
EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm
EN010143

Statement of Commonality for Statements of Common Ground
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Statement of Commonality for Statements of Common Ground

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1. Introduction and Purpose

1.1 Purpose of this Statement of Commonality

- 1.1.1 This Statement of Commonality (“this Statement”) has been prepared to support the examination of an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme). The Application was submitted by East Yorkshire Solar Farm Limited (the Applicant) on 20 November 2023 and was accepted for examination on 19 December 2023.
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position regarding the Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and other interested parties (“other parties”).
- 1.1.3 This Statement will be updated during the course of the Examination as a record of progress that is being made with the various SoCGs. When sufficient progress has been made on agreements between parties, this Statement will also discuss areas of commonality between parties to enable efficient resolution of remaining issues.

1.2 Description of the Scheme

- 1.2.1 The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) electricity generating facility with a total capacity exceeding 50 megawatts (MW) and export connection to the national grid, at National Grid’s Drax Substation. A detailed description of the Scheme is included in Chapter 2: The Scheme, Environmental Statement Volume 1 which was submitted with the Application [APP-054] and a description of the development to be authorised is set out in Schedule 1 of the draft DCO [REP1-006].

1.3 Format of Document and Terminology

- 1.3.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 1.3.2 Each SoCG has the following structure:
- a. Section 1 provides an introduction to the SoCG and a description of its purpose.
 - b. Section 2 summarises the engagement the Parties have had with regard to the Scheme.
 - c. Section 3 summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’.

2. List of Statements of Common Ground

- 2.1.1 The Applicant began to prepare SoCGs with prescribed consultees, statutory undertakers and other parties it considered beneficial to do so following acceptance of the Application for examination.
- 2.1.2 SoCGs with other parties were also requested by the ExA through the Rule 6 letter [PD-002] dated 23 April 2024.
- 2.1.3 The parties which the Applicant is preparing SoCGs for are listed in Table 2-1 below. Further detail about the current position of each SoCG can be found at Section 3, Table 3-1 of this Statement.

Table 2-1 List of Stakeholders for SoCGs

Prescribed Consultees

Canal and River Trust (CRT)

Forestry Commission (FC)

National Highways (NH)

Ouse and Derwent Internal Drainage Board (O&D IDB)

UK Health Security Agency/ Office of Office for Health Improvement and Disparities (UKHSA/OHID)

Environment Agency (EA)

Natural England (NE)

Historic England (HE)

Network Rail (NR)

Local Authorities

East Riding of Yorkshire Council (ERYC)

North Yorkshire Council (NYC)

Statutory Undertakers

National Gas Transmission Plc (NGT Plc)

Northern Powergrid (Yorkshire) Plc (NP Plc)

3. Summary of Current Position

- 3.1.1 This section provides the current position of each SoCG at Deadline 43. As final versions of the SoCGs are agreed as the Examination progresses, they will be submitted alongside this Statement.
- 3.1.2 Table 3-1 provides a high-level position and where necessary includes further detail to aid the understanding of the ExA. The high-level positions used in the table are:
- a. **Final Signed SoCG all matters agreed** – The final version of the SoCG has been signed by both parties and all matters are agreed.
 - b. **Final Signed SoCG with matters outstanding** – The final version of the SoCG has been signed by both parties. There remain areas of discussion or disagreement but both parties agree these issues will not be resolved during Examination.
 - c. **Draft SoCG** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding'.
 - d. **SoCG drafted and shared with other party** – The SoCG has been drafted by the Applicant and shared with the other party but is awaiting comments to be provided. The SoCG will be provided at the earliest opportunity.

Table 3-1 SoCG High Level Position

Doc Ref.	Party	Position at Deadline 1 - 18 June 2024	Position at Deadline 2- 27 June 2024	Position at Deadline 3- 23 July 2024	Position at Deadline 4- 15 August 2024	Position at Deadline 5- 3 September 2024	Position at Deadline 6- 1 October 2024	Position at Deadline 7- 5 November 2024	Position at Deadline 8- 14 November 2024
Prescribed Consultees									
8.11	CRT	Final Signed SoCG all matters agreed.	Final Signed SoCG all matters agreed.						
8.8	FC	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>SoCG drafted and shared with other party</u>					
8.10	NH	Final Signed SoCG all matters agreed	Final Signed SoCG all matters agreed						
8.16	O&D IDB	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>Draft SoCG</u>					
8.17	UKHSA/ OHID	Final Signed SoCG all matters agreed.	Final Signed SoCG all						

