

**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

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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 [REP5-026] to reflect the position with these bodies.
- 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.	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.	N/A - no SoCG submitted at this time.	Updated 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.	Updated SoCG in draft and agreed for submission into the Examination.	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.	As per Deadline 2.	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.	N/A - no SoCG submitted at this time.	Final, signed SoCG submitted into the Examination. All matters agreed.			
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.	N/A - no SoCG submitted at this time.	SoCG in draft and agreed for submission into the Examination.			
Document reference 8.4.7	National Highways	Final, signed SoCG submitted into the Examination. All matters agreed.	As per Deadline 1.	As per Deadline 1.	As per Deadline 1.	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.	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.	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	Final, signed SoCG submitted into the Examination.	As per Deadline 4.	As per Deadline 4.			

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
				into the Examination.						
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.	N/A - no SoCG submitted at this time.	Updated 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.	As per Deadline 3.	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	Draft DCO	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																					
8.4.2	Darlington Borough Council																					
8.4.3	Stockton Borough Council																					
8.4.4	Tees Valley Combined Authority																					
8.4.5	Historic England																					
8.4.6	Environment Agency																					
8.4.7	National Highways																					
8.4.8	Bishopton Villages Action Group																					
8.4.9	Bishopton Parish Council																					
8.4.10	Redmarshall Parish Council																					
8.4.11	Great Stainton Parish Meeting																					
8.4.12	Stillington and Whitton Parish Council																					

## 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 5 which takes into account discussions had with DCC following the submission of their Local Impact Report [REP1-025] and subsequent engagement.
- 6.2.2. The principle matter not agreed reflected in the draft SoCG (REP5-028] provided at Deadline 5 in relation to Air Quality. All other matters are agreed.
- 6.2.3. DCC has confirmed that whilst it is not expected for matters in the SoCG to change, its preference is to wait until a later deadline to sign the SoCG and agree it as final. It is therefore the intention of both parties to provide a signed, final copy of the SoCG by the end of Examination.

#### **Darlington Borough Council**

- 6.2.4. An updated SoCG with Darlington Borough Council (DBC) is provided at Deadline 6 (Document Reference 8.4.2, Rev 3). This reflects engagement since Deadline 5, including a focused meeting on ecology, with subsequent updates to matters presented in this version of the SoCG. A meeting in relation to Article 10 of the DCO is scheduled for 11 December 2024 with DBC and SBC highways.
- 6.2.5. The principle matters under discussion that are reflected in the draft SoCG (Document Reference 8.4.2, Rev 3) provided at Deadline 6 are:
- 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; and
  - Traffic and transport.
- 6.2.6. The Applicant has sought to engage on landscape matters since Deadline 5, however has not received a response in time for Deadline 6. It is assumed that some matters will be concluded as not able to be agreed and an update for Deadline 7 will be sought.
- 6.2.7. The Applicant has had email confirmation that DBC are content with highways access drawings as submitted at Deadline 5 [REP5-016/017] and will look to formalise this position through the SoCG at Deadline 7.

- 6.2.8. The two parties continue to engage on matters that remain under discussion, and intend to provide a further update at Deadline 7.

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

- 6.2.9. An updated SoCG with Stockton-on-Tees Borough Council (SBC) is provided at Deadline 6 (Document Reference 8.4.3, Rev 4) taking into account the Local Impact Report from SBC [REP1-026] and subsequent engagement.
- 6.2.10. The principle matter not agreed reflected in the draft SoCG provided at Deadline 6 is in relation to Noise and Vibration. All other matters are agreed. A meeting in relation to Article 10 of the DCO is scheduled for 11 December 2024 with DBC and SBC highways.
- 6.2.11. It is the intention of both parties to provide a signed, final copy of the SoCG at a future deadline.

## **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 [REP2-026].

### **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. All matters have been agreed between the parties. A final, signed SoCG has been submitted at Deadline 6 (Document Reference 8.4.5, Rev 2).

### **Environment Agency**

- 6.3.5. An updated SoCG with the Environment Agency (EA) is provided at Deadline 6 (Document Reference 8.4.6, Rev 3), which takes into account their Relevant Representation [RR-168] and subsequent engagement.
- 6.3.6. The principle matter under discussion reflected in the draft SoCG provided at Deadline 6 is in relation to Requirement 4 and the inclusion of pre-commencement activities. It is anticipated that this will be resolved following the EA's review of the updated DCO submitted at Deadline 6. All other matters are agreed.
- 6.3.7. It is the intention of both parties to provide a signed, final copy of the SoCG at a future deadline.

## **National Highways**

- 6.3.8. The Applicant issued a draft SoCG to National Highways on 18 July 2024, taking into account the Relevant Representation from National Highways [AS-009].
- 6.3.9. All matters have been agreed between the parties. A final, signed SoCG was submitted at Deadline 1 [REP1-008].

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

- 6.3.10. 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].
- 6.3.11. 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.

- 6.3.12. 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.
- 6.3.13. On 5 December 2024, BVAG shared drawings of their preferred amendments to the design post-consent as discussed at the meeting on 10 October 2024. The Applicant and BVAG have discussed via email next steps in order to update the SoCG and it is intended that this will be provided by Deadline 7.
- 6.3.14. Following the hearings held in October, the Applicant and BVAG are in discussions regarding producing an SoCG specific to landscape issues. This may be provided as a separate document or incorporated into the existing SoCG; it is intended that an update will be provided at a future deadline. The Applicant sought to engage with the BVAG landscape consultant in time for Deadline 6, however we are still awaiting a marked-up version of the draft SoCG.

## **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 met briefly with Bishopton Parish Council at the recent Hearings (November 2024) to discuss the SoCG and understands that the Parish Council do not anticipate undertaking further work on the SoCG on the basis that they generally oppose the Proposed Development. It is therefore anticipated that no further updates to this SoCG will be provided before the end of Examination.

### **Redmarshall Parish Council**

- 6.4.4. 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.

- 6.4.5. The Applicant and RPC met on 16 September 2024 to discuss the SoCG.
- 6.4.6. A final, signed SoCG was provided at Deadline 4 [REP3-008], noting that matters relating to Alternatives, Agricultural Land and Socioeconomics (specifically economic benefits) are not agreed between parties.

### **Great Stainton Parish Meeting**

- 6.4.7. 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.
- 6.4.8. 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.
- 6.4.9. The Parish Council and the Applicant met on 18 September 2024. This discussion primarily focused on the 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.
- 6.4.10. An updated version of the SoCG is provided at Deadline 6 (Document Reference 8.4.11, Revision 2) which includes an update to matter GSPM5 and appended drawings which reflect the positions discussed at the meeting on 10 October 2024.
- 6.4.11. The two parties are continuing to engage with a view to providing an updated SoCG at Deadline 7.

**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 [REP3-009].