

**Byers Gill Solar  
EN010139**

# 8.4 Statement of Commonality

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 8

Revision 3

Deadline 3 – September 2024



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# 1. Introduction

## 1.1. Purpose of this document

- 1.1.1. This Statement of Commonality (SoC) sets out the current position on Statements of Common Ground (SoCG) between RWE (the Applicant) and prescribed consultees and other interested parties in relation to Byers Gill Solar (the Proposed Development). It also demonstrates points of commonality between the SoCGs.
- 1.1.2. It has been prepared by RWE for use by the Examining Authority (ExA) and will be updated throughout the Examination of the Byers Gill Solar Development Consent Order (DCO) application to reflect the current position of the SoCGs.
- 1.1.3. Prior to the submission of the DCO application, a Potential Main Issues for Examination (PMIE) document [APP-169] was submitted with the DCO application, this included a Principle Areas of Disagreement Summary Statement (PADSS) with Darlington Borough Council (DBC).
- 1.1.4. The Applicant had also engaged with the following parties pre-application regarding a PADSS, however at that time it was not considered necessary or appropriate to submit a draft PADSS as part of the application:
- Durham County Council (DCC)
  - Stockton-on-Tees Borough Council (SBC)
  - Natural England (NE)
  - Environment Agency (EA)
  - Historic England (HE)
- 1.1.5. The Rule 6 letter [PD-003] requested SoCGs with the parties listed in Table 3-1, alongside four Statutory Undertakers (National Grid, Network Rail, National Gas, Northern Powergrid). As per the Applicant's Response [PDA-001], the Applicant has prepared SoCGs with the requested parties, with the exception of these four Statutory Undertakers. The Applicant will continue to update the Statutory Undertakers Position Statement (Document Reference 7.7, Revision 2) to reflect the position with these bodies, as provided at this deadline (Deadline 3).
- 1.1.6. The Applicant will continue to engage with all stakeholder parties and update this SoC and the individual SoCGs throughout the Examination.

## 2. Structure of Statements of Common Ground

2.1.1. To ensure consistency in the approach taken to documenting matters agreed, those subject to further negotiation, or those not agreed, each SoCG follows a standard format.

2.1.2. The SoCGs have the following structure:

- Section 1 provides an introduction to the SoCG and a description of its purpose;
- Section 2 sets out the current position on different topics between the Applicant and the relevant party; and
- Appendix 1 details the record of engagement between the Applicant and the party.

### 3. List of Statements of Common Ground

3.1.1. The parties with which the Applicant has prepared an SoCG are listed in Table 3-1 below. The ExA requested the preparation of these SoCGs in the Rule 6 letter [PD-003].

**Table 3-1 List of parties entered into an SoCG**

	Party
Local Authorities	Durham County Council
	Darlington Borough Council
	Stockton Borough Council
Other Interested Parties	Tees Valley Combined Authority
	Historic England
	Environment Agency
	National Highways
	Bishopton Villages Action Group
Parish Councils	Bishopton Parish Council
	Redmarshall Parish Council
	Great Stainton Parish Council
	Stillington and Whitton Parish Council

## 4. Summary of current position

- 4.1.1. This section provides an update on each SoCG, with Table 4-1 providing a high-level position on the status of the SoCGs.
- 4.1.2. The high-level positions used are:
- **SoCG in draft** – the SoCG has been drafted by the Applicant and shared with the other party, but discussion is ongoing prior to reaching a signed SoCG;
  - **Final signed SoCG with all matters agreed** – the final SoCG has been signed by both parties and all matters are agreed; and
  - **Final signed SoCG with matters outstanding** – the final SoCG has been signed by both parties and there remains matters outstanding that the Applicant and other party agreed will not be resolved during Examination.
- 4.1.3. Table 4-1 will be updated as necessary at each deadline submission.

