

## Raywood, Simon

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**From:** [REDACTED]@rwe.com  
**Sent:** 20 June 2024 10:32  
**To:** Byers Gill Solar  
**Cc:** [REDACTED]@arup.com; [REDACTED]@arup.com; [REDACTED]@arup.com; [REDACTED]@arup.com; [REDACTED]@burgess-salmon.com; [REDACTED]@burgess-salmon.com  
**Subject:** RE: Byers Gill Solar - new or revised information  
**Categories:** With ExA

Hello Jen,

As discussed, we are pleased to update the Examining Authority (“**ExA**”) that on 28 February 2024 the Applicant and a landowner completed an option agreement for a cable easement over land within the Order limits comprising a section of the off-road cable route option to the south of Bishopton (the “**Easement Option**”).

As a result of securing the Easement Option, the Applicant can resolve the cable route optionality in the Bishopton area in favour of the preferred off-road option. This means that the section of the on-road cable route option which follows the adopted highway through Bishopton is no longer required to guarantee the delivery of the Proposed Development and can be removed from the Order limits.

Accordingly, the Applicant wishes to update the Byers Gill Solar application to reflect the Easement Option and the cable route optionality which it has resolved. The update would reduce the Order Limits through removal of land from the Bishopton area of the Proposed Development.

The Applicant’s view is that this update would amount to the submission of ‘new or revised information’ pursuant to paragraph 2.4 of *Advice Note 16: requests to change applications after they have been accepted for examination* (“**Advice Note 16**”) and does not require a Change Application for the reasons summarised below:

- Land would only be removed from the Order limits.
- The removal of land is not a change to the design of the Proposed Development but instead resolves optionality for on road and off road cable routes that was presented throughout the application and pre-application consultation. The Applicant wishes to resolve this optionality in the Bishopton area to provide certainty for the Examining Authority and all other parties involved in the examination.
- The accepted application documents make clear that the off-road cable route has been properly assessed in the Environmental Statement (the “**ES**”), and that each topic chapter has already considered all environmental effects in relation to cable route options. Removing a section of the on-road option is therefore within our ES envelope.
- For the above reasons, there is no requirement for consultation in respect of the revised information and no interested persons would be prejudiced if the ExA accepted the revised information without a Change Request.

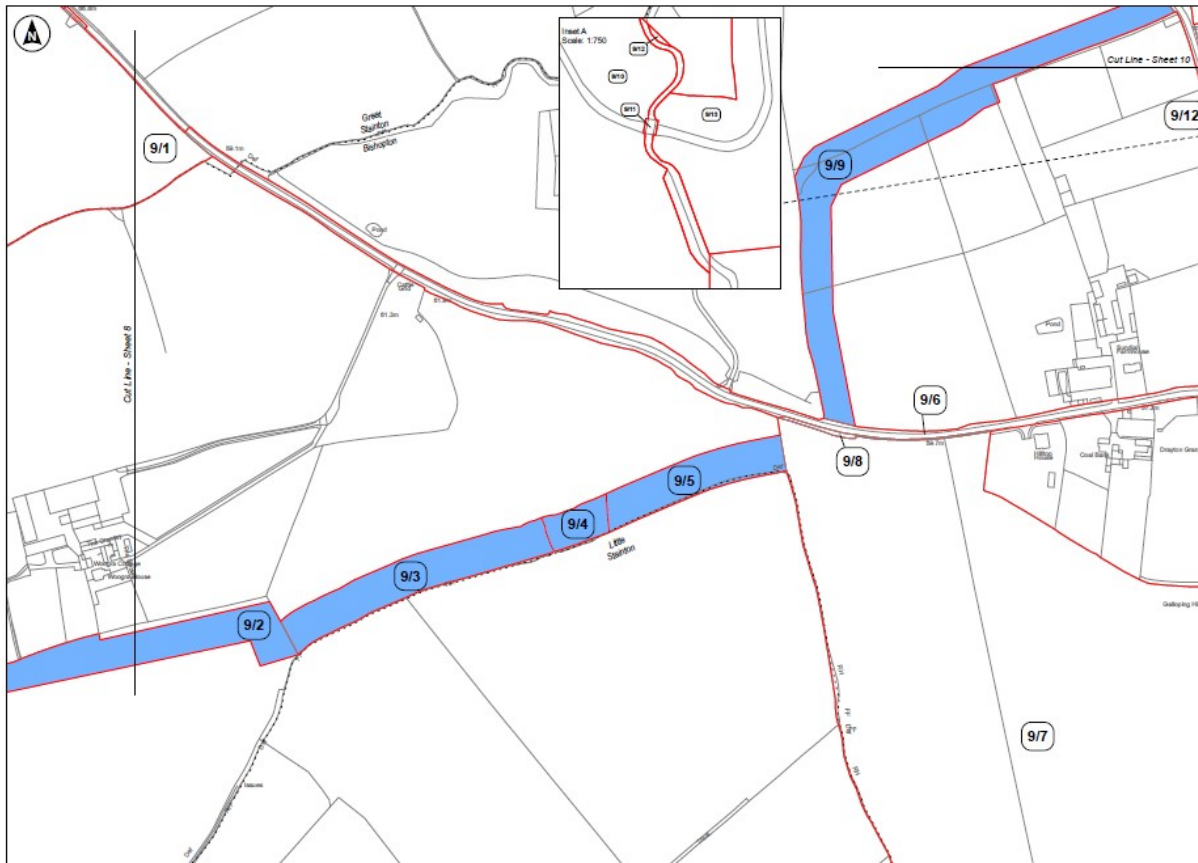
The Applicant requests the ExA’s advice on this point and if the ExA is minded to accept the proposed update to the application as ‘new or revised information’, the Applicant will submit the updated documents at the earliest opportunity.

