



## **Application by JBM Solar for the Byers Gill Solar Farm**

### **The Examining Authority's written questions and requests for information (ExQ1)**

**Issued on 30 July 2024**

The following table sets out the Examining Authority's (ExA's) first round of written questions and requests for information – ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as **Annex C** to the Rule 6 letter of 25 June 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [ByersGillSolar@planninginspectorate.gov.uk](mailto:ByersGillSolar@planninginspectorate.gov.uk) and include 'Medworth EfW ExQ1 Response' in the subject line of your email.

**Responses are due by Deadline 2: 29 August 2024.**



## Abbreviations used:

<b>APs</b>	Affected Persons	<b>MP Order</b>	The Infrastructure Planning (Model Provisions) Order 2009
<b>Art</b>	Article	<b>MW</b>	Megawatts
<b>ALA 1981</b>	Acquisition of Land Act 1981	<b>NPS</b>	National Policy Statement
<b>BMV</b>	Best and Most Versatile Land	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>BoR</b>	Book of Reference	<b>OCEMP</b>	Outline Construction Environmental Management Plan
<b>BNG</b>	Biodiversity Net Gain	<b>PA2008</b>	The Planning Act 2008
<b>CA</b>	Compulsory Acquisition	<b>PRoW</b>	Public Right of Way
<b>CPO</b>	Compulsory purchase order	<b>PV</b>	Photovoltaic
<b>CTMP</b>	Construction Traffic Management Plan	<b>R</b>	Requirement
<b>DBC</b>	Darlington Borough Council	<b>RR</b>	Relevant Representation
<b>DCC</b>	Durham County Council	<b>SBC</b>	Stockton Borough Council
<b>dDCO</b>	Draft DCO	<b>SAC</b>	Special Area of Conservation
<b>EM</b>	Explanatory Memorandum	<b>SPA</b>	Special Protection Area
<b>ES</b>	Environmental Statement	<b>SI</b>	Statutory Instrument
<b>ExA</b>	Examining Authority	<b>SoS</b>	Secretary of State
<b>Fig.</b>	Figure	<b>SSSI</b>	Site of Special Scientific Interest
<b>IPs</b>	Interested Parties	<b>SUs</b>	Statutory Undertakers
<b>LIR</b>	Local Impact Report	<b>TP</b>	Temporary Possession
<b>LNR</b>	Local Nature Reserve	<b>WMS</b>	Written Ministerial Statement
<b>LPA</b>	Local planning authority		
<b>MP</b>	Model Provision (in the MP Order)		



### **The Examination Library**

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[Examination Library](#)

It will be updated as the examination progresses.

### **Citation of Questions**

Questions in this table should be cited as follows:

Issue reference. question number, eg GCT.1.1 – refers to General and Cross-Topic question 1 in this table.



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ExQ1	Question to:	Question:
<b>1. General and Cross-topic Questions</b>		
GCT.1.1	All Local Authorities	<p><b>Development Plan Policies</b></p> <p>If not in your Local Impact Report (LIR), all Local Authorities are asked to provide full copies of any Development Plan policies referred to in any of your submissions and confirm the status of the relevant plan. Should you refer to any additional Development Plan policies at any time in your future submissions to the Examining Authority (ExA), if they have not already been provided, please also submit copies of these into the Examination.</p> <p>The ExA also asks to be kept up-to-date on changes to the status of any Development Plan which a Local Authority has previously relied upon during Examination.</p>
GCT.1.2	All Local Authorities	<p>In 7.1.1. Appendix A - Policy Compliance Document [APP-164] the Applicant sets out how the Proposed Development complies with all relevant national and local planning policy. Are the local planning authorities content with the Applicant's policy analysis?</p>
GCT.1.3	All Local Authorities	<p><b>Neighbourhood Plans</b></p> <p>Can you confirm whether there are any relevant made or emerging neighbourhood plans that the Examining Authority (ExA) should be aware of? If there are, can you:</p> <ol style="list-style-type: none"> <li>1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion;</li> <li>2. Provide a copy of the made plan or a copy of the latest draft.</li> <li>3. Indicate what weight you consider the ExA should give to these documents.</li> </ol>
GCT.1.4	All Local Authorities	<p><b>Updates on development</b></p> <p>Please provide an update on any submitted planning applications or consents granted since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the Environmental Statement (ES).</p>
GCT.1.5	Applicant	<p><b>Other consents and permits</b></p> <p>7.3 Other Consents and Licences [APP-166] details the Applicant's position in relation to those consents and agreements which the Applicant currently anticipates may be required to</p>

ExQ1	Question to:	Question:
		<p>supplement powers within the draft DCO and the status of any agreement with the regulatory authority (where required). The Applicant is therefore asked to:</p> <ol style="list-style-type: none"> <li>1. Provide an update on progress with obtaining these consents, licences and permits;</li> <li>2. Include a section providing an update on these consents, licences and permits in any emerging Statements of Common Ground (SoCGs) that are being drafted with the relevant consenting authorities.</li> </ol>
GCT.1.6	Applicant All Local Authorities Prescribed Consultees Interested parties	<p><b>Central Government Policy and Guidance</b></p> <p>Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?</p>
GCT.1.7	Applicant	<p>On 15 May 2024 the Secretary of State for Energy Security and Net Zero made a written ministerial statement (WMS) entitled 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land'. Please set out any implications for the consideration of the proposal arising from this WMS.</p>
GCT.1.8	All Local Authorities Prescribed Consultees	<p><b>Issues for Examination</b></p> <p>7.6 Potential Main Issues for Examination [APP-169] which provides the ExA with a summary of the principal areas of disagreement between the Applicant and stakeholders with whom principal areas of disagreement statements have been developed. Are all Local Authorities and relevant Prescribed Consultees content with the summary of current position provided by the applicant and the principal areas of disagreement identified?</p>
GCT.1.9	Statutory Undertakers	<p>7.7 Statutory Undertakers Position Statement Issue [APP-170] sets out the current position of discussions between the Applicant and statutory undertakers that have assets or operations that would potentially be affected by the Proposed Development. The ExA notes several unresolved matters between the Applicant and Statutory Undertakers. Are all affected Statutory Undertakers content with the summary of current position as detailed in [APP-170]?</p>
GCT.1.10	Applicant	<p><b>ES Supporting Documents</b></p>

