

Proposed Solar PV Development

**Byers Gill Solar
EN010139**

Statement of Common Ground with Historic England

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 8

Deadline 1 - August 2024

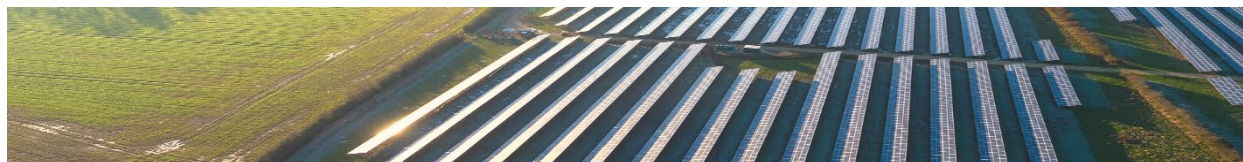


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1. Introduction

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 **Historic England (HE)** 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 HE 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 | HE Position | Applicant Position | Status |
|--------|---|---|--|--------|
| HE1 | Assessment of effect on footpath views of Bishopton Conservation Area | <p>HE does not agree with the conclusion of paragraph 8.10.60 of Environmental Statement Chapter 8 Cultural Heritage and Archaeology, in respect of the assessment of effects on views of Bishopton Conservation Area from the public footpath travelling south from Old Stillington.</p> <p>HE considers that the change as a result of the Proposed Development is minor, resulting in a low magnitude of change on an asset of medium significance. This creates a minor effect rather than negligible as concluded by the Applicant. HE acknowledges that this does not result in a significant effect in EIA terms.</p> <p>12/08/24: HE notes that we and the applicant have assessed the harm in a different way; however, we ultimately agree that the overall change does not result in a significant effect.</p> | <p>The Applicant considers the conclusion in paragraph 8.10.60 of Environmental Statement Chapter 8 Cultural Heritage and Archaeology is appropriate and does not agree with the conclusions of HE's assessment.</p> <p>It is considered that this is a matter of professional judgement, and the Applicant does not intend to change the conclusions of the assessment in view of HE's comments.</p> <p>The Applicant and Historic England agree that the difference in professional judgement / assessment does not make a material difference to the overall assessment findings.</p> | Agree |

| | | | | |
|------------|--|---|---|---------------|
| <p>HE2</p> | <p>Mitigation of effect on footpath views on Bishopton Conservation Area</p> | <p>HE considers that the effect as described in HE1 could be partly mitigated through increased understanding of the historic environment of Bishopton through the provision of an interpretation board providing a narrative of its history.</p> <p>12/08/24: HE find this proposal acceptable in principle. We consider it appropriate that the proposal to widen and enhance the interpretation for the scheme to include the Bishopton Conservation Area and Mott & Bailey Castle. This aspect would be best agreed with the LPA and their advisors so that it forms part of the wider agreed mitigation strategy. We would anticipate that the LPA Conservation / Archaeology Teams would lead on this aspect as part of the AMS (Archaeological Mitigation Strategy) or perhaps a wider interpretation strategy (part of LEMP). We would not need to be consulted further on this matter.</p> | <p>The Applicant has shared proposals for interpretation in the Bishopton area with HE and it is understood that this is now agreed in principle. The development of further detail for interpretation and heritage enhancement measures is secured via the Outline LEMP [APP-118] and these measures would be developed in consultation with the community, interested stakeholders and the LPA. The LEMP would be required to be submitted and approved by the LPA under requirement 12 of the DCO [APP-012]. Historic England is not named as a consultee for this requirement and the Applicant agrees with HE that the LPAs would be the relevant approving authority for these details. The Applicant will engage further with the LPAs regarding their role in discharging requirements, as part of their SoCGs, as necessary.</p> | <p>Agreed</p> |
| <p>HE3</p> | <p>Scheduled Monument at Bishopton (NHLE1008668)</p> | <p>Following a site visit undertaken in August 2023 and having studied the plans of the proposed development, HE is in agreement with paragraphs 8.10.74 to 8.10.76 of the Environmental Statement. Therefore, HE also agrees that the proposed development will lead to a Negligible magnitude of change on the asset which is of High heritage significance resulting in a Negligible Effect, which is not Significant for the purposes of EIA.</p> | <p>The Applicant acknowledges that HE is in agreement with the conclusions of the EIA in respect of the impacts of the Proposed Development on the motte and bailey castle in Bishopton.</p> | <p>Agreed</p> |

A.1 Record of Engagement

| Date | Method of engagement | Purpose / Description |
|---------------------|-----------------------------|---|
| 25/08/22 | Email to HE | Initial introduction and sharing of proposed methodology |
| 05/23 – 6/23 | Statutory consultation | HE notified of statutory consultation |
| 09/06/23 | Meeting (virtual) | Discussion of assessment reported in PEIR and next steps to ES |
| 04/08/23 | Email to HE | Issued project programme, as part of Early Adopter's Programme (EAP) trial |
| 23/08/23 | Email to HE | Draft Policy Compliance Document (PCD) and Design Approach Document (DAD) shared with HE as part of EAP. |
| 08/09/23 | Email from HE | Comments provided on PCD and DAD |
| 23/06/23 | Email to HE | Offer from Applicant to undertake site visit with HE |
| 12/07/23 | Email from HE | Confirmation from HE that site visit is not necessary |
| 02/10/23 | Meeting with HE (virtual) | Meeting following HE site visit to discuss proposals and assessment |
| 11/10/23 | Email to HE | Draft of outline control documents for comment, as part of EAP |
| 25/10/23 | Email from HE | Confirmation from HE of no comments on outline control documents |
| 23/01/24 – 02/02/24 | Emails to/from HE (various) | Email exchange regarding the need for a PADS. HE raised a single issue of concern previously not identified and confirmed that this would be reflected in Relevant Representation as a preference to a PADS as further information still required to formulate HE position fully. Applicant agreed. |
| 03/05/24 | Meeting (virtual) | Meeting to discuss HE concerns regarding footpath between Old Stillington and Bishopton. |
| 13/08/2024 | Meeting (virtual) | Meeting to discuss contents of SoCG and submission at Deadline 1 |