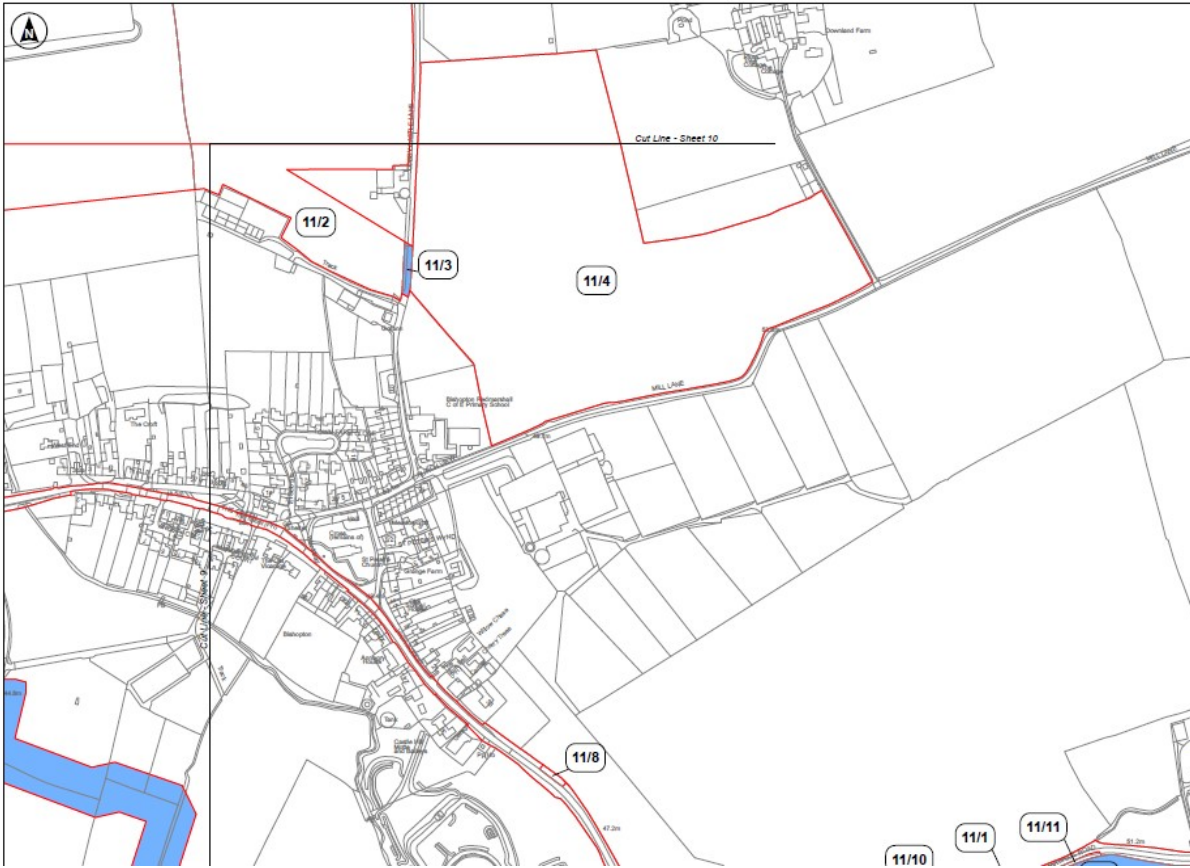
### **Description of the updated information**