**ExQ1: 30 July 2024**

**Responses due by Deadline 2: Thursday, 29 August 2024**

ExQ1	Question to:	Question:
		<p>Figure 2.13 Underground Cable Routes [AS-019] shows a number of route options for the off-road and the on-road cabling. Could the Applicant please submit two further drawings showing:</p> <ul style="list-style-type: none"> <li>• One showing the off-road route options only;</li> <li>• One showing the on-road route options only;</li> <li>• And one with the preferred cable route.</li> </ul>
GCT.1.11	Applicant	<p>The Applicant has confirmed, in Chapter 2 of the ES [APP-025] that an element of flexibility remains through the inclusion of both on-road and off-road cable route options and that, although the off-road cable route is preferred, both options have been assessed as part of the ES. Can the Applicant therefore please confirm:</p> <ul style="list-style-type: none"> <li>• The amount of land that is subject to optionality (i.e. the amount of land that the Applicant has included in the Order which might not be needed if the Applicant can secure all the land and rights needed for the off-road option)?</li> <li>• The amount of land additional land that the Applicant has already secured in order to deliver the preferred off-road cable route?</li> <li>• And what will be the Applicant's future intentions for land already secured for the off-road cable route, if the off-road cable route is not deliverable, and how has this been secured through the dDCO?</li> </ul>
GCT.1.12	<p>Applicant Durham County Council (DCC) Darlington Borough Council (DBC) Stockton Borough Council (SBC)</p>	<p>Can the Applicant please set out what considerations it has given to the need to develop a S.106 agreement with the Host Local Authorities (HLAs) (DCC, DBC, SBC)? And, if the Applicant feels there is a need for one, what are the topics and issues that the S.016 Agreement should cover?</p> <p>Can the HLAs confirm their position in relation to the need for a S.106 agreement and confirm if any discussions or consideration has been given to this?</p>
GCT.1.13	<p>Durham County Council (DCC) Darlington Borough Council (DBC) Stockton Borough Council (SBC) Other IPs (inc. SUs)</p>	<p>The Applicant has presented a Long and Short List of Committed Development [APP-102] and [APP-103]. Can all HLAs confirm if they are happy with the listed provided or if there are any further projects that they wish to add?</p> <p>Other IPs, namely Statutory Undertakers (SUs), are also invited to comment.</p>

**ExQ1: 30 July 2024****Responses due by Deadline 2: Thursday, 29 August 2024**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
GCT.1.14	Applicant	As per the Funding Statement [APP-026], the Applicant estimates that the Proposed Development will cost £200m to build. Can the Applicant provide details in relation to availability of funding and its timing?
GCT.1.15	Applicant	At ISH1 several IPs raised concerns regarding the effects of the Proposed Development, particularly the solar panels component, on birds and horses and other wildlife. Can the Applicant please provide further information in relation to how these likely effects have been assessed and how the applicant has taken into consideration likely effects.
GCT.1.16	Applicant	Significant effects have been identified by the Applicant, particularly Visual and Landscape effects, in relation to several different receptors as set out in Table 7-12 Landscape and Visual impact assessment summary of Chapter 7 of the ES [APP-030]. Considering the number of significant visual effects identified, can the Applicant please explain its design approach to the proposed development, why more detailed information than that provided in Chapter 3 of the ES was not submitted and if the Applicant believes that a separate Design Approach document might be of use in order to better inform the ExA in relation to the Applicant's approach on Design?
GCT.1.17	Applicant	How has the Applicant taken into consideration the impacts of Climate Change on the Proposed Development and how has the Proposed Development been developed in order to respond to the challenges of climate change particularly the increase in frequency of extreme weather events?
GCT.1.18	Applicant	Can the Applicant please confirm, where within the Application documents, the principals that lead and presided to the proposed configuration of panels in Fig. 2.2 General Arrangement Scheme Wide [APP-040] are laid out, particularly in reference to identified sensitive receptors and how the Proposed Development has been sensitive to their location?
GCT.1.19	Applicant Natural England	The Applicant states, in paragraph 3.3.5 of the Planning Statement [APP-163] that the Proposed Development is anticipated to provide an 88% net gain in area habitat Biodiversity Units (BUs) and 108% net gain of hedgerow BUs and that this is significantly over the forthcoming mandatory requirements – but how do these Biodiversity Units relate to Biodiversity Net Gain?
GCT.1.20	Applicant	In paragraph 6.1.7 of the Planning Statement [APP-163] the Applicant states that Proposed Development has also been assessed as providing a beneficial effect on soil resources (at the



