



**RWE Renewables UK Solar and Storage Limited**

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**10 July 2024**

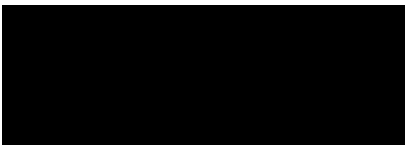
Dear Byers Gill Solar Case Team

**Development Consent for the Byers Gill Solar scheme: EN010139  
Applicants submission – Procedural Deadline A (10 July 2024)**

On 25 June 2024, the Examining Authority (“ExA”) issued a letter under Sections 88 and 89 of the 2008 Planning Act and Rules 4, 6 and 9 of the Infrastructure Planning (Examination procedure) Rules 2010 (the Rule 6 letter), providing notice of appointment of the ExA for the examination of the Byers Gill Solar Development Consent Order (DCO) application. The Rule 6 Letter provided the date, time and place for the Preliminary Meeting and invited interested parties to make a written submission about how the application is to be examined.

This letter encloses the Applicant’s response to this request and is structured to comment on the Examination Procedure and Draft Timetable contained in the Rule 6 letter.

Your sincerely,



Michael Baker  
DCO Project Manager, Byers Gill Solar



## 1 INTRODUCTION

- 1.1 This note has been prepared for RWE Renewables UK Solar and Storage Limited (Registered Company No: 14539260) (the “**Applicant**”) in response to the Examination Authority’s (“**ExA**”) Rule 6 Letter dated 25 June 2024 (“**Rule 6 Letter**”) in relation to the Byers Gill Solar scheme (the “**Proposed Development**”).
- 1.2 The Rule 6 Letter includes a request for written submissions on the Examination Procedure and Draft Examination Timetable included within Annex D, alongside confirmation of our intention to be heard orally at upcoming meetings / hearings, and suggestions for site inspections. This note provides the information requested by the ExA.
- 1.3 The Applicant would welcome discussion of these written submissions at the Preliminary Meeting.

## 2 EXAMINATION PROCEDURE AND TIMETABLE

- 2.1 The Applicant has reviewed the Draft Examination Timetable contained within Annex D of the Rule 6 Letter and would make the following comments and suggested amendments at this stage in the proceedings:
- 2.2 **Early examination period** – we note that Deadline 2 is currently scheduled for Wednesday 21 August 2024, and that there is a degree of flexibility in the timings and the deadlines up to the second round of hearings during the week commencing 14 October. Deadline 2 falls within the middle of the summer holiday period during which the Applicant is concerned that other parties to the Examination are likely to have constrained availability (that includes several key members of the Applicant’s team) The Applicant would therefore suggest that any flexibility which is available should be used to make minor variations to the draft examination timetable during that period, as minor changes are likely to be in the collective interest of parties to the Examination. It is thought there is scope to make those changes without prejudicing the remainder of the examination timetable, or the ability of other interested parties to participate in proceedings. It is suggested that removing the core written representation date (Deadline 2) from the middle of the summer holiday period will actively assist third party involvement.
- 2.3 The Applicant’s proposals are:
  - a) Deadline 2: that this should be moved from 21 August to Friday 30 August.
  - b) Hearings: that the week reserved for hearings (CAH and ISH) should be pushed back by one week from w/c 2 September to w/c 9 September, to allow consideration of Deadline 2 submissions.
  - c) Deadline 3: whilst not considered essential, it is also thought sensible to extend Deadline 3 by a short period from Thursday 19 September to Wednesday 25 September.
- 2.4 **Publication of further Written Questions (ExQ3) and Deadline 7** – we note that the publication of any further Questions (ExQ3) is scheduled just before the Christmas period (20 December 2024) and Deadline 7 for responses falls shortly after the Christmas period (10 January 2025). To ensure that the Applicant and other interested parties have sufficient time to

respond, we would propose an amendment to the Timetable to bring forward the publication of ExQ3 to circa 13 December 2024.