As highlighted within the application documents (see paragraphs 2.2.4 and 2.3.26 of ES Chapter 2: The Proposed Development [**Document Reference: APP-025**]) and further explained in the Applicant’s Response to the Rule

9 Request for Information [Document Reference: AS-009], the Proposed Development as submitted includes an element of optionality in relation to the 33kV and 132kV cabling which falls outside the panel areas to ensure the Proposed Development can be delivered. This optionality includes both 'off-road' and 'on-road' options, subject to the Applicant's preference to secure the off-road option through voluntary agreements with landowners or otherwise by compulsory acquisition.

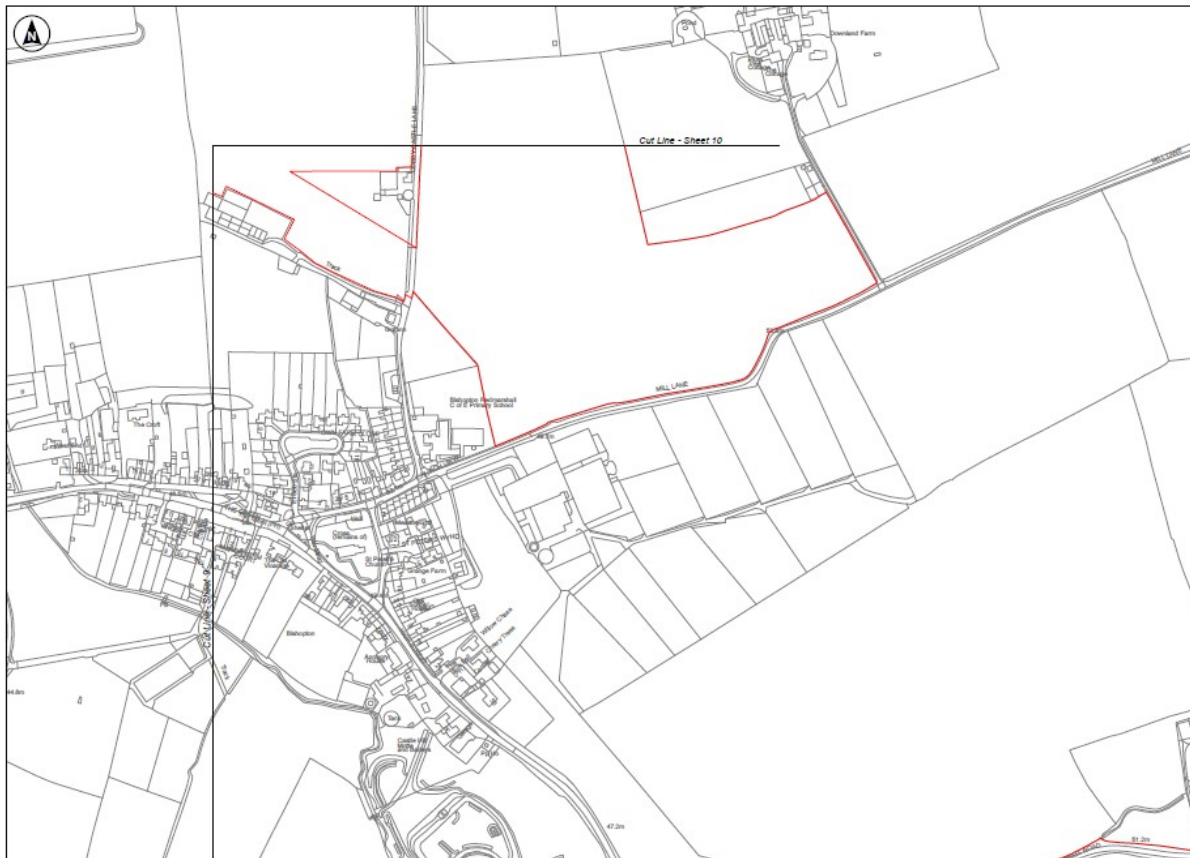
Accordingly, the completion of the Easement Option concludes the negotiations between the Applicant and [REDACTED] (the landowner) in respect of plots 9/16, 11/5, 11/6 and 11/7 referred to in Appendix B of the Statement of Reasons [Document Reference: APP-014]. These plots comprise the section of off-road option to the south of Bishopton, as shown on extracts from sheet 9 and 11 of the Land Plans [Document Reference: APP-010] below. This also shows the existing Red Line Boundary which contains the on-road cable option in Bishopton.