ExQ1	Question to:	Question:
		point of decommissioning) and employment and supply chain opportunities. Could the Applicant please explain how it has arrived to this position and what the key benefits are?
<b>2. Principle of the Proposed Development</b>		
PPD.1.1	Applicant	<p>The Applicant states that the Proposed Development has a generating capacity of over 50MW of electricity. However, the Applicant has not established what the likely generating capacity of the Proposed Development is. Can the Applicant please confirm:</p> <ul style="list-style-type: none"> <li>• How the Applicant has arrived to ‘a generating capacity of 50MW’;</li> <li>• What is the likely generating capacity of the proposed development;</li> <li>• How has the Applicant arrived to, and what are the assumptions behind, the likely generating capacity of the Proposed Development.</li> </ul>
PPD.1.2	Applicant	<p>The production of solar energy is influenced by several different factors including those that influence exposure to sunlight, such as the number of daylight hours, weather conditions and overall location and direction of the panel in relation to the sun. Can the Applicant please provide further information in relation to how these factors were considered as part of any modelling carried out in relation to the generating capacity of the proposed development and how that anticipated generating capacity will vary in accordance to those factors that were considered?</p>
PPD.1.3	Applicant	<p>Paragraph 2.10.17 of the NPS EN-3 (EN-3) states that, along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output. It goes on to state that a typical 50MW solar farm would consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres. Considering that the Applicant states that the Proposed Development is approximately 490 hectares (1211 acres), can the Applicant please confirm the overall number of panels proposed and set out how the current proposal compares in relation to the typical 50MW solar farm as included in EN-3?</p>
PPD.1.4	Applicant	<p>The Applicant is asked to confirm the amount of land that it requires for the Proposed Development in relation to the following:</p> <ul style="list-style-type: none"> <li>• Work No. 1;</li> <li>• Work No. 2;</li> </ul>

**ExQ1: 30 July 2024**

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Work No.3 minus any area identified for landscape and biodiversity mitigation and enhancement measures including planting;</li> <li>• landscape and biodiversity mitigation and enhancement measures including planting;</li> <li>• Work No. 5;</li> <li>• Work No. 6;</li> <li>• Work No. 7;</li> <li>• Work No. 8;</li> <li>• Work No. 9.</li> </ul>
PPD.1.5	Applicant	Can the Applicant confirm what type of PV panels are proposed and what other options and alternatives were considered in relation PV panel technology and why any options or alternatives considered were dismissed, including any risks identified?
PPD.1.6	Applicant	The Applicant states that the Proposed Development has been designed to maintain flexibility and that construction Parameters have been set to support this. Can the Applicant please set out where the construction parameters are set out?
PPD.1.7	Applicant Northern Power Grid	<p>The Grid Connection Statement [APP-168] states that the Applicant has received a grid connection offer from Northern Power Grid to connect to the Norton Substation. Considering the number of other solar energy projects identified in the Short List of Committed Developments [APP-162], how have the cumulative effects of the Proposed Development and committed developments been taken into consideration?</p> <p>The Applicant and Northern Power Grid are also to confirm that they are in agreement in regards to the Short List of Committed Developments and are not aware of any other electricity generating projects that are proposed to connect to Norton Substation.</p>
PPD.1.8	Applicant	At OFH1 the ExA's attention was drawn to concerns from local residents in relation to the potential cumulative effects between the Proposed Development and a new Northumbrian Water water main. Can the Applicant please confirm if this proposal is ID65 included in Appendix 13.3 Short List of Committed Developments [APP-162]? And can the Applicant please confirm that it has been in dialogue with Northumbrian Water in order to assess likelihood and magnitude of any potential issues?

ExQ1	Question to:	Question:
PPD.1.9	Applicant	The Applicant has stated, in paragraph 3.6.7 of ES Chapter 3 [APP-026] that a “connection agreement has been secured with NPG for the generation of 180MW of electricity”. Can the Applicant please clarify why 180MW of electricity was deemed to be an appropriate value to secure in relation to a connection agreement?
PPD.1.10	Applicant	At ISH1, under agenda item 3, the Applicant presented a series of slides with the title <i>Components of the Byers Gill Solar</i> . In this presentation the Applicant explained that, as part of its site selection process, certain areas originally considered were then dismissed as a result of consultation and <i>environmental factors</i> . Can the Applicant please: <ul style="list-style-type: none"> <li>• Submit the slides presented at ISH1 into examination;</li> <li>• Confirm the reasons why certain areas, originally identified as suitable for solar panels by the Applicant, were dismissed and removed from the final proposal (marked pink in the document presented by the Applicant at ISH1);</li> <li>• What were the “environmental factors” or the criteria that presided to the site selection process.</li> </ul>
PPD.1.11	Applicant	The number of Battery Energy Storage Systems (BESS) is not quantified. Can the Applicant confirm the number of BESS proposed and where this is secured, and provide their exact locations?
PPD.1.12	Applicant	What are the consequences for the Applicant of the project underperforming? And how has the Applicant prepared for this?
PPD.1.13	Applicant	The Consultation Report references in paragraph 6.4.27 that “The Proposed Development would generate enough electricity to power up to 70,000 homes and store excess energy generated, further supporting the growth of renewable energy production in the UK”. Can the Applicant please clarify what technology was assumed it would be used for those calculations and how it has arrived to that number, in high level terms?
PPD.1.14	Applicant	Most the case for need as set out by the Applicant is based on a national need analysis. Can the Applicant please set out the case for local need?
<b>3. Environmental Impact Assessment</b>		

**ExQ1: 30 July 2024****Responses due by Deadline 2: Thursday, 29 August 2024**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
EIA.1.1	Applicant	ES Chapter 2, paragraph 2.3.28 [APP-025] identifies that where a batt plough cannot be used, ie underneath watercourses and roads, horizontal directional drilling would be employed. ES Chapter 10, paragraph 10.7.38 [APP-033] states that the cable would be routed underneath Bishopton Beck, however, there is no more detail on the proposed crossings ie where they are located and the parameters of works involved. Can the Applicant provide the exact locations and details of proposed watercourse crossings.
EIA.1.2	Applicant	ES Appendix 2.3 paragraph 1.11.6 [APP-107] states the anticipated replacement rates of infrastructure during operation to inform the quantity and types of waste during operation. Can the Applicant explain how this captures a worst case scenario and how these parameters are secured in the dDCO?
EIA.1.3	Applicant	The construction commencement date is not stated in the ES other than construction would take between 18 and 24 months once the dDCO is made and that the Proposed Development should commence within 5 years of the dDCO being made. Considering the nature of baselines such as biodiversity that have potential to change over a period of 5 years, can the Applicant explain how this has been accounted for within the relevant ES assessments?
EIA.1.4	Applicant	ES Chapter 8 Cultural Heritage and Archaeology [APP-031], paragraph 8.5.4 states that 19ha (2%) of the Proposed Development site was not subject to a geophysical survey due to land access constraints. Can the Applicant explain what assumptions were made in relation to this area to characterise the baseline?
EIA.1.5	Applicant	Following comments from the EA on the Flood Risk Assessment [AS-001], can the Applicant explain how fluvial flood risk including future climate change projections have been captured in the Flood Risk Assessment and why they are appropriate or else update the FRA and any other relevant assessments to account for the appropriate climate change projections. This should include a description of mitigation and explanation as to why it is appropriate.
EIA.1.6	Applicant	The Mitigation Route Map [APP-171] states that a ground investigation is identified as 'essential' mitigation on page 5. This is stated to be secured via Requirements 3 and 4 of the dDCO which secured the detailed design approval and the Outline Construction Management Plan (OCEMP). However, no ground investigation is secured through the OCEMP or the detailed design approval. Can the Applicant explain how the proposed ground investigations are secured through the application?

