

# Cottam Solar Project

## Statement of Commonality Revision **BC**

Prepared by: Lanpro Services

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APFP Regulation 5(2)(q)



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## Issue Sheet

Report Prepared for: Cottam Solar Project Ltd.

### Statement of Commonality

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<del>A</del>	21/11/2023	BR	PM
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## 1 Introduction

### 1.1 Purpose of this Document

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

1.1.2 This document provides a position on the commonality on specific points between SoCGs at Deadline ~~34~~ (being ~~19 December 2023~~30 January 2024).

1.1.3 The Applicant will, for each deadline, update this Statement during the course of the Examination 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 ;
- 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 has sought to adopt a standard format to ensure consistency in the approach taken to documenting those matters agreed, matters subject to ongoing discussion or matters not agreed, other than where an individual party has expressed a preference for an alternative format.

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**

Doc. Ref.	Party	Deadline 1	Deadline 2	Deadline 3	Deadline 4	Deadline 5	Deadline 6
EX1/C8.3.1	Nottinghamshire County Council & Bassetlaw District Council	Draft Submitted to Party No comments have yet been received. Discussions Ongoing.	Meeting held 14/11 and Rev A SoCG submitted.	No further update	<a href="#">No further update</a>		
EX1/C8.3.2	Lincolnshire County Council	Draft Submitted to Party. Comments have been received on Cultural Heritage only. Discussions Ongoing.	No further update	Updated draft submitted to set out actions agreed at meeting held 14/12 in relation to the Written Scheme of Investigation (WSI).	<a href="#">Updated draft submitted to set out updated position on areas of agreement and those still under discussion.</a>		
EX1/C8.3.3	West Lindsey District Council	Draft Submitted to Party. No comments have yet been received. Discussions Ongoing.	No further update	Updated draft submitted to include Council's suggested text on consideration of cumulative sites.	<a href="#">No further update submitted but Council have provided comments and queries to Applicant on the SoCG</a>		
EX1/C8.3.4	Historic England	Draft Submitted to Party. Comments have been received. Discussions Ongoing.	No further update	No further update	<a href="#">No further update</a>		
EX1/C8.3.5	National Highways	Submitted. Final signed SoCG with all matters agreed.					
EX1/C8.3.6	UK Health Security Agency	Submitted. Final signed SoCG with all matters agreed.					
EX1/C8.3.7	Upper Witham Internal Drainage Board	Submitted. Final signed SoCG with all matters agreed.		Seeking agreement to the wording of Article 6(1)(h) of the draft DCO (application and modification of statutory provisions) [EX3/C3.1_E]	<a href="#">The IDB have confirmed agreement to the wording of Article 6(1)(h) of the draft DCO (application and modification of statutory provisions) [EX4/C3.1_F].</a>		
EX1/C8.3.8	The Environment Agency	Draft Submitted to Party. Comments have been received. Discussions Ongoing.	EA confirmed all matters agreed except EMF still under discussion.	An EMF Risk Assessment has been submitted at Deadline 3.	<a href="#">No update for this deadline. EMF matter is under discussion.</a>		
EX1/C8.3.9	Network Rail	Draft Submitted to Party. No comments have been received to date.	Draft submitted to Network Rail's solicitors	No further update	<a href="#">Updated draft submitted to set out updated position on areas of</a>		

			for comment. No further update		<a href="#">agreement and those still under discussion.</a>		
EX1/C8.3.10	Lincolnshire Wildlife Trust	Submitted. Final signed SoCG with all matters agreed.					
EX1/C8.3.11	Natural England	Draft Submitted. Comments received. Discussions Ongoing.	Discussions ongoing. Rev A version submitted. Now with NE for signing.	Signed Rev B version submitted.			
EX1/C8.3.12	Nottinghamshire Wildlife Trust	Submitted. Final signed SoCG with all matters agreed.					
EX1/C8.3.13	Gate Burton Energy Park, Tillbridge Solar Project and West Burton Solar Project	Draft Submitted. Discussions Ongoing.	Signed Rev A version submitted				
EX1/C8.3.14	Anglian Water	Draft Submitted. Comments have been received. Discussions Ongoing	Signed Rev A version submitted				
<a href="#">EX4/C8.3.15</a>	<a href="#">Scunthorpe and Gainsborough Water Management Board</a>				<a href="#">Draft version submitted</a>		