The update to the application would involve removing the on-road option for 132kV cabling which currently follows the section of adopted highway through Bishopton known as The Green and High Street. The proposed removal is shown on an indicative Red Line Boundary overview plan extract below. This land comprises part of plots 9/6 and 11/11 and the whole of plot 11/8 and is no longer necessary to guarantee delivery of the Proposed Development now that the Easement Option is secured.





This update would not lead to any new or altered works. The Applicant will continue to seek compulsory acquisition powers over the land subject to the Easement Option to ensure that any third-party interest or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO and that the Proposed Development can therefore be constructed, operated and maintained.

By resolving the optionality of cable routing in this location, the Applicant seeks to comply with paragraph 18 of DLUHC's Guidance on the examination stage for Nationally Significant Infrastructure Projects which advises '*applicants should select a preferred option as soon as practicable before the commencement of the examination to provide certainty for the Examining Authority and all other parties involved in the examination*'.<sup>[1]</sup>

The Applicant has taken the earliest opportunity to highlight to the ExA the proposed update to the application and has done so in the pre-examination period. This accords with paragraph 18 of DLUHC's Guidance on the examination stage for Nationally Significant Infrastructure Projects.

We consider that the following documentation would be updated to reflect the optionality resolved by the Easement Option being agreed:

- Location Plan **[Document Reference: APP-007]**
- Works Plans - sheets 9 and 11 **[Document Reference: APP-008]**
- Street Works, Rights of Way and Access Plans - sheets 9 and 11 **[Document Reference: APP-009]**
- Land Plans – sheets 9 and 11 **[Document Reference: APP-010]**
- Environmental Masterplans - sheets 9 and 11 **[Document Reference: APP-011]**
- Book of Reference (further to the updates made at submission of the Section 59 Certificate) **[Document Reference: APP-015]**
- Statement of Reasons, Appendix A **[Document Reference: APP-014]**
- Draft DCO **[Document Reference: APP-012]**, namely:
  - Schedule 3 (Streets Subject to Street Works),
  - Schedule 8 (Land In Which only New Rights Etc. May Be Acquired)
- ES Figure 2.13 Underground Cable Routes

If the ExA is minded to accept the updated application documents as 'new or revised information', the Applicant will submit these documents at the earliest opportunity in advance of the Preliminary Meeting.

Given the proposed dates for submission of the revised information, the Applicant requests timely section 51 advice pursuant to paragraph 2.5 of Advice Note 16 regarding the ExA's expectation for the application to be updated as described.

Kind regards,

**Michael Baker**  
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<sup>[1]</sup> DLUHC, Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (30 April 2024).