ExQ1	Question to:	Question:
EIA.1.7	Applicant	ES Chapter 2 The Proposed Development [APP-025], paragraph 2.3.28 identifies that where a cable plough cannot be used, ie underneath watercourses, horizontal directional drilling would be employed. ES Chapter 10 Hydrology and Flood Risk [APP-033], paragraph 10.8.15 states that there would be two new watercourse crossings and if not adequately designed they could lead to long term erosion and sediment pollution. There is no description of the crossing designs in the ES and there is no discussion of potential impacts from these crossings in ES Chapter 10 or the WFD assessment. Can the Applicant either signpost where this information and assessment is in the ES and WFD assessment or update the relevant assessments accordingly to provide this.
EIA.1.8	Applicant	Please confirm the assessment of the potential effects of the Proposed Development with the use of the 'Rochdale Envelope' approach and the degree of flexibility requested.
EIA.1.9	Applicant	Please confirm that all necessary consents and licences have been considered and provide a confirmation of the status of each.
<b>4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>		
CA.1.1	Applicant	The most up-to-date version of the Book of Reference (BoR) [AS-017] in Part 1, details the names and addresses of each person within Categories 1 and 2 includes those whose land would be affected by Compulsory Acquisition. The Applicant is asked to please complete the CA Schedule (Annex A) providing updates where appropriate on the position of ongoing negotiations for acquisition by agreement and include the total number of plots for which agreement has not been reached. The Applicant is requested to provide regular updates throughout the Examination.
CA.1.2	Applicant	Section 122 of the PA2008 states that an order granting development consent may include provision authorising the Compulsory Acquisition (CA) of land only if the SoS is satisfied that the land: (a) is required for the development to which the development consent relates, (b) is required to facilitate or is incidental to that development, or (c) is replacement land which is to be given in exchange for the order land under section 131 or 132.

ExQ1	Question to:	Question:
		<p>And that there is a compelling case in the public interest for the land to be acquired compulsorily.</p> <p>Can the Applicant please confirm that all of the land included within the Order Limits, as set out in the Land Plans [AS-015] and identified as subject to CA, meets the requirements set out in Section 122?</p>
CA.1.3	Applicant	Please advise whether the Book of Reference (BoR) [APP-015] is fully compliant with the Department for Communities and Local Government (DCLG) Guidance related to procedures for the compulsory acquisition of land (Sept. 2013) <sup>1</sup> . If it isn't, please amend accordingly.
CA.1.4	Affected Persons (APs) Interested Persons (IPs)	The BoR [APP-015] identifies, on a plot by plot basis, all parties who own or occupy land and/or have an interest in or right over the land affected by the proposal, and/or who may be entitled to make a 'relevant claim' as defined in section 57 of the Planning Act 2008 (PA2008). Are any Affected Persons (APs) or Interested Persons (IPs) aware of any inaccuracies in the BoR [APP-015]? If so, please set out what these are and provide details.
CA.1.5	APs IPs	Are any APs or IPs aware of any inaccuracies in the Statement of Reasons (SoR) [APP-014] or Land Plans [AS-015]? If so, please set out what these are and provide details.
CA.1.6	Applicant	There are a number of Category 1, 2 and 3 persons identified as 'unknown' in the BoR [APP-015]. Can the Applicant confirm whether further steps have been taken, or will be taken during the Examination, to identify any persons having an interest in the land?
CA.1.7	Applicant	Certain special categories of land are subject to additional provisions in the Planning Act where it is proposed that they should be compulsorily acquired. Can the Applicant confirm that no Crown land forms part of the CA and update the ExA on special categories of land?
CA.1.8	All planning and highway authorities and National Highways	In your role as the Local Planning Authority and the Highway Authority are you aware of: <ol style="list-style-type: none"> <li>1. Any reasonable alternatives to CA or Temporary Possession (TP) for land sought by the Applicant?</li> </ol>

<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236454/Planning\\_Act\\_2008\\_-\\_Guidance\\_related\\_to\\_procedures\\_for\\_the\\_compulsory\\_acquisition\\_of\\_land.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)

