
EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm
EN010143

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~~final 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~~has been 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~~discusses 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 [REP3-004AS-032].

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~~Final Position

- 3.1.1 This section provides the ~~current~~final position of each SoCG at Deadline ~~5~~. ~~As final versions of the SoCGs are agreed as the Examination progresses, they will be submitted alongside this Statement~~6.
- 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	SoCG drafted and shared with other party	Draft SoCG	<u>Draft SoCG</u>	<u>Final Signed SoCG all matters agreed.</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	Draft SoCG	Final Signed SoCG all matters agreed.				
8.17	UKHSA/ OHID	Final Signed SoCG all matters agreed.	Final Signed SoCG all matters agreed.						

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
8.7	EA	SoCG drafted and shared with other party	SoCG drafted and shared with other party	Draft SoCG	Draft SoCG	Final Signed SoCG all matters agreed.			
8.12	NE	Draft SoCG	Draft SoCG	Draft SoCG	Draft SoCG	<u>Draft SoCG</u>	Final Signed SoCG all matters agreed.		
8.9	HE	SoCG drafted and shared with other party	SoCG drafted and shared with other party	Draft SoCG	Final Signed SoCG all matters agreed.				
8.14	NR	Draft SoCG	Draft SoCG	Final Signed SoCG all matters agreed.					
Local Authorities									
8.5	ERYC	SoCG drafted and shared with other party	SoCG drafted and shared with other party	Draft SoCG	Draft SoCG	<u>Draft SoCG</u>	Final SoCG all matters agreed (awaiting signature).		

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	SoCG drafted and shared with other party	Draft SoCG	<u>Draft SoCG</u>	<u>Final SoCG with matters outstanding (awaiting signature).</u>		
Statutory Undertakers									
8.13	NGT Plc	Draft SoCG	Draft SoCG	Draft SoCG	Final Signed SoCG all matters agreed.				
8.15	NP Plc	SoCG drafted and shared with other party	SoCG drafted and shared with other party	SoCG drafted and shared with other party	Final Signed SoCG all matters agreed.				

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	Protective 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																									
8.8	FC																									
8.10	NH																									
8.16	O&D IDB																									
8.17	UK HSA/OHID																									
8.7	EA																									
8.12	NE																									
8.9	HE																									
8.5	ERYC																									
8.6	NYC																									
8.13	NGT Plc																									
8.14	NR																									
8.15	NP Plc																									

5. Position at Deadline 56

5.1 Introduction

- 5.1.1 This section provides the ExA with a summary of the currentfinal position at Deadline 56 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 was submitted at Deadline 1 ~~[EN01043/APP/8.11]~~ [REP1-074].

Forestry Commission

- ~~5.2.3 The position with the FC at Deadline 5 is currently that the SoCG that was submitted at Deadline 4 [EN01043/APP/8.8] is still under discussion.~~

~~5.2.45.2.3~~ 5.2.3 ~~The current draft version reflects the issues raised following receipt of~~ Matters have been agreed through positive discussions between the Applicant and the FC. This has involved agreement on matters including within the FC's Relevant Representation, in response to specific matters raised by the ExA in the Rule 6 Letter [PD-002] and comments received from the FC on 5 August 2024.

- ~~5.2.5 The Applicant is continuing to engage with FC to gain final agreement on outstanding matters.~~

- ~~5.2.4 A signed version of the SoCG is submitted at Deadline 6 [EN01043/APP/8.8].~~

National Highways

- ~~5.2.65.2.5~~ 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.

- ~~5.2.75.2.6~~ 5.2.6 A signed version of the SoCG was submitted at Deadline 1 ~~[EN01043/APP/8.10]~~ [REP1-073].

Ouse and Derwent Internal Drainage Board

- ~~5.2.85.2.7~~ 5.2.7 Matters have been agreed through positive discussions between the Applicant and Ouse and Derwent IDB. This has involved agreement on matters including the effects of works affecting watercourses and water discharges, alongside the draft DCO.

~~5.2.95.2.8~~ A signed version of the SoCG ~~is~~was submitted at Deadline 4 ~~[EN01043/APP/8.15REP4-026]~~.

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

~~5.2.105.2.9~~ 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.

~~5.2.115.2.10~~ 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 ~~[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

~~5.2.125.2.11~~ Positive discussions have been held between the Applicant and the EA. Matters relating to the disapplication of Environmental Permitting Regulations (England & Wales) 2016 remain under discussion.

~~5.2.135.2.12~~ A signed version of the SoCG with this latest position ~~is~~was submitted at Deadline 5 ~~[EN01043/APP/8.7REP5-018]~~. The Applicant is committed to further engagement with the EA to agree protective provisions and the disapplication of legislation matters still under discussion.

Natural England

~~5.2.13~~ Matters have been agreed through positive discussions between the Applicant and NE. This has involved agreement on matters relating to HRA, BNG, ecology, soils and agricultural land and air quality.

~~5.2.14~~ The position with NE final agreed SoCG is submitted at Deadline 5 is currently⁶ and is accompanied by an email (Appendix A) which confirms that the SoCG has been drafted and shared with NE. do not sign SoCGs [EN01043/APP/8.12].

~~5.2.15~~ The position with Natural England at Deadline 5 is that the draft SoCG submitted to the Examination at Deadline 3 was shared with Natural England on 19 July 2024. The Applicant is continuing to engage with Natural England to gain further agreement on outstanding matters. No further updates to the draft SoCG have been made..