**Table 4-1 Summary of current position of SoCGs**

Document Reference	Party	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7	Position at Deadline 8	Position at Deadline 9
Document reference 8.4.1	Durham County Council	SoCG in draft and agreed for submission into the Examination.	N/A - no SoCG submitted at this time.	Updated SoCG in draft and agreed for submission into the Examination.						
Document reference 8.4.2	Darlington Borough Council	N/A - no SoCG submitted at this time.	N/A - no SoCG submitted at this time.	SoCG in draft and agreed for submission into the Examination.						
Document reference 8.4.3	Stockton Borough Council	SoCG in draft and agreed for submission into the Examination.	N/A - no SoCG submitted at this time.	Updated SoCG in draft and agreed for submission into the Examination.						
Document reference 8.4.4	Tees Valley Combined Authority	N/A - no SoCG submitted at this time.	Final, signed SoCG submitted into the Examination. All matters agreed.	As per Deadline 2.						
Document reference 8.4.5	Historic England	SoCG in draft and agreed for submission into the Examination.	N/A - no SoCG submitted at this time.	N/A - no SoCG submitted at this time.						
Document reference 8.4.6	Environment Agency	N/A – no SoCG submitted at this time.	N/A - no SoCG submitted at this time.	N/A - no SoCG submitted at this time.						
Document reference 8.4.7	National Highways	Final, signed SoCG submitted into the Examination. All matters agreed.	N/A - no SoCG submitted at this time.	N/A - no SoCG submitted at this time.						
Document reference 8.4.8	Bishopton Villages Action Group	SoCG in draft and agreed for submission into the Examination.	N/A - no SoCG submitted at this time.	N/A - no SoCG submitted at this time.						
Document reference 8.4.9	Bishopton Parish Council	SoCG in draft and agreed for submission into the Examination.	N/A - no SoCG submitted at this time.	N/A - no SoCG submitted at this time.						
Document reference 8.4.10	Redmarshall Parish Council	SoCG in draft and agreed for submission into the Examination.	N/A - no SoCG submitted at this time.	Updated SoCG in draft and agreed for submission into the Examination.						

Document Reference	Party	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7	Position at Deadline 8	Position at Deadline 9
Document reference 8.4.11	Great Stainton Parish Meeting	N/A – no SoCG submitted at this time.	N/A - no SoCG submitted at this time.	N/A - no SoCG submitted at this time.						
Document reference 8.4.12	Stillington and Whitton Parish Council	SoCG in draft and agreed for submission into the Examination.	N/A - no SoCG submitted at this time.	Final, signed SoCG submitted into the Examination.						



## 5. Commonality

- 5.1.1. This section of the Statement of Commonality provides a summary in Table 5-1 of the main issues covered within the SoCGs and highlights where there is commonality in the topics.
- 5.1.2. The topics are defined at a high-level and may not reflect the structure of individual SoCGs. The topics broadly align with those of the Environmental Statement submitted as Volume 6 of the DCO application.
- 5.1.3. This is presented in Table 5-1 to show the topics covered by the SoCGs, where these are relevant for each party, and the position, using the following categorisation:

	All matters in relation to this topic agreed
	Matters in relation this topic both agreed and disagreed
	All matters in relation to this topic not agreed
	Matters in relation to this topic not discussed or raised in the SoCG

**Table 5-1 Table of commonality**

Document Reference	SoCG party	Topics considered																			
		Alternatives	Agricultural Land	Biodiversity	Cable routes	Climate change	Consultation and engagement	Cumulative impacts	Cultural heritage	Decommissioning	Design of development	Glint and glare	Human health	Hydrology and flood risk	Landscape and visual	Noise and vibration	Principle of development	Policy and legislation	Safety	Socioeconomic	Traffic and transport
8.4.1	Durham County Council			Yellow		Green		Green		Yellow			Yellow	Green	Green	Green	Green	Green		Yellow	Green
8.4.2	Darlington Borough Council	Yellow	Yellow	Yellow					Yellow		Yellow	Yellow		Yellow	Yellow	Yellow			Yellow	Yellow	Yellow
8.4.3	Stockton Borough Council		Green	Yellow		Green					Yellow	Yellow	Yellow	Yellow	Yellow	Green	Green		Yellow	Green	
8.4.4	Tees Valley Combined Authority																				Green
8.4.5	Historic England							Green												Green	
8.4.6	Environment Agency												Yellow								
8.4.7	National Highways																				Green
8.4.8	Bishopton Villages Action Group	Red	Red	Yellow		Yellow		Yellow			Yellow	Yellow	Red	Yellow	Yellow	Yellow	Red	Red	Yellow	Yellow	Yellow
8.4.9	Bishopton Parish Council						Red	Red			Red						Red		Red		
8.4.10	Redmarshall Parish Council	Red	Red		Green				Green											Red	Green
8.4.11	Great Stainton Parish Meeting		Yellow	Yellow				Yellow			Yellow		Yellow	Yellow	Yellow				Yellow		Yellow
8.4.12	Stillington and Whitton Parish Council																				Green

## 6. Current position

6.1.1. This section provides a summary of the current position between the Applicant and the other parties. The individual SoCGs provide full detail on specific matters.

### 6.2. Local authorities

#### **Durham County Council**

6.2.1. An updated SoCG with Durham County Council (DCC) is provided at Deadline 3 taking into account the Local Impact Report from DCC [REP1-025].