- 2.5 **Book of Reference** – the Rule 6 Letter indicates that ‘*The Examination Timetable includes various deadlines for submission of an updated Book of Reference and schedule of changes to the Book of Reference. . .*’ However, the Draft Examination Timetable at Annex D only includes one Deadline for submission of a Final BoR and Schedule of Changes at Deadline 8 on 17 January 2025. The Applicant considers that an additional opportunity to provide any updates to land interests would be beneficial to the Examination and, if the ExA agree, would suggest the addition of opportunities for the Applicant to submit an updated Book of Reference and Schedule of Changes to the Book of Reference after the CAH at Deadline 3 and Deadline 4.
- 2.6 **Statutory Undertakers** – we note that Annex H of the Rule 6 Letter acknowledges the Statutory Undertakers Position Statement [APP-170] submitted as part of the application and requests an update to this document at each Deadline whenever there is a change. However, the Statutory Undertaker’s Position Statement is only included in the Draft Timetable at Deadlines 1, 4, 5, 6 and 8. The Applicant would be grateful for clarity in relation to the ExA’s intention. We propose this document should be updated only when there is a change to a position and subsequently submitted at the next available Deadline.
- 2.7 The Applicant has sought to discuss the draft timetable with each of the Local Planning Authorities. Following engagement with Durham County Council and Darlington Borough Council, we understand that these authorities are aligned with the Applicant’s proposals and may submit similar comments on the draft timetable. We are yet to hear back from Stockton-on-Tees Borough Council.
- 2.8 We have included in **Appendix 1** our suggested amendments against the Draft Timetable. The Applicant considers that the proposed amendments would not prejudice the interests of any interested party or the remainder of the Examination proceedings.

### **3 STATEMENTS OF COMMON GROUND**

- 3.1 In relation to the wider procedural matters, the Applicant notes the request by the ExA at Annex H of the Rule 6 Letter for the preparation of Statements of Common Ground (SoCG) with the following organisations:
- Tees Valley Combined Authority;
  - Durham County Council;
  - Darlington Borough Council;
  - Stockton Borough Council;
  - Bishopton Parish Council;
  - Redmarshall Parish Council;
  - Stillington and Whitton Parish Council;
  - Great Stainton Parish Council;
  - Historic England;
  - National Highways;

- Northern Powergrid;
- Environment Agency;
- National Grid;
- Network Rail; and
- National Gas.

- 3.2 The ExA will be aware that Byers Gill Solar has been part of the National Infrastructure Early Adopters Programme (EAP) and a Potential Main Issues for Examination (PMIE) document [APP-169] was prepared and submitted with the application. This included a Principal Areas of Disagreement Summary Statement (PADSS) with Darlington Council.
- 3.3 The Applicant has continued to engage with many of those listed above during the pre-examination stage, with the intention to update the PMIE and re-submit early in the Examination process. The Applicant notes that the Draft Examination Timetable does not include submission of an updated PMIE at any Deadline and would be grateful for the ExA to confirm whether submission of the PMIE will be required instead of / in addition to the requested SoCG.
- 3.4 The Applicant is happy to prepare SoCGs instead of continuing to update PADSS and the PMIE if the ExA considers the SoCG route to be more effective, but we would appreciate the opportunity to discuss the ExA's preferred approach during the Preliminary Meeting. The Applicant's proposed approach to preparing SoCG is set out in Table 1 below. We will endeavour to prepare SoCGs as quickly as possible and confirm that versions can be submitted at Deadline 1. It is likely that many of those SoCGs to be submitted would remain in draft, on account of the limited time available ahead of Deadline 1 given our expectation is that through continued dialogue during the Examination, we anticipate resolution over some of the current areas of disagreement.

*Table 1 Update on position with Stakeholders*

Organisation	Summary of current position
Tees Valley Combined Authority	<p>We have engaged with the Combined Authority in relation to the Proposed Development in relation to the issues identified within their Relevant Representation [RR-513].</p> <p>We do not consider that the views expressed will change given the status of the proposed Darlington Northern Link Road, however, the Applicant will prepare a SoCG with the Combined Authority.</p>
Durham County Council	<p>Position is as per Table 3-1 of the PMIE [APP-169] with no further or differing views expressed through the Council's Relevant Representations [RR-144] and further detail expected through the Local Impact Report (LiR).</p> <p>The Applicant will prepare a SoCG which will reflect the above position.</p>
Darlington Borough Council	<p>Position is as per Table 3-1 of the PMIE [APP-169] with no further or differing views expressed through the Council's Relevant</p>