**ExQ1: 30 July 2024**

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ExQ1	Question to:	Question:
		<p>2. Any areas of land or rights that the Applicant is seeking the powers to acquire but that you consider would not be needed? If so, please provide details on which plots and explain why you consider they would not need to be acquired.</p>
CA.1.9	Affected Persons	<p>Do any Affected Persons have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?</p>
CA.1.10	Applicant	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. Can the Applicant please clarify how:</p> <ol style="list-style-type: none"> <li>1. It has had regard to the Equality Act 2010 in relation to the powers sought for CA and TP?</li> <li>2. Have any Affected Persons been identified as having protected characteristics? If so, what regard has been given to them?</li> </ol>
CA.1.11	Applicant	<p>The Statement of Reasons (SoR) [APP-014] states that the Applicant is seeking CA powers in relation to the off-road cable routes only, having successfully sought to negotiate land by agreement for the majority of the land in the Order Limits, namely the Panel Area and mitigation land. in Appendix B, a Schedule of Negotiations which appear to be on-going. The Applicant is asked to provide an update on any changes in negotiations in relation to land and update the SoR accordingly.</p>
CA.1.12	Applicant	<p>Appendix A of the SoR [APP-014] includes a list of land plots subject to compulsory acquisition under Art. 23 and plots over which temporary possession powers are requested. The Applicant is asked to confirm if plots 11/17 and 12/3 should also be included in Appendix A?</p>
CA.1.13	Applicant	<p>The Applicant is asked to confirm if Appendix B details all on-going negotiations with known land owners whose land rights would be affected by CA?</p>
CA.1.14	Applicant	<p>The Applicant states, in paragraph 3.2.6 of the SoR that there are a limited number of small parcels of land in unknown ownership. The Applicant is therefore asked to:</p> <ol style="list-style-type: none"> <li>1. Confirm which parcel the Applicant has identified and if has been able to ascertain ownership of any parcel following the most recent version of the BoR [AS-017];</li> <li>2. What further work is the Applicant proposing to carry out in order to ascertain ownership;</li> </ol>

ExQ1	Question to:	Question:
		3. Asked to keep Appendix B up-to-date with any changes as well as the BoR.
CA.1.15	Applicant	Are any land or rights acquisitions required in addition to those sought through the draft DCO before the Proposed Development could become operational?
CA.1.16	Applicant	The most recent version of the BoR [AS-017] and accompanying Schedule of Changes [AS-018] includes 'added interests' in relation to land included within the Order Limits. Can the Applicant please clarify what measures have been taken in order to ensure that new added interests are fully aware of the Proposed Development and the application for a Development Consent Order to be granted?
CA.1.17	National Highways	National Highways [AS-009] are requested to comment on the Applicant's approach to on-road cabling in relation to CA and the need, or not, for CA or TP of land.
<b>5. Development Compulsory Order</b>		
DCO.1.1	Applicant	<p>The Applicant confirms, in the Explanatory Memorandum [APP-013], the precedents for Articles 21 (Compulsory acquisition of land) and 23 (Compulsory acquisition of rights) of the dDCO. The Applicant states that both are as substantially found in the Longfield Solar Farm Order 2023, amongst others.</p> <p>Taking that the Applicant's approach to the identification of land proposed to be subject to Compulsory Acquisition and Temporary Possession is substantially different than that taken in the Longfield Solar Farm Order 2023, can the Applicant please justify why it believes that the present is still valid and applicable to the Applicant's approach to Order land?</p>
DCO.1.2	Applicant	<p>Notwithstanding that drafting precedent has been set by previous DCOs or similar orders, full justification should be provided for each power/ provision taking into account the facts of this particular DCO application. Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the Secretary of State's current policy preferences.</p> <p>If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and draft DCO) actually differ in any way from corresponding provisions in the Secretary of State's most recent made DCOs, an explanation should be</p>



**ExQ1: 30 July 2024**

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ExQ1	Question to:	Question:
		<p>provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).</p> <p>Can the Applicant, therefore, please:</p> <ol style="list-style-type: none"> <li>1. Update the Explanatory Memorandum [APP-013] in order to clear identify which articles differ from model provisions and why?</li> <li>2. For those articles where a drafting precent has been relied upon, check that the final wording is as included in the granted DCO. If it isn't, the Applicant is asked to provide justification for the proposed wording.</li> <li>3. Provide a list of all the previous DCOs that have been used as a precedent for the drafting of this draft DCO or signpost where in the application documentation this can be found.</li> </ol>
DCO.1.3	Applicant	<p>Please supply subsequent versions of the dDCO in both .pdf and Word formats and in two versions, with the first forming the latest consolidated draft and the second showing changes from the previous version in tracked changes, along with comments/explanations outlining the reason for the change. The consolidated draft version in Word is to be supported by a report validating that version of the dDCO as being in the Statutory Instrument (SI) template and with updated revision numbers.</p>
DCO.1.4	Applicant	<p>The Applicant states that the Proposed Development has been designed to maintain flexibility and that construction Parameters have been set to support this. Can the Applicant please provide the ExA with a table listing all those construction parameters that the Applicant wishes to use, alongside with lower and upper limits for each parameters and a brief justification of why the Applicant considers those parameters to be appropriate taking into consideration the 'Rochdale Envelope' approach?</p>
DCO.1.5	Applicant	<p>Can the Applicant also confirm if it believes that such parameters should be included in the dDCO? And, if so, can the Applicant please draft an appropriate schedule with all appropriate parameters?</p>
DCO.1.6	Applicant	<p>Can the Applicant write a new article to be included in the draft DCO that provides certainty in relation to minimum level of electricity expected to be produced based on best available technology?</p>