6.2.2. The principle matters that are reflected in the draft SoCG (Document Reference 8.4.1, Rev 2) provided at Deadline 3, are:

- Biodiversity
- Contaminated land
- Air quality

6.2.3. The Applicant is seeking to engage further with DCC following Deadline 3 to progress matters in the SoCG.

#### **Darlington Borough Council**

6.2.4. An updated SoCG with Darlington Borough Council (DBC) is provided at Deadline 3 taking into account the Local Impact Report from DBC [REP1-021, REP1-023].

6.2.5. The principle matters that are reflected in the draft SoCG (Document Reference 8.4.2) provided at Deadline 3, are: are:

- Need for development
- Landscape and visual effects;
- Design approach;
- Agricultural land
- Impact on living conditions in relation to noise, glint and glare and air quality;
- Impacts on the Public Rights of Way (PRoW) network;
- Traffic and transport; and
- Flood risk and drainage.

6.2.6. The Applicant is seeking to engage further with DBC following Deadline 3 to progress matters in the SoCG.

#### **Stockton-on-Tees Borough Council**

6.2.7. An updated SoCG with Stockton-on-Tees Borough Council (SBC) is provided at Deadline 3 taking into account the Local Impact Report from SBC [REP1-026].

- 6.2.8. The principle matters that are reflected in the draft SoCG (Document Reference 8.4.3, Rev 2) provided at Deadline 3, are: are:
- Landscape and visual effects;
  - Impact on living conditions in relation to noise, glint and glare and air quality;
  - Biodiversity and arboriculture impacts;
  - Public Rights of Way (PRoW);
  - Flood risk and drainage;
  - Contamination and radon gases;
  - Health and safety.
- 6.2.9. The Applicant is seeking to engage further with SBC following Deadline 3 to progress matters in the SoCG.

### **6.3. Other interested parties**

#### **Tees Valley Combined Authority (TVCA)**

- 6.3.1. The Applicant issued a draft SoCG to TVCA on 18 July 2024, taking into account the Relevant Representation from TVCA [RR-513].
- 6.3.2. All matters have been agreed between the parties. A final, signed SoCG has been submitted at Deadline 2 (Document Reference 8.4.4).

#### **Historic England**

- 6.3.3. The Applicant issued a draft SoCG to Historic England on 18 July 2024, taking into account the Relevant Representation from TVCA [RR-207].
- 6.3.4. The Applicant, following agreement with Historic England, has provided the draft SoCG (Document Reference 8.4.5) at Deadline 1.
- 6.3.5. It is noted that the draft SoCG provided at Deadline 1 presents the view that all matters discussed to date are agreed. It is the intention of both parties to provide a signed, final copy of the SoCG at a future deadline.

#### **Environment Agency**

- 6.3.6. The Applicant issued a draft SoCG to the Environment Agency (EA) on 18 July 2024, taking into account the Relevant Representation from the EA [RR-168].
- 6.3.7. The EA returned comments on the draft SoCG to the Applicant on 7 August 2024, which has not been submitted into the Examination at this time.
- 6.3.8. The EA and the Applicant are continuing to discuss the matter below, and will provide an update at a future deadline.

- 6.3.9. The principle matter to be discussed throughout the Examination is in relation to the assessment of flood risk, including application of the Sequential Test.

### **National Highways**

- 6.3.10. The Applicant issued a draft SoCG to National Highways on 18 July 2024, taking into account the Relevant Representation from National Highways [AS-009].
- 6.3.11. All matters have been agreed between the parties. A final, signed SoCG has been submitted at Deadline 1 (Document Reference 8.4.7).

### **Bishopton Villages Action Group (BVAG)**

- 6.3.12. The Applicant issued a draft SoCG to BVAG on 18 July 2024, taking into account the Relevant Representation from BVAG [RR-548]. BVAG returned an updated draft SoCG to the Applicant on 10 August 2024 which sets out the Group's position on the Proposed Development. This was submitted at Deadline 1 [REP1-017].
- 6.3.13. The principle matters to be discussed throughout the Examination are:
- The principle of development;
  - Policy compliance, in particular in relation to food security;
  - Alternatives, including rooftops and brownfield sites, and alternative sites;
  - Health and well-being impacts;
  - Sufficiency of the description of development;
  - Sufficiency of the landscape and visual assessment;
  - The proposed landscape mitigation and Landscape and Ecological Management Plan (LEMP);
  - Impacts on cultural heritage assets, including from decommissioning and flood risk stemming from the proposed ground mounting pads;
  - Concerns regarding increased crime as a result of the Proposed Development;
  - Impacts on ecological assets and biodiversity;
  - The level of detail provided in the various management plans within the DCO application;
  - The status of mitigation habitats following decommissioning;
  - Flood risk;
  - Further information required to assess noise and vibration impacts, along with an independent assessment;
  - Economic benefits to the local area;
  - Impacts of construction traffic;
  - Adequacy of local road network to provide access to the Proposed Development;
  - Impacts on Mill Lane of construction traffic;
  - Further consultation on glint and glare;

- The assessment of the scheme in terms of climate change; and
- Cumulative impacts.