Doc Ref.	Party	Position at Deadline 1 - 18 June 2024	Position at Deadline 2- 27 June 2024	Position at Deadline 3- 23 July 2024	Position at Deadline 4- 15 August 2024	Position at Deadline 5- 3 September 2024	Position at Deadline 6- 1 October 2024	Position at Deadline 7- 5 November 2024	Position at Deadline 8- 14 November 2024
			matters agreed.						
8.7	EA	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>Draft SoCG</u>					
8.12	NE	Draft SoCG	Draft SoCG	<u>Draft SoCG</u>					
8.9	HE	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>Draft SoCG</u>					
8.14	NR	Draft SoCG	Draft SoCG	<u>Final Signed SoCG all matters agreed.</u>					
Local Authorities									
8.5	ERYC	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>Draft SoCG</u>					

Doc Ref.	Party	Position at Deadline 1 - 18 June 2024	Position at Deadline 2- 27 June 2024	Position at Deadline 3- 23 July 2024	Position at Deadline 4- 15 August 2024	Position at Deadline 5- 3 September 2024	Position at Deadline 6- 1 October 2024	Position at Deadline 7- 5 November 2024	Position at Deadline 8- 14 November 2024
8.6	NYC	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>SoCG drafted and shared with other party</u>					
Statutory Undertakers									
8.13	NGT Plc	Draft SoCG	Draft SoCG	<u>Draft SoCG</u>					
8.15	NP Plc	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>SoCG drafted and shared with other party</u>					

4. Commonality

- 4.1.1 This section of the Statement provides a summary of principal issues covered in each SoCG and demonstrates where there is commonality in the topics or matters.
- 4.1.2 The table is presented in such a way to show topics covered within the various SoCGs and how these are relevant to each party and a position for each topic as follows:

	Matter agreed with other Party
	Some matters agreed, some matters not agreed
	Some matters agreed, some matters subject to further discussion
	Matter subject to further discussion
	Matter not able to be agreed

- 4.1.3 Where a matter is not relevant to the other Party, it is not included within the SoCG and therefore not covered in Table 4-1 and shown as a blank.

Table 4-1 Table of Commonality

Doc Ref.	Party	Draft DCO	Protected Provisions	Compulsory Acquisition	Book of Reference	Climate Change	Cultural Heritage	Ecology	HRA	BNG	Water Environment	Landscape	Noise and Vibration	Socio-Economics and Land Use	Transport and Access/PRoW	Human Health	Soils and Agricultural Land	Construction	Trees	Planning Policy	Minerals and waste	Air Quality	Glint and Glare	Ground Conditions	Safety	Cumulative Assessment
8.11	CRT	Green	Green		Green				Green	Green	Green	Green	Green		Green			Green								
8.8	FC							Green											Yellow							Green
8.10	NH														Green											
8.16	O&D IDB	Green	Green								Yellow							Yellow								
8.17	UK HSA/ OHID															Green								Green		
8.7	EA	Yellow			Green			Green	Green	Green	Green							Green			Green			Green		Green
8.12	NE							Yellow	Yellow	Green				Green			Green					Green				Green
8.9	HE						Yellow																			Green
8.5	ERYC	Green				Green	Yellow	Yellow		Green	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Yellow
8.6	NYC	Yellow					Green	Yellow	Yellow	Green	Orange	Yellow	Green	Yellow	Green	Green	Orange		Orange	Green	Orange	Green	Orange	Green	Orange	Orange
8.13	NGT Plc		Orange	Orange																						
8.14	NR		Green	Green							Green				Green			Green					Green			
8.15	NP Plc		Orange	Orange	Green																					

5. Position at Deadline ~~4~~3

5.1 Introduction

5.1.1 This section provides the ExA with a summary of the current position at Deadline ~~4~~3 between the Applicant and each party. The individual SoCG should be referred to for the full detail on specific matters.

5.2 Prescribed Consultees

Canal and River Trust

5.2.1 Matters have been agreed through positive discussions between the Applicant and the CRT. This has involved agreement on matters including Protective Provisions, legislation to be disapplied by the DCO and matters relating to the water environment and construction.

5.2.2 A signed version of the SoCG ~~has been~~was submitted at Deadline 1 ~~[EN01043/APP/8.11] [REP1-074]~~.

Forestry Commission

5.2.3 The position with the FC at Deadline ~~4~~3 is currently that the SoCG has been drafted and shared with FC on the 4 June 2024. This version ~~has been~~was submitted to the Examination at Deadline 1 ~~[EN01043/APP/8.8] [REP1-074]~~.

5.2.4 The draft reflects the issues raised following receipt of FC's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter ~~[PD-002]~~. The Applicant has shared the SoCG with the Forestry Commission ~~and followed up with the Forestry Commission a number of times to seek a response~~. The Applicant will continue to engage with the FC to gain further agreement on these and any further matters ~~and plans to submit the next revision of the SoCG at Deadline 4~~.

