

**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

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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.	N/A - no SoCG submitted at this time.					
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.	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.	N/A - no SoCG submitted at this time.					
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.	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.	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.	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.	As per Deadline 1.	As per Deadline 1.					
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.	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.	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.	Final, signed SoCG submitted 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.	SoCG in draft and agreed for submission into the Examination.					
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.	As per Deadline 3.					

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			Green	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	Red	Yellow	Yellow		Green		Red			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) was 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 to progress matters in the SoCG.

Darlington Borough Council

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

6.2.5. An updated SoCG with DBC is provided at Deadline 4, taking into account recent engagement between the Applicant and DBC in relation to impact on living conditions, the PRoW network and flood risk and drainage.

6.2.6. The principle matters that are reflected in the draft SoCG (Document Reference 8.4.2) provided at Deadline 4, 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.

Stockton-on-Tees Borough Council

6.2.7. An updated SoCG with Stockton-on-Tees Borough Council (SBC) was 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. Following Deadline 3, the Applicant and SBC have continued to engage through topic specific discussion on matters in relation to impact on living conditions, biodiversity and arboriculture, PRoW, flood risk and drainage, contamination and radon gases, and health and safety.
- 6.2.10. The two parties continue to work together to resolve issues, and it is the intention of the Applicant to provide an updated draft SoCG at Deadline 5, once the Applicant and SBC have had the opportunity to reflect recent discussions in the draft 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 was 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 Applicant and EA have continued to engage since the provision of the draft SoCG to the EA in July 2024, and have significantly progressed matters during these discussions.
- 6.3.8. The EA has submitted a separate Work Package Tracker at Deadline 4 to aid the ExA's understanding of the current position of the EA on each matter, which has been discussed with and agreed by the Applicant.
- 6.3.9. It is the intention of the Applicant to provide an updated SoCG at a future deadline.

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 was 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 had a further meeting on 10 October 2024, with Great Stainton Parish Meeting, in order to discuss in detail aspects of the design of the Proposed Development. It is intended that a further update, likely to be reflected in an updated SoCG, will be provided to the ExA at a future deadline following that meeting.

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 provided 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 (RPC) 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.
- 6.4.7. A final, signed SoCG is provided at Deadline 4 (Document Reference 8.4.12, Revision 3), noting that matters relating to Alternatives, Agricultural Land and Socioeconomics (specifically economic benefits) are not agreed between parties.

Great Stainton Parish Meeting

- 6.4.8. 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.
- 6.4.9. 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.
- 6.4.10. 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 since had a further meeting to discuss in detail aspects of the design of the Proposed Development, which took place on 10 October 2024, in an effort to work collaboratively on specific areas of the design. The two parties continue to engage on these matters in the SoCG, and it is intended that those specific points will be updated in the draft SoCG at a future deadline.

- 6.4.11. The two parties, however, have agreed to provide an interim update on other matters, which is provided at Deadline 4 (Document Reference 8.4.11, Revision 1).

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 was submitted at Deadline 3 (Document Reference 8.4.12, Revision 2).