6.3.14. BVAG and the Applicant met on 17 September 2024. This discussion primarily focused on the Statement of Common Ground (SoCG), however some matters raised in the BVAG Written Representation were also discussed. BVAG and the Applicant have agreed to a further meeting to discuss in detail aspects of the design of the Proposed Development, in an effort to work collaboratively on specific areas of the design. It is intended that an updated SoCG will be provided to the ExA at a deadline following that meeting, and once BVAG have been able to review the Applicant's response to their Written Representation.

## **6.4. Parish Councils**

### **Bishopton Parish Council**

- 6.4.1. Following discussions at the first Issue Specific Hearing which took place on 23 July 2024, the Applicant issued a draft SoCG to Bishopton Parish Council (BPC) on 25 July 2024 which comprised a blank template to enable the Parish to provide an account of their position with regards to particular topics forming part of the DCO Application.
- 6.4.2. BPC returned an updated draft SoCG to the Applicant on Monday 12 August 2024 which sets out the Parish's position on the Proposed Development. The Parish Council also drafted the RWE position in the 'Applicant's position' column of Table 2-1 of the SoCG, and set out the expected likelihood of resolving the matter via the traffic light system. This was provided at Deadline 1 [REP1-010].
- 6.4.3. Following receipt of the BPC post-hearing submissions at Deadline 1 [REP1-020], the Applicant updated the SoCG and provided it to BPC, and requested a meeting. A response has not yet been received. The Applicant will seek to confirm a meeting and update the SoCG at a future deadline.
- 6.4.4. The Applicant also provides a response to the questions raised by BPC in their post-hearing submission, within its Deadline 3 submission (Document Reference 8.12).

### **Redmarshall Parish Council**

- 6.4.5. The Applicant issued a draft SoCG to Redmarshall Parish Council on 18 July 2024, following discussions held at the first Issue Specific Hearing during the Examination.
- 6.4.6. The Applicant and RPC met on 16 September 2024 to discuss the SoCG. An updated SoCG is submitted at Deadline 3 to reflect the outcome of that meeting (Document Reference 8.4.10, Revision 2).
- 6.4.7. The principle matters reflected in the SoCG are:
- Alternatives, including rooftops and brownfield sites;
  - The use of agricultural land;

- The Order Limits being considered previously developed land following decommissioning;
- Increased traffic levels;
- Economic benefits to the local area.

6.4.8. It is anticipated that this is a final draft, and will be submitted as final and signed at a forthcoming deadline.

### **Great Stainton Parish Meeting**

6.4.9. The Applicant issued a draft SoCG to Great Stainton Parish Meeting on 18 July 2024, following discussions held at the first Issue Specific Hearing during the Examination.

6.4.10. The principle matters to be discussed throughout the Examination are:

- Impact on the local community;
- The scale of the Proposed Development;
- The proposed landscape and visual impact mitigation;
- Accordance with good design principles;
- Cumulative impacts of the Proposed Development alongside other nearby solar schemes;
- Impacts on wildlife;
- Impacts of the Proposed Development on soil quality and the possibility of sheep grazing within the Order Limits;
- The possibility of growing wildflowers within the Order Limits;
- The soil quality assessment;
- Flood risk;
- Impacts on existing land drains;
- Noise, traffic and transport effects resulting from construction;
- Concerns regarding increased crime as a result of the Proposed Development;
- The safety of the Battery Energy Storage Systems (BESS); and
- Impacts on local community assets.

6.4.11. The Parish Council and the Applicant met on 18 September 2024. This discussion primarily focused on the Statement of Common Ground (SoCG). The Parish Council and the Applicant have agreed to a further meeting to discuss in detail aspects of the design of the Proposed Development, in an effort to work collaboratively on specific areas of the design. It is intended that an updated SoCG will be provided to the ExA at a deadline following that meeting.

**Stillington and Whitton Parish Council**

- 6.4.12. The Applicant and the Parish Council met on Tuesday 20 August 2024 to discuss the draft SoCG. .
- 6.4.13. All matters have been agreed between the parties. A final, signed SoCG is submitted at Deadline 3 (Document Reference 8.4.12, Revision 2).