National Highways

5.2.5 Matters have been agreed through positive discussions between the Applicant and NH. This has involved agreement on matters including Impacts on the Strategic Road Network, proposed mitigation measures and draft DCO.

5.2.6 A signed version of the SoCG ~~has been~~was submitted at Deadline 1 ~~[EN01043/APP/8.10] [REP1-073]~~.

Ouse and Derwent Internal Drainage Board

5.2.7 The position of the O&D IDB at Deadline ~~4~~3 is currently that the SoCG has been drafted and shared with O&D IDB on the 5 June 2024. ~~[EN01043/APP/8.16] [REP1-079]~~. O&D IDB have reviewed the document and provided comments ~~in June 2024, however, the discussions remain ongoing~~ and the ~~SoCG has not been~~Applicant shared this updated ~~at this stage. This version submitted to the Examination at Deadline 1~~

~~[EN01043/APP/8.16] is the original draft shared within of the SoCG with the O&D IDIB on the 05 June 19 July 2024.~~

- 5.2.8 The draft reflects the issues raised: during statutory consultation; during meetings/correspondence on the development of the Scheme design and protective provisions; following receipt of the O&D IDB's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter [PD-002]. The Applicant will continue to engage with the O&D IDB to gain further agreement on ~~these and any further matters outstanding matters and intends to submit a signed version of the SoCG at Deadline 4.~~

UK Health Security Agency/ Office of Office for Health Improvement and Disparities (UKHSA/OHID)

- 5.2.9 Matters have been agreed through positive discussions between the Applicant and UKHSA/OHID. This has included agreement on matters including effects on human health and assessment of the significance of effects and Environmental Impact Assessment methodology.
- 5.2.10 The SoCG submitted at Deadline 1 [EN01043/APP/8.17] [REP1-080] was accompanied by a letter (at Appendix A) confirming that UKHSA/OHID are in agreement with the SoCG shared on 31 May 2024. The SoCG submitted at Deadline 2 ~~is~~[REP2-017] was accompanied by an email (at Appendix B) to confirm that UKHSA/OHID does not sign third party SoCG documents, and that the letter previously provided confirms agreement of the SoCG.

Environment Agency

- 5.2.11 The position with the EA at Deadline ~~4~~3 is currently that the SoCG submitted to the Examination at Deadline 1 [EN01043/APP/8.7] [REP1-070] has been ~~drafted updated following ongoing discussions with the EA and shared with the EA them for review on the 20 May 19 July 2024, for comment.~~ This updated version has been submitted to the Examination at Deadline ~~4~~3 [EN01043/APP/8.7].
- 5.2.12 The draft reflects the issues raised following receipt of the EA's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter [PD-002]. The Applicant will continue to engage with the Environment Agency to gain further agreement on these and any further matters.
- 5.2.13 In particular, the Applicant has continued to seek to engage with the Environment Agency to agree the draft protective provisions included at Part 5 of Schedule 14 of the Draft Development Consent Order. To date, however the Applicant has been unable to obtain any substantive comments from the Environment Agency on the protections offered. The Applicant notes that the provisions are substantively the same as those included within the Gate Burton Energy Park Order 2024 and the Mallard Pass Solar Farm Order 2024, both of which the Applicant understands were agreed to by the Environment Agency.
- 5.2.14 The Applicant would welcome the Examining Authority writing to the Environment Agency in the Second Written Questions, to seek any

comments from the Environment Agency on the provisions, or to otherwise confirm they are agreed.

Natural England

~~5.2.135.2.15~~ The position with NE at Deadline ~~13~~ is currently that the SoCG has been drafted and shared with NE.

~~5.2.145.2.16~~ A draft SoCG is being developed between the Applicant and Natural England. The draft reflects the issues raised following receipt of the Relevant Representations and in response to specific matters raised by the ExA in the Rule 6 Letter **[PD-002]**. ~~The Applicant has shared the SoCG with Natural England. Natural England have provided comments on the SoCG and Following Deadline 1 and ongoing discussions,~~ the Applicant has updated the SoCG, and shared this with Natural England on 19 July 2024. This version has been submitted to the Examination at Deadline ~~13~~ **[EN01043/APP/8.12]**.

~~5.2.155.2.17~~ The Applicant will continue to engage with Natural England to gain further agreement on these and any further matters.

Historic England

~~5.2.165.2.18~~ The position with HE at Deadline ~~13~~ is currently that the SoCG has been ~~drafted and shared with HE. A meeting was held on the 4 June 2024 between the Applicant and HE to discuss the matters within the SoCG and verbal agreement was reached. The Applicant has updated the SoCG to reflect these~~ following further discussions and shared ~~this~~ with HE ~~for review~~ on 18 July 2024. This version has been submitted to the Examination at Deadline ~~13~~ **[EN01043/APP/8.9]**.

