters	Draft Development Consent Order
Lincolnshire County Council	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Grey	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
West Lindsey District Council	Yellow	Yellow	Yellow	Yellow	Yellow	Grey	Grey	Grey	Yellow	Yellow	Yellow	Green	Green	Yellow	Yellow	Grey	Green	Yellow
Historic England	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
National Highways	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
The Environment Agency	Grey	Grey	Grey	Grey	Yellow	Green	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Yellow	Green
Network Rail	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Yellow
Natural England	Grey	Grey	Grey	Yellow	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Yellow	Grey	Grey	Grey
Nottinghamshire County Council & Bassetlaw District Council	Green	Green	Green	Green	Green	Green	Grey	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Yellow
Lincolnshire Wildlife Trust	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Nottinghamshire Wildlife Trust	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Gate Burton Energy Park, Tillbridge Solar Project and Cottam Solar Project	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green
Anglian Water	Grey	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green

## **4 Positions at Deadline 4**

4.1.1 This section provides a summary of the position reached across all SoCGs being progressed and submitted to Deadline 4. The Applicant will continue to engage with those parties through the examination on matters which are ongoing.

### **4.2 Lincolnshire County Council**

4.2.1 The matters recorded in the SoCG have been subject to discussion, through monthly catch ups, between the Applicant and the Host Authorities as well as some topic specific meetings e.g. landscape and visual impact. Detailed discussions on cultural heritage matters, highways and waste management have also taken place.

4.2.2 The Applicant has been party to the discussions that have taken place between the Host Authority and the Cottam Solar Project applicant, as they are at a more advanced stage with their SoCG, with a final version having been submitted into that examination at Deadline 5. The discussions on the Cottam Solar Project SoCG have established the position of the Host Authority and the Applicant on matters, of which many are applicable to the Scheme. This includes separate position statements on the Cultural Heritage and Landscape topics which will be appended to the SoCG, as has been agreed on Cottam Solar Project.

4.2.3 It is therefore the intention of the Applicant to submit an updated SoCG at Deadline 5 which will be based on the principles agreed through the Cottam SoCG, then including any other relevant updates specific to the Scheme.

### **4.3 West Lindsey District Council**

4.3.1 The matters recorded in the SoCG have been subject to discussion, through monthly catch ups, between the Applicant and the Host Authorities. The Applicant has submitted a draft to the party and is awaiting formal comments back. The matters listed as agreed in Table 3.1 are based on the Applicant’s judgement on the high likelihood of them being agreed.

4.3.2 The Applicant has been party to the discussions that have taken place between the Host Authority and the Cottam Solar Project applicant, as they are at a more advanced stage with their SoCG. The discussions on the Cottam Solar Project SoCG have established the position of the Host Authority and the Applicant on matters of which many are applicable to the Scheme.

4.3.3 The main matters subject to further discussion relate to alternatives and design evolution, cultural heritage, ecology and biodiversity, landscape and visual impact noise, socio-economics, soils and agriculture, transport and access and the draft DCO.

4.3.4 It is therefore the intention of the Applicant to submit an updated SoCG at Deadline 5 which will be based on the principles agreed through the Cottam SoCG, with the including any other relevant updates specific to the Scheme.

#### 4.4 Historic England

4.4.1 Extensive discussions have been undertaken between the parties with agreement already reached on assessment and mitigation of all heritage assets, excluding the Medieval Bishop's Palace and Deer Park, Stow Park Scheduled Monument as indicated in the draft document SoCG. The Applicant is in the process of continuing discussions with Historic England on the remaining matters. There have been no further updates to the SoCG submitted at Deadline 1 **[REP1-063]**.

#### 4.5 National Highways

4.5.1 All matters have been agreed between the parties by Deadline 1. A signed SoCG was submitted at Deadline 1 **[REP1-064]**.