ExQ1	Question to:	Question:
DCO.1.7	Applicant	Art. 29 (4) states that the undertaker must of remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised development for which temporary possession of land was taken. Can the Applicant please explain why it believes that 1 year is a reasonable timeframe?
<b>6. Biodiversity, Ecology and the Natural Environment</b>		
BIO.1.1	Applicant	The receptors assessed during construction differ from the receptors assessed during operation; otters and non-statutory designated sites are assessed during construction but are not assessed during operation without explanation, Chapter 6 Biodiversity [APP-029]. Water voles are identified as a receptor in the baseline characterisation in paragraphs 6.7.53 to 6.7.58 however are not assessed in section 6.8 without explanation. Additionally, Table 6-6 does not fully summarise the assessments set out in section 6.8 without explanation i.e. great crested newts and otters are not included in the table. Can the Applicant explain these omissions/inconsistencies or else update ES Chapter 6 to include a full assessment of these receptors?
BIO.1.2	Applicant	ES Chapter 10 Hydrology and Flood Risk [APP-033], paragraph 10.8.6 states that two new watercourse crossings are proposed and other watercourse crossings may be modified. There is no detail on these potential crossings and therefore, it is unclear how this might affect riverine species such as fish and otter. Effects from these crossings are not discussed in ES Chapter 6 [APP-029] and fish are not discussed as a potential receptor without clear explanation as to why they have been omitted. Can the Applicant provide further detail on watercourse crossings/alterations including timing, duration, location, extent and types of works required and signpost where effects on riverine species are assessed or else provide an assessment.
BIO.1.3	Applicant	Requirement 4 of the dDCO [APP-012] specifies the measures that the CEMP must include. However, this does not fully align with the measures contained within the Outline Construction Environmental Management Plan [APP-110] (OCEMP) ie it excludes any measures relating to an invasive non-native plant species (INNS) method statement. Can the Applicant update the DCO to reflect the measures included in the OCEMP.
BIO.1.4	Applicant	Pre-construction surveys are identified in the Outline Construction Environmental Management Plan [APP-110] in Table 4-2 for reconfirming the ecological baseline. It does not state what

ExQ1	Question to:	Question:
		pre-construction surveys will be undertaken. A species protection plan is also proposed to be implemented during construction with full details outlined in the CEMP, however it is unclear what would instigate a species protection plan and what this would aim to do in relation to each species potentially affected. Can the Applicant explain how specific pre-construction surveys are secured through the application and explain the trigger for producing a species protection plan and an outline of any relevant measures.
BIO.1.5	Applicant	ES Chapter 10 Hydrology & Flood Risk [APP-033], paragraph 10.7.38 and ES Chapter 2 The Proposed Development [APP-025] paragraph 2.3.28 state that horizontal directional drilling will be used to route cables underneath waterbodies and watercourses. Although an outline pollution and spillage response plan is included at Appendix 2.9 [APP-113], drilling fluid breakout is not addressed in this document and no drilling fluid breakout plan has been provided with the application. Can the Applicant explain where appropriate mitigation measures for potential drilling fluid breakout are secured or update the relevant documents to secure appropriate measures.
BIO.1.6	Applicant	Please confirm compliance with the Environment Act 2021, the provision of Net Gain and the objectives included in the Government's Environmental Improvement Plan. Biodiversity Net Gain (BNG) is to be assessed using the Department for Environment, Food & Rural Affairs (DEFRA's) Statutory Biodiversity Metric. Please submit the assessment based upon the use of the Statutory Biodiversity Metric.
BIO.1.7	Applicant	Please provide the assessment of the effects of the Proposed Development, including in-combination assessment, on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site, the Teesmouth and Cleveland Coast proposed Ramsar and the Thrislington Special Area of Conservation (SAC).
BIO.1.8	Applicant	Please provide the assessment of the effects of the Proposed Development on other statutory designated sites, such as the Briarcroft Pasture, the Newton Ketton Meadow, the Redcar Field and the Whitton Bridge Pasture Sites of Special Scientific Interest (SSSIs) and the Hardwick Dene and Elm Tree Woods Local Nature Reserves (LNRs).
<b>7. Climate Change and Emissions</b>		
CCE.1.1		None at this stage.

ExQ1 8.	Question to: Design	Question:
DES.1.1	Applicant	<p>Paragraph 7.2.6 of 7.2 Design Approach Document [AS-004] mentions that the mounting structure for the solar panels is typically fixed to the ground by galvanised steel poles which are driven into the ground to a depth of circa 1m. However, in response to geophysical and trial trenching undertaken to inform the assessment and design work, the use of an alternative mounting structure is proposed in a number of areas across the Order Limits. This alternative approach utilises ballast slabs which sit on the surface of the ground rather than penetrating the ground, thereby protecting any archaeological features in situ.</p> <p>Would the Applicant show the positions of those panels requiring 1 metre digging and those with ballast slabs on the ground where archaeology constraints are?</p>
DES.1.2	Applicant	<p>Paragraphs 3.6.5 and 3.6.6 of ES Chapter 3 Alternatives and Design Iteration [APP-026] states that there are also national variations leading to some areas of the UK being more suited to solar energy than others. The north-east region has suitable levels of irradiance to gain a viable yield. Can the Applicant explain these national variations?</p>
DES.1.3	Applicant	<p>Table 9 of ES Chapter 3 Alternatives and Design Iteration [APP-026] gives the summary of design changes between PEIR and DCO application. Has the Applicant considered more powerful panels that would create a reduced land take?</p>
DES.1.4	Applicant	<p>Paragraph 1.8.4 of ES Chapter 1 Introduction [APP-024] states that the Applicant sought to gather the views of a variety of representatives of groups with an interest in the area to help shape the Proposed Development at an early stage. This was a method of Collaborative Design, which involved inviting stakeholders to workshops carried out between 1 – 3 November 2022. These stakeholders included local councils, elected representatives, statutory environmental bodies, and local interest groups. Would the Applicant confirm if the Design Council or similar professional bodies have been consulted in terms of the review of the design of this development?</p>
DES.1.5	Applicant	<p>Table 8-1 of 7.2 Design Approach Document [AS-004] mentions that there will be a minimum of 4m and maximum of 12m distance between the solar panel rows, the maximum height of the solar panels will be 3.5m and the solar panels will be positioned on the mounting structures at an angle of between 10 and 30 degrees from horizontal. Can the Applicant explain how the elected distances between the solar panel rows, the heights plus orientation of the solar panels were determined and, how these parameters would adapt to future changes in technology?</p>