~~5.2.16~~ The draft SoCG submitted at Deadline 3 reflects the issues raised following receipt of the Relevant Representations, in response to specific matters raised by the ExA in the Rule 6 Letter [PD-002] and as a result of ongoing discussions.

~~5.2.17~~ The Applicant is continuing to engage with Natural England to gain further agreement on outstanding matters.

Historic England

~~5.2.185.2.15~~ Matters have been agreed through positive discussions between the Applicant and HE. ~~The version submitted to the Examination at Deadline 3 [EN01043/APP/8.9] has been signed.~~

~~5.2.195.2.16~~ The signed version of the SoCG was submitted at Deadline 4 ~~[EN01043/APP/8.14REP4-024].~~

Network Rail

~~5.2.205.2.17~~ Matters have been agreed through positive discussions between the Applicant and NR. This has involved agreement on matters including compulsory purchases, protective provisions and impacts on the operations of the statutory undertaker.

~~5.2.215.2.18~~ A signed version of the SoCG was submitted at Deadline 3 ~~[EN01043/APP/8.14REP3-026].~~

5.3 Local Authorities

East Riding of Yorkshire Council

~~5.3.1~~ Matters have been agreed through positive discussions between the Applicant and ERYC. This has involved agreement on matters including the draft DCO, climate change, heritage, ecology (Including HRA and BNG), water environment, landscape, noise and vibration, socio-economics, transport and PRow, soils and agricultural land, construction, trees, planning policy, minerals and waste, air quality, glint and glare, ground conditions, safety and cumulatives.

~~5.3.1~~ — The position with ERYC at Deadline ~~56~~ is ~~currently~~ that the ~~draft~~ SoCG ~~is~~ agreed and is awaiting signature. This version has been submitted to the Examination at Deadline 4 [REP1-068] is still being discussed with ERYC.

~~5.3.2~~ The ~~draft~~ SoCG~~6~~ ~~[EN01043/APP/8.7]~~ ~~submitted at deadline 4~~ 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; in response to specific matters raised by the ExA in the Rule 6 Letter ~~[PD-002]~~; in response to ERYC's Local Impact Report ~~[REP2-022]~~; comments received on 9 July 2024 from ERYC; and matters discussed during the Issue Specific Hearing 2 on Environmental Matters held on 10 July 2024. The Applicant will continue to engage with ERYC to gain further agreement on outstanding matters and will submit an updated version of the SoCG at Deadline ~~6.5~~.5.

North Yorkshire Council

~~5.3.3~~ Matters have been agreed through positive discussions between the Applicant and NYC. This has involved agreement on matters including the draft DCO, climate change, heritage, Ecology (Including HRA and BNG), water environment, landscape, noise and vibration, socio-economics, transport and PRow, soils and agricultural land, trees, planning policy, minerals and waste, air quality, glint and glare, ground conditions, safety and cumulatives. Matters relating to health have not been able to be agreed.

~~5.3.3~~—The position with NYC at Deadline ~~5~~6 is ~~currently~~ that the ~~draft~~ SoCG ~~is agreed and is awaiting signature~~. This version has been submitted to the ~~Examination~~ at Deadline ~~4~~ is still being discussed with NYC. The Applicant will continue to engage with ERYC to gain further agreement on outstanding matters and will submit an updated version of the SoCG at Deadline ~~6~~.

5.3.4 The ~~draft SoCG~~6 [~~EN01043/APP/8.6~~] submitted at deadline ~~4~~ reflects the issues raised during statutory consultation; during meetings/correspondence on the development of the Scheme design and Environmental Statement; NYC's Relevant Representation, in response to specific matters raised by the ExA in the Rule 6 Letter [~~PD-002~~]; in response to NYC's Local Impact Report [~~REP2-023~~]; in response to further meetings/correspondence during examination; and comments received on 14 August 2024.].

5.4 Statutory Undertakers

National Gas Transmission Plc

5.4.1 Positive discussions have been held between the Applicant and NGT Plc. Matters including the effects on existing apparatus, protective provisions and compulsory acquisition ~~are under discussion~~have been discussed – the Applicant and NGT Plc have substantively agreed the form of protective provisions included at Part 9 of Schedule 14 to the draft DCO at Deadline 6. There are two minor drafting points outstanding between the parties which are unable to be resolved. The provisions included at Part 9 represent the Applicant's final position and are sufficient to protect the interests of NGT Plc to ensure there is no serious detriment to NGT Plc's undertaking, as confirmed in Appendix A of the Applicant's Closing Submissions (also submitted at Deadline 6).

5.4.2 A signed version of the SoCG with this latest position was submitted at Deadline 4 [~~EN01043/APP/8.13~~REP4-022].

Northern Powergrid (Yorkshire) Plc

5.4.3 Positive discussions have been held between the Applicant and NP Plc. Matters relating to compulsory acquisition are agreed and matters regarding existing apparatus and protective provisions ~~remain under discussion~~have been discussed – the Applicant and NP Plc have agreed a form of bespoke protective provisions (which are included in Part 8 of Schedule 14 to the draft DCO submitted at Deadline 6) and commercial side agreement between the parties. The side agreement is awaiting signature and NP Plc withdrew its objection to the Scheme via an email to the Planning Inspectorate on 27 September 2024 at 10:05.

5.4.4 A signed version of the SoCG with this latest position was submitted at Deadline 4 [~~EN01043/APP/8.15~~REP4-024].