

**Byers Gill Solar
EN010139**

8.4.3 Statement of Common Ground with Stockton-on-Tees Borough 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 **Stockton-on-Tees Borough Council (SBC)** 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 SBC 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	SBC Position	Applicant Position	Status
SBC1	Principle of development	In paragraph 6.12 of the SBC Local Impact Report [REP1-026], SBC note their agreement with the Applicant that there is local policy support for in principle for the Proposed Development. There are no outstanding matters for discussion in relation to the principle of development.	The Applicant acknowledges the support of SBC of the principle of development.	Agreed
SBC2	Policy accordane	SBC have highlighted the local planning policies of relevance to the Proposed Development and are in agreement that these have been considered by the Applicant. There are no outstanding matters for discussion in relation to policy accordane.	As indicated in the Comments on Local Impact Reports [REP2-008], the Applicant has set out accordane with these local planning policies in the Planning Statement [APP-163] and the Policy Compliance Document [APP-164].	Agreed
SBC3	Agricultural land	In paragraphs 6.5 – 6.10 of the SBC Local Impact Report [REP1-026], SBC note that the Proposed Development would not result in a loss of agricultural land within the administrative boundary Stockton-on-Tees. There are no outstanding matters for discussion in relation to agricultural land.	The Applicant is in agreement with this assessment.	Agreed

Row ID	Topic	SBC Position	Applicant Position	Status
SBC4	Landscape and visual	In paragraphs 7.1 – 7.8 of the SBC Local Impact Report [REP1-026], SBC note that there are some adverse effects on certain sensitive receptors within Stockton-on-Tees, but that these will be mitigated and are not so adverse to generate an objection.	The Applicant acknowledges the agreement of SBC with the findings of the ES in relation to landscape and visual receptors in Stockton-on-Tees	Agreed
SBC5	Landscape and visual	In paragraph 7.8 of the SBC Local Impact Report [REP1-026], SBC note that the cable route is yet to be finalised and request greater certainty regarding protection and retention of existing vegetation.	As indicated in the Comments on Local Impact Reports [REP2-008], the Applicant acknowledges this comment and would engage further with SBC on the detailed design of cable routes through the discharge of requirement 3 of the DCO [REP2-029], which includes accordance with 2.5 Environmental Masterplan [AS-016]. Environmental Statement Appendix 2.14 Outline Landscape and Ecology Management Plan [APP-118] sets out provision for the successful protection of existing, establishment and future management of biodiversity and landscaping mitigation works, and would be secured through requirement 12.	Under discussion
SBC6	Traffic and transport	In paragraphs 8.1 – 8.3 of the SBC Local Impact Report [REP1-026], SBC states that there are no highways objections to the Proposed Development, assuming that the CTMP is secured and that any on-road works can be controlled through the street works process.	The Applicant acknowledges that SBC has no objections to the Proposed Development on highways grounds. The provisions of the CTMP are secured via the Requirement 6 of the DCO (Document Reference 3.1, Revision 2).	Agreed
SBC7	Socioeconomics	In paragraphs 8.4 – 8.6 of the SBC Local Impact Report [REP1-026], SBC request the consideration of Public Footpath 4 as it connects to Public Footpath 7.	As indicated in the Comments on Local Impact Reports [REP2-008], the Applicant requests clarity from SBC regarding identifying Public Footpath 4 and will continue to engage with SBC on this matter.	Under discussion
SBC8	Socioeconomics	In paragraphs 8.4 – 8.6 of the SBC Local Impact Report [REP1-026], SBC also state that works undertaken adjacent to, or on a Public Rights of Way (PRoW) will disturb the surface or create an obstruction, either permanent or temporary, require permission from SBC.	The Applicant has clarified in the Comments on Local Impact Reports [REP2-008] that the necessary permissions to carry out relevant works to or on PRoW is provided by the DCO, should consent be granted. As secured via Requirement 14 of the DCO, the Applicant will provide an updated PRoW	Under discussion