### 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 3, 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	Topic																		
	Principle of Development/ 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	
Nottinghamshire County Council & Bassetlaw District Council	Green	Green	Green	Green	Green	Green	Grey	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Yellow
Lincolnshire County Council	Yellow	Green	Green	Yellow	Green	Green	Grey	Green	Yellow	Green	Green	Green	Green	Yellow	Yellow	Yellow	Green	Green	Yellow
West Lindsey District Council	Yellow	Green	Yellow	Yellow	Yellow	Grey	Grey	Grey	Yellow	Yellow	Yellow	Green	Green	Yellow	Yellow	Grey	Green	Green	Yellow
Historic England	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Yellow	Grey	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	Grey
UK Health Security Agency	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Green	Grey	Grey	Green	Grey	Grey
Upper Witham Internal Drainage Board	Grey	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	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	Green
Network Rail	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Grey	Yellow
Lincolnshire Wildlife Trust	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Natural England	Grey	Grey	Grey	Green	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	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	Grey
Gate Burton Energy Park, Tillbridge Solar Project and West Burton Solar Project	Green	Grey	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	Grey	Green

<a href="#">Scunthorpe and Gainsborough Water Management Board</a>																			
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## **4 Positions at Deadline ~~34~~**

4.1.1 This section provides a summary of the position reached across all SoCGs being progressed and submitted to Deadline ~~34~~. The Applicant will continue to engage with those parties through the examination on matters which are ongoing.

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

4.2.1 A meeting was held between the Applicants and the two parties on 14<sup>th</sup> November to discuss the draft Statement of Common Ground. As a result of the meeting the majority of matters which were still under discussion at Deadline 1 have now been confirmed as agreed.

4.2.2 At Deadline ~~34~~, the only matters still subject to further discussion relate to the drafting of the DCO and some heritage matters in respect of the written scheme of investigation. There have been no further updates to the SoCG submitted at Deadline 2 **[REP2-060]**. For further details on heritage matters, please see the update to the Lincolnshire County Council SoCG which sets out the latest position between those parties on these matters ~~**[EX3/C8.3.2\_B]**. This updated draft of the SoCG also takes account of the ExA's request in Issue Specific Hearing 2 on 5 December 2023 that areas of agreement and disagreement on the WSI between LCC and NCC and the Applicant would be set out in the next version of the SoCG. For further details, please see the Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH2) held on 5 December 2023 **[EX3/C8.1.21]**.~~**EX4/C8.3.2 C]**.

### **4.3 Lincolnshire County Council**

4.3.1 An updated SoCG **[EX3/C8.3.2 BC]** has been submitted for Deadline ~~3~~4 which ~~now~~ includes ~~details~~agreement on a range of ~~the meeting held on 14 December 2023~~matters including; alternatives and design evolution; climate change; ecology and biodiversity; hydrology, flood risk and drainage; minerals; transport and access; noise and vibration; glint and glare; air quality; and other environmental matters. Some progress has also been made in ~~response~~reaching agreement on other elements included under the headings principle of development; landscape and visual impact; cultural heritage; socio-economics and recreation; and soils and agriculture.

~~4.4.0~~ The Applicant and Lincolnshire County Council will continue to ~~the request from the Examining Authority at Issue Specific Hearing 5 (ISH5) on the Draft Development Consent Order~~engage to ~~identify options for the WSI if the scheme is consented. For~~try and reach further ~~details, please see the~~

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~~Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH5) held on 8 December 2023 [EX3/C8.1.26].~~

~~4.5.0 — This updated draft of the SoCG also takes account of the ExA's request in Issue Specific Hearing 2 on 5 December 2023 that areas of agreement and disagreement on the WSI between LCC and NCC and the Applicant would be set out in the next version of the SoCG. For further details, please see the Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH2) [EX3/C8.1.21].~~

~~**4.6.4.3.2** agreement on the outstanding matters for Deadline 5. West Lindsey District Council~~

~~4.6.1 — An updated SoCG [EX3/C8.3.3\_A] has been submitted for Deadline 3 which sets out the position of West Lindsey District Council and the Applicant relating to the assessment of significant cumulative effects, in response to the request of the ExA at Issue Specific Hearing 4 on 6 December 2023. The text is included as a new row PD-07 in the "matters under discussion" section of the SoCG. The text is currently under review by Lincolnshire County Council and a further update will be provided at Deadline 4. For further details, please also see the Written Summary of the Applicant's Oral Submissions at the Issue Specific Hearing (ISH4) held on 6 December 2023 [EX3/C8.1.23].~~

4.3.3 West Lindsey District Council have provided the Applicant with comments and queries on the draft SoCG since Deadline 3. The applicant is in the process of reviewing these with a view to responding to the Council shortly.

4.3.4 The Applicant and West Lindsey District Council will continue to engage to try and reach further agreement where possible on the outstanding matters and will submit an updated SoCG on or before Deadline 5.

#### **4.74.4** **National Highways**

4.7.14.4.1 All matters were agreed between the parties by Deadline 1.

#### **4.84.5 UK Health Security Agency**

~~4.8.14.5.1~~ Following extensive discussions between the parties, the Applicant has, at the request of the UK Health Security Agency, produced an 'Updated Air Quality Impact Assessment of a Solar Panel Fire Incident' [REP-078] and an 'Air Quality Impact Assessment of Battery Energy Storage Systems (BESS) Fire' [REP-079]. The UK Health Security Agency have confirmed this additional modelling satisfactorily addresses their concerns and as such, all matters between the parties are agreed.