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
DES.1.6	Applicant	Table 8-1 of 7.2 Design Approach Document [AS-004] states that up to nine additional storage containers will be installed to contain extra equipment to support maintenance activities and, the storage units will resemble shipping containers. Can the Applicant describe the maintenance equipment being kept in each of these containers, their projected frequency of use and whether any of them is easily transportable from a remote location to this site when needed and returned thereafter?
DES.1.7	Applicant	Can the Applicant confirm what consideration it has given to the Project Level Design Principles guidance <sup>2</sup> from the National Infrastructure Commission Design Group and how the proposed development matches the principles in the Guidance?
DES.1.8	Applicant	The Applicant states in paragraph 3.6.9 of Chapter 3 Alternatives and Design [APP-026] that the original search corridor, of 6 km, was defined by the extent to which a solar farm of the proposed scale could be viable. But after further considering the scale of the project, this area was extended to 12 km. Can the Applicant please explain why an why such a larger area was then considered viable?
DES.1.9	Applicant	Section 3.11 of Chapter 3 Alternatives and Design [APP-026] sets out the Alternative solar technologies that the Applicant consider, however it does not provide a lot of detail in relation to technology within PV solar technology. Can the Applicant please provide an overview of how reasonable alternatives, in relation to technologies, have been considered and how these have informed and shaped the Development proposal.
<b>9.</b>	<b>Health and Air Quality</b>	
HAQ.1.1	Applicant	Paragraph 1.1.3 of ES Appendix 2.4 Construction Dust Assessment [APP-108] states that within this opinion, PINs agreed that Air Quality could be scoped out of the ES on the basis that a construction dust assessment is provided in support of the ES and to inform mitigation proposals and management. Would the Applicant explain the justification for scoping out Air Quality?
HAQ.1.2	Applicant	The ES Appendix 2.5 Major Accidents and Disasters Assessment [APP-109] discusses the likely major accidents and disaster assessment associated with BESS and other installations (inverter, transformer etc). Would the Applicant explain why the effect of these equipment on human health has not been discussed?

<sup>2</sup> [NIC-Design-Principles-Handbook-Digital-PDF.pdf](#)

ExQ1	Question to:	Question:
HAQ.1.3	Applicant	Paragraph 9.7.22 of ES Chapter 9 Land use and Socioeconomics [APP-032] states that all Public Rights of Way (PRoWs) potentially affected by the Proposed Development are considered in this assessment. The final alignment of various cable routes forming part of the Proposed Development will be identified as part of the detailed design approvals. It may therefore be that a number of these potential effects do not arise - if for example off-road cable routes are chosen at that detailed design stage. Has the Applicant assessed the indirect health impacts relating to likely restricted access to key public services, transport, or the use of open space for recreation and physical activity relating to the diversion of the affected PRoWs?
<b>10. Historic Environment</b>		
HEN.1.1	Historic England Applicant	Historic England's RR states that the only point of concern that remains is linked with the impact of the Proposed Development on Bishopton Conservation Area, particularly in relation to the (Public Right of Way) PRoW through the fields adjoining to the north of Bishopton which connects the settlement with Old Stillington and provides an experience of the conservation area in its rural setting with the Grade II listed St. Peter's Church at its centre. Can the Applicant please clarify what work has been carried out in order to find alternatives to the proposed permanent stopping of this PRoW and re-routing to the west?
HEN.1.2	Darlington Borough Council (DBC)	Can Darlington Borough Council confirm if they are in agreement with Historic England's assessment in relation to the effects of the Proposed Development on Bishopton Conservation Area? And if no, why not?
HEN.1.3	Applicant DBC Historic England	Paragraphs 8.10.35 to 8.10.60 Chapter 8 of the ES Cultural Heritage and Archaeology [APP-031] relate to the effects of the Proposed Development on Bishopton Conservation Area. The Applicant recognises, in its own assessment, that the setting of the conservation area makes a positive contribution to its significance. Considering the number of panel areas from the Applicant's Zone of Theoretical Visibility Study – Panel Areas [APP-064] and the intensity from the Zone of Theoretical Visibility Study – intensity [APP-065] of the development that would be visible from the edges of Bishopton Conservation Area as set in [APP-057], can the Applicant please justify why it believes that the Proposed Development will not affect the experience of the character and appearance of the conservation area along the footpath within the settlement boundaries (paragraph 8.10.59 of Chapter 8 of the ES Cultural Heritage and Archaeology [APP-031]).

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
HEN.1.4	DBC	DBC is asked to provide the ExA with a character appraisal, if available, of Bishopton Conservation Area.
HEN.1.5	Applicant	According to the Applicant's Zone of Theoretical Visibility Study – Panel Areas [APP-064] 4 to 5 sites may be visible from the scheduled monument motte and bailey castle and, in relation to Zone of Theoretical Visibility Study – intensity [APP-065] up to 20% and up to 30% of the development may be visible from that location. Can the Applicant therefore explain how it arrived to the conclusion that the effect of the Proposed Development is negligible?
HEN.1.6	DBC Historic England Applicant	The Environmental Constraints Plan [APP-057], in Fig. 2.19 and the Works Plans [AS-013] in Sheet 11 of 13 show that proposed works No. 5 - Cable 132Kv will be conducted in close proximity to the scheduled monument motte and bailey castle. Can the Applicant please provide some further information and confirmation that works will be sensitive to the scheduled monument motte and bailey castle and how and where in the DCO works have been secured in order to protect the integrity of an scheduled monument. Can DBC and Historic England please confirm that they are in agreement with the Applicant's proposed approach?
HEN.1.7	Applicant DBC Historic England	Chapter 8 of the ES Cultural Heritage and Archaeology [APP-031] recognises, in relation to the scheduled monument motte and bailey castle 400m south of Bishopton, that the surrounding landscape makes a contribution to the significance of the asset through an ability to appreciate and understanding the power and influence of the motte in relation to the wider area. Can the Applicant therefore explain why its states that: <ul style="list-style-type: none"> <li>• The solar PV modules would not obstruct any visual or spatial aspect of the strategic location of the asset;</li> <li>• Why the Proposed Development would lead only to a negligible magnitude of change on the asset which is of high heritage significance?</li> <li>• Can Historic England and DBC please clarify if they are happy with the Applicant's assessment in relation to the scheduled monument motte and bailey castle?</li> </ul>
HEN.1.8	Applicant	Considering that the PA2008 requires that, in considering the impact of a proposed development on heritage assets, decision-makers should have regard to the desirability of preserving the asset or its setting, including considering any harm or loss that may result from the development, can the Applicant please provide further justification of why it believes that the impact of the proposal on identified heritage assets is not significant?