Row ID	Topic	SBC Position	Applicant Position	Status
			Management Plan upon the appointment of a principal contractor, and any works to PRoW will be implemented in accordance with said Management Plan.	
SBC9	Hydrology	In paragraph 9.5 of the SBC Local Impact Report [REP1-026], SBC state the requirement for Land Drainage Consent for any works within 8m of an ordinary watercourse.	The Applicant has clarified in the Comments on Local Impact Reports [REP2-008] that the requirement for Land Drainage Consent is disapplied through article 7 of the DCO [REP2-029]. The Protective Provisions provided in Schedule 11 Part 3 then detail the provisions for the protection of the drainage authorities. SBC will be consulted as part of the discharge of Requirement 3 of the DCO pertaining to detailed design of the underground cable route.	Agreed
SBC10	Hydrology	In paragraph 9.6 of the SBC Local Impact Report [REP1-026], SBC request that the proposed cable route around Carlton Village does not conflict with the existing SuDS basin.	As indicated in the Comments on Local Impact Reports [REP2-008], the Applicant will update the outline CEMP [APP-110] to provide a clear commitment to avoiding the existing SuDS feature at detailed design, and implementing appropriate mitigation measures if it is unavoidable, which would ensure the functionality of the SuDS feature is maintained. This is reflected in the ES Errata and Management Plans Proposed Updates [REP2-0112] submitted at Deadline 2.	Under discussion
SBC11	Cultural heritage and archaeology	In paragraph 10.4 of the SBC Local Impact Report [REP1-026], SBC state their agreement with the Applicant that the Proposed Development would have a negligible impact on any built heritage within the administrative boundary of Stockton on Tees. There are no outstanding matters for discussion in relation to cultural heritage and archaeology.	The Applicant acknowledges the agreement of SBC.	Agreed
SBC12	Biodiversity	In paragraphs 11.3 – 11.5 of the SBC Local Impact Report [REP1-026], SBC note that there are proposals in place to minimise impacts to habitats and species through good	As indicated in the Comments on Local Impact Reports [REP2-008], the presence and location of Himalayan Balsam is reported in ES Appendix 6.1	Under discussion

Row ID	Topic	SBC Position	Applicant Position	Status
		design and mitigation measures. SBC request further information regarding the location and treatment of Himalayan Balsam which was recorded within the study area along the course of the Bishopton Beck.	Preliminary Ecological Appraisal Report [APP-126] and depicted in Figure 6.1.4 within that document. As set out in the Mitigation Route Map [APP-171] under reference BD13, the production of an Invasive Non-Native Plant Species (INNS) method statement is secured during construction and decommissioning through the outline CEMP [APP-110] and outline DEMP [APP-111] in order to minimise the risk of Himalayan Balsam spreading along Bishopton Beck.	
SBC13	Biodiversity net gain	In paragraphs 12.1 – 12.4 of the SBC Local Impact Report [REP1-026], SBC note the anticipated biodiversity net gain of the Proposed Development and that this would be secured via requirement.	The Applicant confirms that the production and implementation of a detailed LEMP and CEMP are secured via requirements 4 and 12 of the DCO [REP2-029]. The delivery of BNG is secured through implementation of the Environmental Masterplan [AS-016] and the maintenance measures as secured in the aforementioned LEMP.	Agreed
SBC14	Air quality	In paragraphs 13.2 – 13.3 of the SBC Local Impact Report [REP1-026], SBC state that the proposed air quality mitigation measures are proportionate and adequate, and request that the mitigation measures detailed in section 7 of 6.4.2.4 Environmental Statement Appendix 2.4 Construction Dust Assessment are implemented when undertaking works within Stockton-on-Tees to minimise dust emissions.	The Applicant acknowledges the support of SBC and states that the proposed mitigation measures detailed in ES Appendix 2.4 Construction Dust Assessment [APP-108] in relation to construction will be applied across the Proposed Development, including for works undertaken within the Stockton-on-Tees Borough Council administrative boundary.	Agreed
SBC15	Noise and vibration	In paragraph 13.4 of the SBC Local Impact Report [REP1-026], SBC request that noise impact assessments are undertaken in relation to properties within Stockton-on-Tees.	As indicated in the Comments on Local Impact Reports [REP2-008], properties within Stockton are greater than 300m from the Order Limits and therefore are not included with the ES as the impact is not expected to be significant from operational noise	Under discussion
SBC16	Noise and vibration	In paragraph 13.5 of the SBC Local Impact Report [REP1-026], SBC request that construction works within Stockton-on-Tees finish by 13:00 on a Saturday.	The Applicant agrees to this request. The dDCO [REP2-029] has been amended at Deadline 2 to reflect these working hours.	Agreed