#### 4.6 The Environment Agency

4.6.1 Comments have been received from the Environment Agency on the draft SoCG. In the previous version of the Statement of Commonality **[REP2-016]** the outstanding matters related to the potential impact of Electromagnetic Fields (EMF) upon ecology. This issue has since been discussed between both parties and the applicant on Cottam Solar Project and the Environment Agency have confirmed that a research scheme be undertaken (person or organisation to undertake the research to be agreed). Further detail on this is set out in **WB7.14\_C Outline Operational Environmental Management Plan [EN010132/EX4/WB7.14\_C]**

4.6.2 The Environment Agency has, at paragraph 3.5 in their Written Representation made at Deadline 1A **[REP1A-007]**, raised comment that further evidence is needed of the Applicant's assessment of fertiliser and nutrient input rates into the surface drainage system at field boundaries. The EA has also stated that information on suggested remedial actions for filamentous algae in ditches is required, based on their comments in their Relevant Representation **[RR-090]**. The Applicant provided this information to the Environment Agency on 21 December 2023 and also provided an update on discussion with the Environment Agency in Issue Specific Hearing 3 (please see agenda item 6D in the Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing 3 and Responses to Action Points **[EX4/WB8.1.27]**). The Outline Landscape and Environmental Management Plan **[EX4/WB7.3\_D]**, at paragraph 4.10.9, also contains provisions relating to the assessment of filamentous algae and remedial actions where coverage is frequent, abundant or dominant. In the final version of the EA SoCG submitted for the Cottam Solar Project, details of the discussions between that applicant and the EA are set out. In the SoCG, the EA confirmed its agreement that these mitigation measures are acceptable, so it is anticipated that agreement will also be reached for this Scheme (see Issue ECO-007 in that SoCG).

4.6.3 The Environment Agency also raised a comment relating to the how much floodplain would be lost as a result of the development from the frames of the solar arrays. Further information and calculations have been provided by the Applicant and the Environment Agency confirmed on the 28 November 2023 that this information was

acceptable and that matter can be agreed in the SoCG. The Applicant is proposing to append that supporting information the updated SoCG once that is submitted.

4.6.4 The Applicant has been party to the discussions that have taken place between the Environment Agency and the Cottam Solar Project applicant as they are at a more advanced stage with their SoCG, with a final version having been submitted into that examination at Deadline 5. The discussions on the Cottam Solar Project SoCG have established the position of the Environment Agency and the Applicant on matters of which many are applicable to the Scheme.

4.6.5 One matter which was raised on Cottam through the ExA 3<sup>rd</sup> Written Questions (question 3.7.2 [EN010133/PC-017]) was in relation to the flood risk effects of an operating lifetime of 60 years as opposed to the 40 year period that has been assessed in the Flood Risk Assessment. On 21 February 2024, the Environment Agency confirmed that further data for the Tidal Trent is available from the Environment Agency which includes appropriate climate change allowances up to the 2080's epoch. Whilst this hasn't formally been raised for the Scheme, the Applicant is proposing to update the Flood Risk Assessment [APP-089] and its Appendices [APP-090 to APP-093] once the data is made available by the Environment Agency. It is noted that the Environment Agency may not be able to provide the data to the Applicant prior to the close of the Examination. In the event that the data is not available in time to update the Flood Risk Assessment prior to the end of the Examination, it was agreed with the Environment Agency on a call on 21 February 2024 that the updated flood risk assessment should be submitted for approval prior to construction as this will ensure that appropriate mitigation is in place taking into account climate change allowances up to the 2080s epoch.

4.6.6 It is therefore the intention of the Applicant to submit an updated SoCG at Deadline 5 which will be based on the principles agreed through the Cottam SoCG with any other relevant updates specific to the Scheme.

## 4.7 Network Rail

4.7.1 The matters recorded in the SoCG have been subject to discussion between parties. The Applicant has submitted a draft to the party and is awaiting comments back. The matters listed as agreed in Table 3.1 are based on the Applicant's judgement on the high likelihood of them being agreed.

