

**Byers Gill Solar
EN010139**

8.4.1 Statement of Common Ground with Durham County Council

Planning Act 2008

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared to support the Examination of the Development Consent Order (DCO) application for Byers Gill Solar (the Proposed Development).
- 1.1.2. This SOCG has been prepared jointly by **RWE (the Applicant)** and **Durham County Council (DCC)** in order to clearly identify the current position of the respective parties on specific matters that are, or have been, under discussion. It seeks to confirm to the Examining Authority (ExA) where there are points of agreement between the parties and where agreement has not been reached to date. It therefore aids the ExA in identifying any specific issues that may need to be addressed during the Examination and provides a structure to any further discussions for the parties engaged in the SoCG.
- 1.1.3. This document has been prepared in response to a specific request from the ExA as per the Rule 6 Letter [PD-003] issued on 25 June 2024.

1.2. Terminology

- 1.2.1. Section 2 of this document sets out the relevant matters raised through discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
- “Agreed” means that a matter has been resolved between the parties and is not anticipated to be subject to further discussion;
 - “Under discussion” means that a matter remains in active dialogue between the parties and a final position has not been reached;
 - “Not agreed” means that the parties have established a final position that they cannot resolve the matter and will remain a point of difference.
- 1.2.2. In accordance with the request from the ExA in the Rule 6 Letter [PD-003], a **Low**, **Medium** and **High** ‘traffic light’ system is applied to each matter to indicate the likelihood of their resolution during the Examination period.

1.3. Status of this document

- 1.3.1. This document is currently in draft form and is unsigned.
- 1.3.2. When a final position has been reached on all matters, the respective parties shall sign the SoCG and submit it into the Examination as final and signed.

2. Current position

- 2.1.1. The table below provides a summary of the current position of the Applicant and DCC in relation to specific matters that have been under discussion to date.
- 2.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has never required detailed discussion; or, (ii) not relevant to the discussion between the parties.
- 2.1.3. Appendix A of this document provides a record of engagement undertaken between the parties in relation to the Proposed Development. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

Table 1 Current position of matters relevant to the parties' discussions

Row ID	Topic	DCC Position	Applicant Position	Status
DC1	Principal issues	DCC will provide comments within its Local Impact Report (LIR) and may submit a Written Representation during the examination. The LIR will set out the views of DCC following appraisal of the DCO application and will, amongst other matters, refer to landscape, ecology, cultural heritage, highways, access and rights of way and drainage and flood risk. The Council reserves the right to amend its position or comments following further consideration of the application.	As reflected in the PMIE [APP-169], the Applicant has engaged with DCC regularly during the pre-application period and at time of DCO application, no principal points of disagreement were identified. The Applicant notes that DCC's Relevant Representation defers detailed comments to its Local Impact Report (LIR) and identifies the topics to be commented upon. The Applicant is therefore unable to provide detailed comments on the DCC position at this time and will engage further with DCC upon receipt of the LIR.	Under discussion

A.1 Record of Engagement

Date	Method of engagement	Purpose / Description
15/08/22	Meeting (virtual) with DCC planning officer	Introduction to project
21/09/22	Meeting (virtual) with DCC, SBC, DBC planning officers	Introductory meeting on approach to consultation
08/22 – 01/23	Various emails exchanged with DCC ecology, landscape, planning and heritage teams	Sharing of information and queries regarding EIA scoping and PEIR production, including on LVIA viewpoints and approach/scope to archaeological investigation
02/23 – 04/23	Emails and meetings (virtual)	Engagement and consultation on the Statement of Community Consultation (SoCC).
05/23 – 6/23	Statutory consultation	DCC notified of statutory consultation
04/08/23	Email to DCC planning officer	Issued project programme, as part of Early Adopter's Programme (EAP) trial
23/08/23	Email to DCC planning officer	Draft Policy Compliance Document (PCD) and Design Approach Document (DAD) shared with DCC as part of EAP.
24/08/23	Meeting (virtual) with various DCC officers	Project update and discussion of draft PADS.
20/09/23	Email from DCC planning officer	Comments received from DCC on draft PADS
11/10/23	Email to DBC planning officer	Draft of outline control documents for comment, as part of EAP
11/23 – 01/24	Various emails exchanged with DCC archaeology	Review and comment on Archaeological Mitigation Strategy (AMS) prior to DCO submission.
15/04/2024	Meeting (virtual) with various DCC officers	Project update regarding DCO acceptance and next steps of Examination