Organisation	Summary of current position
	<p>Representation [RR-107] and further detail expected through the Local Impact Report (LiR).</p> <p>The Applicant will prepare a SoCG which will, at this time reflect the contents of the draft PADSS which is appended to the PMIE [APP-169].</p>
Stockton-on-Tees Borough Council	<p>Position is as per Table 3-1 of the PMIE [APP-169] with no further or differing views expressed through the Council's Relevant Representations [RR-498] and further detail expected through the Local Impact Report (LiR).</p> <p>The Applicant will prepare a SoCG which will reflect the above position.</p>
Bishopston Parish Council	<p>We understand from the Parish Council's Relevant Representation [RR-052] that the Parish supports the Bishopston Villages Action Group, and the Applicant can therefore progress a SoCG on the basis of the matters raised within the BVAG Relevant Representation.</p>
Stillington and Whitton Parish Council	<p>The Applicant will prepare a SoCG on the basis of the Parish Council's Relevant Representation [RR-497].</p>
Redmarshall Parish Council	<p>The Applicant will prepare a SoCG on the basis of the Parish Council's Relevant Representation [RR-436].</p>
Great Stainton Parish Council	<p>The Applicant will prepare a SoCG on the basis of the Parish Meeting's Relevant Representation [RR-199].</p>
Historic England	<p>The Applicant has continued to engage with Historic England in relation to the concerns raised in their recent Relevant Representation [RR-207] and will prepare a SoCG on the basis of these recent discussions which have been positive.</p>
National Highways	<p>The Applicant has continued to engage with National Highways in relation to the concerns raised in their recent Additional Submission [AS-009]. We believe that all concerns have now been resolved and will prepare a SoCG on this basis.</p>
Environment Agency	<p>The Applicant has continued to engage with the Environment Agency follow receipt of its Relevant Representation [RR-168]. We have agreed a number of actions in relation to the points raised and will prepare a SoCG on this basis.</p>

3.5 In relation to the Statutory Undertakers identified above (Northern Powergrid, National Grid, Network Rail and National Gas), we have prepared and submitted the Statutory Undertakers Position Statement [APP-170] which is acknowledged in Annex H of the Rule 6 Letter. The Applicant continues to engage with these Statutory Undertakers including to agree protective provisions and supplementary agreements where these have been requested and the Applicant is confident that statutory undertakers' outstanding concerns will be resolved before the close of Examination.

- 3.6 As outlined in Paragraph 2.1(e), and as requested by the ExA, we will continue to update the Statutory Undertakers Position Statement position on an ongoing basis to reflect progress with these bodies and we consider that this schedule sufficiently presents the position with the statutory undertakers. This can include traffic light colouring if that would assist the ExA to indicate the current status of discussions. For this reason, and to limit documentation on matters which are summarised in that existing position statement, the Applicant would propose that it does not prepare individual SoCGs with each Statutory Undertaker. The Applicant would be happy to discuss this proposal during the Preliminary Meeting if that would be helpful.

#### **4 REQUESTS TO BE HEARD ORALLY AT THE PRELIMINARY MEETING, ISH1 AND OFH**

- 4.1 The Applicant would like to confirm our intention to be heard orally at the Preliminary Meeting and Issue Specific Hearing 1, both to be held on 23 July 2024. The Applicant, legal representatives, and consultant team will be present in person, and we have included at Appendix B some short bios for members of the Applicant's team that are likely to be speaking at the Preliminary Meeting and first Issue Specific Hearing.
- 4.2 The Applicant can confirm that members of the project team will be in attendance at the Open Floor Hearings scheduled for 24 July 2024 and we assume that our attendance is to observe proceedings. The Applicant would be grateful if appropriate seating could be arranged for up to [4] members of the Applicant's team to be present, in an arrangement considered appropriate to the ExA and conducive to the ability of attendees to speak directly to the ExA about their views on the Proposed Development.

#### **5 SUGGESTED LOCATIONS FOR SITE INSPECTIONS**

- 5.1 The Applicant would suggest the following locations for site inspections as points across the Proposed Development which provide key vantage points and/or enable a view of the land which would accommodate the various elements of the Proposed Development. The following suggestions move from west to east, starting in Brafferton and end at the Norton Substation. The suggestions are based around viewpoint locations which can be seen on ES Figure 7.2 [APP-064]:

- Brafferton – Walk the bridleway (BR-Bfn.14) south to VP2 and VP5. This provides views of Panel Area A from Brafferton, as well as a view back towards Brafferton from within the proposed development.
- Brafferton – Walk the footpath north off High House Lane (FP-Bfn.8) and towards VP3. Walk High House Lane from High House back to Brafferton. This provides views of the Panel Area A to the north of Brafferton as well as views back towards the village from key viewpoints.
- Drive Lime Lane, Lodge Lane, via VP1 and stopping at VP4 to view Panel Area A from the north. Parking is available in a small layby near the viewpoint.
- Stop on Salters Lane to gain a view of Panel Area B.
- Drive Lodge Lane, via VP12 and 15 with Panel Area B to the south. This provides a contextual view of the Proposed Development from this section of Lodge Lane.

- Elstob Lane – to VP19 and walk to on-site substation location / view Panel Area C. This would provide an experience of the proposed on-site substation location and views to/from this location, as well as a view of Panel Area C from the road and surrounding areas.
- Great Stainton – walk footpaths to VP17 and VP18 which provide views from Great Stainton to the south, as well as a view back towards Great Stainton from the PRow network within Panel Area D.
- Drive via VP21 to Bishopton, gaining an appreciation of the proposals from this section of the Highway.
- Bishopton – walk Mill Lane (VP26) to consider views back towards the village and view Panel Area F to the north.
- Bishopton – walk the footpath north (FP-Btn.4) to Stillington and VP24 to consider views from the footpath within Panel Area F back into Bishopton.
- Bishopton – walk south along footpath (FP-Btn.3) to VP23 to consider views from this location towards Panel Area E.
- Drive east along Redmarsh Road towards substation in order to consider the route of the potential cable route, as well as the Norton Substation.