4.7.2 The Applicant has been party to the discussions that have taken place between Network Rail and the Cottam Solar Project applicant, as they are at a more advanced stage with their SoCG, with a final version having been submitted into that examination at Deadline 5, with a signed version to follow before the close of that examination. The discussions on the Cottam Solar Project SoCG have established the position of Network Rail and the Applicant on matters of which many are applicable to the Scheme.

4.7.3 It is therefore the intention of the Applicant to submit an updated SoCG at Deadline 5 which will be based on the principles agreed through the Cottam SoCG with any other relevant updates specific to the Scheme.

#### **4.8 Natural England**

4.8.1 Extensive discussions have been undertaken between the parties with agreement already reached on a number of ecology and landscape issues, as indicated in the draft document. The Applicant is in the process of responding to Natural England’s requests to provide some additional clarity on matters related to soils and ‘best and most valuable’ agricultural land. The Applicant has been party to the discussions that have taken place between Natural England and the Cottam Solar Project applicant, as they are at a more advanced stage with their SoCG, with a final version having been submitted into that examination at Deadline 3. The discussions on the Cottam Solar Project SoCG have established the position of the Natural England and the Applicant on matters of which many are applicable to the Scheme.

4.8.2 It is therefore the intention of the Applicant to submit an updated SoCG at Deadline 5 which will be based on the principles agreed through the Cottam SoCG, then including any other relevant updates specific to the Scheme.

#### **4.9 Nottinghamshire County Council & Bassetlaw District Council**

4.9.1 The matters recorded in the SoCG have been subject to discussion, through monthly catch ups, between the Applicant and the Host Authorities. The Applicant had a meeting with both Host Authorities on the 14<sup>th</sup> November 2023 to agree on matters which can be moved from the “matters under discussion” table in the draft SoCG to the “matters agreed” table.

4.9.2 The Applicant has been party to the discussions that have taken place between the Host Authority and the Cottam Solar Project applicant as they are at a more advanced stage with their SoCG, with a final version having been submitted into that examination at Deadline 5. The discussions on the Cottam Solar Project SoCG have established the position of the Host Authority and the Applicant on matters of which many are applicable to the Scheme.

#### **4.10 It is therefore the intention of the Applicant to submit an updated SoCG at Deadline 5 which will be based on the principles agreed through the Cottam SoCG with any other relevant updates specific to the Scheme. Lincolnshire Wildlife Trust**

4.10.1 Extensive discussions have been undertaken between the parties with agreement already reached on a number of issues as indicated in the draft document. There have been no further updates to the SoCG submitted at Deadline 1 [REP1-069].

#### **4.11 Nottinghamshire Wildlife Trust**

4.11.1 All matters have been agreed between the parties by Deadline 1. A signed SoCG has been submitted at Deadline 1 [REP1-070].

#### **4.12 Gate Burton Energy Park, Tillbridge Solar Project and Cottam Solar Project**

4.12.1 The parties have undertaken ongoing discussions as they progress through their respective Examinations and, in the case of the Tillbridge Solar Project, impending application submission. A signed version of the SoCG was submitted at Deadline 1 [REP1-071].

4.12.2 The parties have now reached agreement on the Joint Report on Interrelationships between the four projects [EX4/WB8.1.9\_C]. The teams have reviewed the applications submitted by the other developers to compare sections on cumulative impacts and have continued to look for further ways to collaborate and reduce cumulative impacts (e.g. on access locations in the Shared Cable Route Corridor). The report is the joint cooperation agreement and each Schemes' respective protective provisions for the benefit of other parties, are contained within the respective Schemes' draft Development Consent Orders.

#### **4.13 Anglian Water**

4.13.1 All matters have been agreed between the parties by Deadline 2. A signed SoCG has been submitted at Deadline 2 [REP2-018].