

Byers Gill Solar EN010139

8.4 Statement of Commonality

Planning Act 2008

APFP Regulation 5(2)(q)

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Table of Contents

Page

1.	Introduction	1
1.1.	Purpose of this document	1
2.	Structure of Statements of Common Ground	2
3.	List of Statements of Common Ground	3
4.	Summary of current position	4
5.	Commonality	7
6.	Final position	9
6.2.	Local authorities	9
6.3.	Other interested parties	10
6.4.	Parish Councils	11

Table of Tables

Table 3-1	List of parties entered into an SoCG	3
Table 4-1	Summary of current position of SoCGs	5
Table 5-1	Table of commonality	8

1. Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Commonality (SoC) sets out the final 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 the Applicant for use by the Examining Authority (ExA) and was 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 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 sought to engage with all stakeholder parties and provide updates throughout the Examination. This has resulted in 11 co-signed SoCGs being provided as part of the Applicant's submissions throughout the Examination.
- 1.1.7. Just one party considered that, due to their overall objection to the Proposed Development, they did not wish to engage further on a draft SoCG, and so whilst one was provided at an early deadline, this did not progress any further. Further detail of this can be found in section 6.4.

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.	N/A - no SoCG submitted at this time.	Final, signed SoCG submitted 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.	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.	Final, signed SoCG submitted 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.	N/A - no SoCG submitted at this time.	Final, signed SoCG submitted 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.	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.	As per Deadline 6.	As per Deadline 6.	
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.	SoCG in draft and agreed for submission into the Examination.	Final, signed SoCG submitted 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.	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.	N/A - no SoCG submitted at this time.	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 8.4.9	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.	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.	As per Deadline 4.	As per Deadline 4.	As per Deadline 4.	As per Deadline 4.	
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.	Final, signed SoCG submitted into the Examination.	As per Deadline 7.	
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.	As per Deadline 3.	As per Deadline 3.	
Document reference 8.4.13	Bishopton Villages Action Group (landscape matters)							SoCG in draft and agreed for submission into the Examination.	As per Deadline 7 – considered as final under Document reference 8.4.8.	

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

		Topics considered																				
Document Reference	SoCG party	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																					
8.4.13	Bishopton Villages Action Group (landscape matters)																					

6. Final 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. A final, signed SoCG with Durham County Council (DCC) is provided at Deadline 8 (Document Reference 8.4.1, Revision 4).
- 6.2.2. The principal matter not agreed reflected SoCG is in relation to Air Quality, specifically requesting monitoring to take place during construction. All other matters are agreed.

Darlington Borough Council

- 6.2.3. A final, signed SoCG with Darlington Borough Council (DBC) is provided at Deadline 8 (Document Reference 8.4.2, Revision 5).
- 6.2.4. The principal matters not agreed reflected SoCG are:
- Compliance with local planning policy IN9.b (Renewable Energy Infrastructure – Solar Power Development);
 - The Design Approach Document (Document Reference 7.2, Revision 4) with respect to its compliance with relevant guidance;
 - Landscape and visual, specifically:
 - The assessment used to inform the baseline;
 - Village setting assessment;
 - Viewpoints;
 - Photomontages, and;
 - Significance of operational effects
 - Traffic and transport in relation to the car sharing proposals, and request for a section 59 agreement; and
 - Glint and glare in relation to the how the mitigation for the purposes of glint and glare effects are secured through the DCO.

- 6.2.5. All other matters are agreed.

Stockton-on-Tees Borough Council

- 6.2.6. A final, signed SoCG with Stockton-on-Tees Borough Council (SBC) is provided at Deadline 8 (Document Reference 8.4.3, Revision 5).
- 6.2.7. The principal matter not agreed reflected in the draft SoCG is in relation to Noise and Vibration, specifically that a noise impact assessment is undertaken in relation to properties within SBC's administrative boundary. All other matters are agreed.

6.3. Other interested parties

Tees Valley Combined Authority (TVCA)

- 6.3.1. A final, signed SoCG was submitted at Deadline 2 [REP2-026]. All matters have been agreed between the parties.

Historic England

- 6.3.2. A final, signed SoCG was submitted at Deadline 6 [REP6-003]). All matters have been agreed between the parties.

Environment Agency

- 6.3.3. A final, signed SoCG is provided submitted at Deadline 8 (Document Reference 8.4.6, Revision 4). All matters are agreed between the parties.

National Highways

- 6.3.4. A final, signed SoCG was submitted at Deadline 1 [REP1-008]. All matters have been agreed between the parties.

Bishopton Villages Action Group (BVAG)

- 6.3.5. A final, signed SoCG with Bishopton Villages Action Group (BVAG) is provided at Deadline 8 (Document Reference 8.4.8, Revision 2).

- 6.3.6. The principal matters not agreed reflected SoCG are
- Design and commitments at detailed design
 - Principle of development
 - Policy compliance
 - Alternatives
 - Health and wellbeing
 - Aspects of the DCO application and its assessment, including levels of detail provided and approach to assessments
 - Decommissioning and detail provided regarding decommissioning
 - Landscape and visual assessment
 - Impacts on cultural heritage assets, including from flood risk stemming from the proposed ground mounting pads;
 - Impacts on ecological assets and biodiversity, including provisions in the LEMP
 - Noise and vibration effects
 - The level of detail provided in the various management plans within the DCO application;
 - Economic benefits to the local area;

- Impacts on traffic, including adequacy of local road network to provide access to the Proposed Development and impacts on Mill Lane of construction traffic;
- Use of agricultural land;
- Further consultation on glint and glare;
- The assessment of the Proposed Development in terms of climate change; and
- Cumulative impacts.

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, all of which were not agreed. 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. The Applicant met briefly with Bishopton Parish Council at the November 2024 Hearings to discuss the SoCG, where BPC confirmed that they did not wish to engage further on the SoCG on the basis that they generally oppose the Proposed Development. It was therefore agreed between parties that no further updates to the SoCG would be made, and all matters would remain not agreed.
- 6.4.4. BPC confirmed at Deadline 8 that the SoCG remains as per that submitted at Deadline 1 [REP-010]. The matters not agreed relate to:
- The principle of development
 - The design of the development
 - The location of the development and irradiance
 - The consultation and engagement process, including ongoing communications
 - Cumulative effects
 - Impact to the amenity and character of the local area
 - Potential for ongoing disturbance via noise and traffic
 - Proximity of BESS to school and play areas

Redmarshall Parish Council

- 6.4.5. 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

- 6.4.6. A final, signed version of the SoCG was provided at Deadline 7 [REP7-007] which includes appended drawings which reflect the positions discussed at the meeting on 10 October 2024.
- 6.4.7. The matters not agreed between both parties are in relation to:
- Alternatives;
 - The use of agricultural land;
 - Biodiversity – disagreement with the conclusion of no significant effects;
 - The cumulative impact of the Proposed Development with other projects in the local area;
 - Impacts on cultural heritage;
 - The decommissioning of the Proposed Development;
 - Hydrology and flood risk – in relation to surface water run-off and drainage;
 - Landscape and visual – efficacy of proposed mitigation and characteristic of the local area;
 - Construction effects in relation to noise and vibration, and traffic and transport; and
 - Safety - the perceived increase of crime resulting from the Proposed Development and with respects to the Battery Energy Storage Systems (BESS).

Stillington and Whitton Parish Council

- 6.4.8. A final, signed SoCG was submitted at Deadline 3 [REP3-009]. All matters have been agreed between the parties.