~~5.2.175.2.19~~ The draft reflects the issues raised during statutory consultation; during meetings/correspondence on the development of the Scheme design and Environmental Statement; following receipt of HE's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter ~~**[PD-002]**~~ which have been discussed further with HE. The Applicant will continue to engage with Historic England to gain agreement.

Network Rail

~~5.2.20~~ The position with Matters have been agreed through positive discussions between the Applicant and NR at Deadline 1 is currently that. This has involved agreement on matters including compulsory purchases, protective provisions and impacts on the operations of the statutory undertaker.

~~5.2.185.2.21~~ A signed version of the SoCG is in agreed form and is awaiting engrossment and signatures. This version has been submitted to the Examination at Deadline 13 **[EN01043/APP/8.14]**.

~~5.2.19~~ The draft reflects the issues raised: during statutory consultation and following receipt of NR's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter **[PD-002]**. The Applicant will continue to engage with NR to gain agreement on these matters.

5.3 Local Authorities

East Riding of Yorkshire Council

5.3.1 The position with ERYC at Deadline ~~4~~³ is currently that the SoCG has been drafted and shared with ERYC on the 4 June 2024. ~~This version has been~~ Comments were received from ERYC on 9 July 2024 and the Applicant is considering these whilst also engaging with ERYC regarding matters raised in the Local Impact Report for agreement in the SoCG.

~~5.3.1~~ ~~The draft submitted to the Examination at Deadline 1 [EN01043/APP/8.5].~~

5.3.2 ~~The draft~~⁷ [REP1-068] reflects the issues raised during statutory consultation; during meetings/correspondence regarding the development of the Scheme design and Environmental Statement; in ERYC's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter **[PD-002]**. The Applicant will continue to engage with ERYC to gain further agreement on ~~these and any further matters~~ outstanding matters and plans to submit the next revision of the SoCG at Deadline 4.

North Yorkshire Council

5.3.3 The position with NYC at Deadline ~~4~~³ is currently that the SoCG ~~has been~~^{was} drafted and shared with NYC on the 6 June 2024. This version ~~has been~~^{was} submitted to the Examination at Deadline 1 ~~[EN01043/APP/8.6].~~^[REP1-069]. Comments are yet to be received from NYC and so no further updates to the SoCG have been made at this stage.

5.3.4 The draft submitted at Deadline 1 reflects the issues raised during statutory consultation; during meetings/correspondence on the development of the Scheme design and Environmental Statement; NYC's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter **[PD-002]**. The Applicant will continue to engage with North Yorkshire Council to gain further agreement on ~~these and any further matters~~ outstanding matters and plans to submit the next revision of the SoCG at Deadline 4.

5.4 Statutory Undertakers

National Gas Transmission Plc

5.4.1 The position with NGT Plc at Deadline ~~4~~³ is currently that the SoCG has been drafted and shared with NGT Plc on the 4 June 2024. NGT Plc have reviewed the document and provided comments on the 17 June 2024, following which the Applicant returned a mark-up to NGT Plc on 25 June 2024, however, the discussions remain ongoing and the SoCG has not been updated at this stage. ~~This version submitted to the Examination at Deadline 1 [EN01043/APP/8.13] is the original draft shared within NGT Plc on the 04 June 2024.~~

5.4.2 The draft submitted at Deadline 1 [EN01043/APP/8.15] [REP1-076] reflects the issues raised following receipt of the NGT Plc Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter

[PD-002]. The Applicant will continue to engage with NGT Plc to gain further agreement on ~~these and any further matters~~outstanding matters and plans to submit a signed version of the SoCG at Deadline 4.

Northern Powergrid (Yorkshire) Plc

- 5.4.3 The position with NP Plc at Deadline ~~4~~3 is currently that the SoCG ~~has been~~was drafted and shared with NP Plc on the 30 May 2024. This version ~~has been~~was submitted to the Examination at Deadline 1 **[EN01043/APP/8.15].** **[REP1-078]**. Comments are yet to be received from NP Plc and so no further updates to the SoCG have been made at this stage.
- 5.4.4 The draft submitted at Deadline 1 reflects the issues raised: during statutory consultation and following receipt of NP Plc's Relevant Representation and in response to specific matters raised by the ExA in the Rule 6 Letter **[PD-002]**. The Applicant will continue to engage with NP Plc to gain further agreement on these and any further matters. and plans to submit the next revision of the SoCG at Deadline 4.