Row ID	Topic	SBC Position	Applicant Position	Status
SBC17	Glint and glare	In paragraph 13.6 of the SBC Local Impact Report [REP1-026], SBC accept the findings of the ES in relation to glint and glare, and request clarification regarding dwellings 254, 256 and 267 and road receptors 208 to 211, including as to whether mitigation planting is required, to be supported by a validation report.	As indicated in the Comments on Local Impact Reports [REP2-008], there is no impact predicted on dwellings 254 and 256 in ES Appendix 2.2 Solar Photovoltaic Glint and Glare Study [APP1-06]. There is no such dwelling 267; the Applicant will seek to engage with SBC to clarify which dwellings the Council are referring to here. Road receptors 208 to 211 have no solar reflections geometrically possible. As such, the proposed mitigation or future validation report by SBC is not required.	Under discussion
SBC18	Lighting	In paragraph 13.7 of the SBC Local Impact Report [REP1-026], SBC state that the proposed security lighting would not have an adverse impact on residents in Stockton-on-Tees.	The Applicant acknowledges the agreement of SBC.	Agreed
SBC19	Radon gas	In paragraphs 13.8 – 13.9 of the SBC Local Impact Report [REP1-026], SBC request a specific approach to radon gas, alongside written confirmation that there are no structures which could lead to entrapment of gas within the administrative boundary of Stockton-on-Tees.	As indicated in the Comments on Local Impact Reports [REP2-008], the Applicant has committed to further ground investigations prior to commencement of development and as per the proposed update to the outline CEMP [APP-110] detailed in ES Errata and Management Plans Proposed Updates [REP2-0112], this will include specific consideration of the risk of radon gas. The Applicant can engage further with SBC on this matter as part of the discharge of the detailed CEMP under requirement 4 of the DCO [REP2-029].	Under discussion

A.1 Record of Engagement

Date	Method of engagement	Purpose / Description
30/03/2022	Meeting (virtual) with SBC planning officers	Introduction to project
03/08/2022	Email to Lead Local Flood Authority (LLFA)	Early engagement to agree approach to drainage strategy
05/08/2022	Meeting (virtual) with SBC planning officers	Project update and overview
25/08/2022	Email to SBC archaeology	Initial consultation on approach to archaeological investigation (geophysics)
21/09/2022	Meeting (virtual) with DCC, SBC, DBC planning officers	Introductory meeting on approach to consultation
2/11/2022-4/11/2022	Co-design workshops	SBC officers attended co-design workshops
27/02/2023	Email to LLFA	Ongoing engagement regarding drainage and flood risk
02/2023 – 04/2023	Emails and meetings (virtual)	Engagement and consultation on the Statement of Community Consultation (SoCC).
05/2023 – 6/2023	Statutory consultation	SBC notified of statutory consultation
04/08/2023	Email to SBC planning officer	Issued project programme, as part of Early Adopter's Programme (EAP) trial
23/08/2023	Email to SBC planning officer	Draft Policy Compliance Document (PCD) and Design Approach Document (DAD) shared with SBC as part of EAP.
05/09/2023	Email to SBC planning officer	Query regarding intention of SBC to engage with Applicant on PADS.
11/10/2023	Email to SBC planning officer	Draft of outline control documents for comment, as part of EAP
14/11/2023	Meeting (virtual) with LLFA	Meeting to discuss surface water drainage strategy and protective provisions
30/01/2024-8/2/2024	Various emails with LLFA	Exchange of emails relating to matters discussed in November '23, confirming LLFA content with approach in DCO to securing further drainage detail via requirement.
17/06/2024	Meeting (virtual) with various SBC officers	Project update regarding DCO acceptance and next steps of Examination
17/06/2024	Emails with SBC Environmental Health Officer	Exchange of emails regarding ES noise query
10/09/2024	Email to SBC Planning Officer	The Applicant shared an updated SoCG which responds to SBCs comments raised in their LIR