#### **4.94.6 Upper Witham Internal Drainage Board**

~~4.9.14.6.1~~ All matters were agreed between the Parties by Deadline 1. Since Deadline 2, the IDB have been asked to confirm in writing to PINS that the IDB ~~agrees~~ consents to the disapplication of the legislative provisions set out in Article 6 of the DCO ~~and that they are happy for this to be added to the signed version. This consent (required under section 150 of the SoCG. It is anticipated that this confirmation can be~~ Planning Act 2008) has now been received by letter dated 10/01/24. This letter has been appended to the signed version of the SoCG for submission at Deadline 4. ~~[EX4/C8.3.7 A].~~

#### **4.104.7 The Environment Agency**

~~4.10.14.7.1~~ The Parties have agreed all matters within the draft SoCG except for those relating to the potential impact of Electromagnetic Fields (EMF) upon ecology. This issue was added to the draft SoCG for Deadline 1 at the request of the Environment Agency (10.11.23) following it being raised as an issue in a written representation [EN010131-000735] by a member of the public during the Gate Burton Solar Project examination. It is shown as an 'under discussion' matter within the draft SoCG (included under 'Ecology and Biodiversity and 'Other Environmental Matters' in Table 3.1). Since Deadline 1, the Environment Agency has confirmed that it is happy that the Statement of Common Ground sets out the agreed position between the parties, with all matters other than potential EMF impacts upon ecology now agreed.

~~4.10.24.7.2~~ The Applicant ~~has now~~ prepared an EMF Risk Assessment which ~~is~~ was appended to the Written Summary of the Applicant's Oral Submissions and Responses at Issue Specific Hearing 3 ~~[EX3/C8.1.22] and is in the process of arranging a meeting to discuss this with the Environment Agency~~ REP-034]. Further discussions have taken place with the Environment Agency regarding the EMF issue since Deadline 3 and are continuing. It is anticipated that agreement on this issue can be reached by Deadline 5.

#### **4.114.8 Network Rail**

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~~4.11.1 — The draft SoCG was sent to Network Rail in April 2023. The applicant has attempted to engage with Network Rail on a number of occasions since then to try and progress agreement of the SoCG. Since Deadline 1 the draft SoCG has also been shared with Network Rail's solicitors for review and comment, but to date no feedback has been received.~~

4.8.1 A revised version of the draft SoCG [EX4/C8.3.9\_A] is submitted at Deadline 4 following discussions between the Applicant and Network Rail.

#### **[4.124.9](#) [Lincolnshire Wildlife Trust](#)**

[4.12.14.9.1](#) All matters have been agreed between the Parties by Deadline 1.

#### **[4.134.10](#) [Natural England](#)**

[4.13.14.10.1](#) Extensive discussions have been undertaken between the parties with agreement now reached on all matters and a signed version of the SoCG submitted for Deadline 3 [[EX3/C8.3.11\\_B](#)]. Some further text has been added into the Outline Soil Management Plan to provide additional clarity on matters related to the reinstatement of soils. These amendments are included within the version of the Outline Soil Management Plan submitted for Deadline 3 [[EX3/C6.3.19.2\\_B](#)].

#### **[4.144.11](#) [Nottinghamshire Wildlife Trust](#)**

[4.14.14.11.1](#) All matters have been agreed between the parties by Deadline 1.

#### **[4.154.12](#) [Gate Burton Energy Park, Tillbridge Solar Project and West Burton Solar Project](#)**

[4.15.14.12.1](#) All matters were agreed between the parties by Deadline 2. Nevertheless, the parties have continued discussions and continue to work together on the Joint Report on Interrelationships (JIR), an update of which ~~will be submitted at the Gate Burton Solar Project's next examination deadline, which is 21 December 2023 (Deadline 6). The same JIR will then be submitted into the Cottam and West Burton examinations, the same day or very shortly thereafter, as a late Deadline 3 submission for this Examination [[EX3/C8.1.8\\_B](#)]~~ is submitted for Deadline 4. [[EX4/C8.1.8\\_C](#)].

#### **[4.164.13](#) [Anglian Water](#)**

[4.16.14.13.1](#) All matters were agreed between the parties by Deadline 2.

#### **[4.174.14](#) [Historic England](#)**

[4.14.1](#) The areas of agreement and disagreement between the parties were set out at Deadline 1 and this position has not changed.

#### **[4.15](#) [Scunthorpe and Gainsborough Water Management Board](#)**

[4.17.14.15.1](#) A statement of common ground has now been drafted following discussions between the Applicant and the Scunthorpe and Gainsborough Water Management Board [[EX4/C8.3.15](#)]. A final draft is submitted at Deadline 4 showing that all matters are agreed and it is anticipated that it can be signed shortly in advance of Deadline 5.