5.2 We hope the ExA find the above suggestions useful alongside suggestions from other interested parties. We will continue to work up a more detailed schedule of suggestions which we propose to submit at Deadline 1.

## APPENDIX 1

### Applicants suggested changes to the Examination Timetable

Item	Matters	Rule 6 Letter Date	Proposed Date	Alternative
1.	Procedural Deadline A	10 July 2024	N/A	
2.	Preliminary Meeting	Tuesday 23 July 2024	N/A	
3.	ISH 1 – Overview of the Proposed Development and the DCO	Tuesday 23 July 2024	N/A	
4.	OFH 1	Wednesday 24 July 2024 at 10.00	N/A	
5.	OFH 2	Wednesday 24 July 2024 at 18.00	N/A	
6.	Issue of the Examination Timetable Publication of Written Questions (ExQ1)	As soon as practicable following the Preliminary Meeting	N/A	
7.	Deadline 1	Thursday 8 August 2024	N/A	
8.	Deadline 2	Wednesday 21 August 2024	Friday 30 August 2024	
9.	CAH and ISH (if required)	Week Commencing 2 September 2024	Week Commencing 9 September 2024	
10.	Deadline 3	Thursday 19 September 2024	Wednesday 25 September 2024	
11.	Publication of ExA's itinerary for the ASI	Thursday 19 September 2024	N/A	
12.	CAH and ISH (if required)	Week Commencing 14 October 2024	N/A	
13.	Deadline 4	Thursday 24 October 2024	N/A	
14.	Publication of Written Questions (ExQ2) Commentary on, or schedule of changes to, the dDCO.	Friday 1 November 2024	N/A	
15.	Deadline 5	Friday 15 November 2024	N/A	
16.	CAH, ISH and OFH (if required)	Week commencing 25 November 2024	N/A	
17.	Deadline 6	Friday 6 December 2024	N/A	



<b>Item</b>	<b>Matters</b>	<b>Rule 6 Letter Date</b>	<b>Proposed Date</b>	<b>Alternative</b>
<b>18.</b>	Publication of further Written Questions (if required).	Friday 20 December 2024	Friday 13 December 2024	
<b>19.</b>	Deadline 7	Friday 10 January 2025	N/A	
<b>20.</b>	Deadline 8	Friday 17 January 2025	N/A	
<b>21.</b>	Deadline 9	Thursday 23 January 2025	N/A	
<b>22.</b>	Close of Examination	Thursday 23 January 2025	N/A	

## **APPENDIX 2**

### **Applicant's representatives for Preliminary Meeting and Issue Specific Hearing (23 July 2024)**

#### **Michael Baker – DCO Project Manager, RWE Renewables, Solar & Storage**

Michael is RWE's Project Manager for the Byers Gill project. He is a Chartered Town Planner by background and has over 12 years of experience working on large scale energy and infrastructure projects being promoted through the Development Consent Order Regime. He has previously worked as a developer of tidal energy projects and a consultant in the private sector.

#### **Alex Minhinick – Partner, Burges Salmon**

Alex is a Partner in the planning and compulsory purchase team at Burges Salmon and is the Applicant's lead legal representative. Alex has been advising on schemes within the Nationally Significant Infrastructure Project regime since 2010.

#### **David Brown – Associate Director, Arup**

David is a Chartered Town Planning (RTPI) with over 20 years of experience in the assessment and consenting of large-scale renewable energy and infrastructure projects across England and Wales. He has led the consultant team on behalf of RWE.

#### **Tamsin Sealy – Principal Planner, Arup**

Tamsin is a Chartered Town Planner (RTPI) with experience of promoting infrastructure and energy projects through the Development Consent Order regime. She has led the planning aspects of the project on behalf of RWE.

#### **Kieran Craddock – Principal Consultant, Ardent**

Kieran is a Principal Consultant in Ardent's Land Referencing team and has led the land referencing aspects of the Byers Gill project. He has led the land referencing on a number of Development Consent Orders within a focus on the energy and transportation sectors.

#### **Mary Fisher – Partner, Abseline**

Mary is a landscape architect with over 22 years of experience in the design and assessment of projects with a focus on renewable energy. Mary has led the Landscape and Visual assessment work for the Byers Gill project.