ExQ1	Question to:	Question:
HEN.1.9	Applicant	In the ES Non-Technical Summary [APP-022] the Applicant states that the Proposed Development will be either screened by existing vegetation and/or buildings, not visible due to topography or located at a distance whereby it would not be considered to lie within the setting of the assets and therefore negligible. Could the Applicant please confirm what are the settings that the Applicant is referring to, considering the Applicant does acknowledge that the Scheduled Monument motte and bailey castle will experience a change in setting during operation?
HEN.1.10	Applicant DBC	Viewpoint 24 included in ES Figure 7.9 Visualisations [APP-073] is just located on the edge of Bishopton Conservation Area looking into the wider countryside. Considering its proximity and influence in relation to the setting of the Bishopton Conservation Area, can the Applicant please explain its overall assessment of negligible?
<b>11. Landscape and Visual</b>		
LSV.1.1	Durham County Council (DCC), Darlington Borough Council (DBC), Stockton Borough Council (SBC)	<p>The Landscape and Visual Impact Assessment (LVIA) study area is described in ES Section 7.6 [APP-030]. A 3km study area has been defined from the panel area. DBC requested a 5km study area given that the Zone of Theoretical Visibility (ZTV) mapping identified some visibility beyond 2km initially proposed during scoping. A 5km study area was assessed as part of the Preliminary Environmental Information Report (PEIR) in response to consultation. The PEIR concluded that no significant effects would arise beyond 1km, however a 3km study area was taken forward to include viewpoints requested beyond the 2km. The ZTV mapping is illustrated in ES Figures 7.1 [APP-063] and 7.2 [APP-064]. ES paragraph 7.7.13 [APP-030] states that visual receptors within 200m of the cable routes have also been assessed.</p> <p>Are the relevant LPAs satisfied that the assessment has established an appropriate study area and all relevant landscape and visual receptors have been identified?</p>
LSV.1.2	DCC, DBC, SBC	<p>The LVIA baseline conditions are described in ES Section 7.7 [APP-030] and are supported by technical appendices. The landscape and visual receptors are listed in ES Table 7-5. The locations of the selected viewpoints are presented in ES Figure 7.2 and 7.3 [APP-064 &amp; 065]. Annotated photographs of the Proposed Development from each viewpoint are provided in ES Figure 7.9 [APP-071 - 074]. ES paragraph 7.4.18 states that either matched wirelines or Year 0 and Year 15 photomontages have been provided at all viewpoints in ES Figure 7.9.</p>



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ExQ1	Question to:	Question:
		Are the relevant LPAs satisfied that the photomontages in ES Figure 7.9 have been generated using viewpoints that are representative of sensitive visual receptors?
LSV.1.3	Applicant	ES paragraph 7.4.18 [APP-030] states that the photomontages provided in ES Figure 7.9 represent Year 0 and Year 15 of the Proposed Development. However, the photomontages provided in ES Figure 7.9 [APP-071 - 074] are instead labelled to represent Year 1 and Year 10. Can the Applicant confirm which assessment years the photomontages are proposed to illustrate?
LSV.1.4	Applicant	ES Table 7-1 [APP-030] states that the photomontages provided in the PEIR have been generated using winter photography. Can the Applicant confirm whether the winter views have been used for the basis of photomontages provided in the ES?
LSV.1.5	DCC, DBC, SBC	A maximum height of 3.5m was assessed for elements of the Proposed Development within panel areas. The height of the substation and transmitter mast are set out in ES Chapter 2 [APP-025]. The substation would be no more than 8m in height and the communications mast would up to 15m (ES paragraph 2.6.18). ES Figure 7.8 [APP-078] illustrates the theoretical visibility of the substation. The Applicant concluded that views of the substation beyond the 3km study area would be limited (ES Table 7-1) [APP-030]. Are the relevant LPAs satisfied that the use of the 3.5m maximum height to assess the potential landscape and visual effects is appropriate and takes into account the worst-case scenario?
LSV.1.6	Applicant	Can the Applicant explain how the height of the substation and transmitter mast have been taken into account during the assessment of landscape and visual effects?
LSV.1.7	Applicant	<p>ES Chapter 7 [APP-030], paragraph 7.8.2 states that essential mitigation measures for the LVIA are described in ES Section 7.9 ‘Design, mitigation and enhancement measures’.</p> <p>However, this section is actually titled ‘Embedded mitigation’ and refers to ES Section 7.10 for essential mitigation measures. No essential mitigation measures have been identified and it is concluded for each receptor that no essential mitigation is available beyond those measures already proposed as embedded mitigation.</p> <p>Where likely significant effects have been identified, ES Section 7.10 states that “<i>no essential mitigation is available, beyond that already embedded in the Proposed Development</i>”. As a result, no essential mitigation measures have been proposed to reduce residual effects.</p>

ExQ1	Question to:	Question:
		Can the Applicant explain in more detail why no essential mitigation is available to reduce significant adverse effects on landscape and visual receptors, referring separately to the Public Rights of Way (PRoW) network and residential properties? Please detail the answer with reference to the construction, operation and decommissioning phases.
LSV.1.8	Applicant	Please provide usage figures for each of the PRoW affected by the Proposed Development.
LSV.1.9	Applicant	Please detail the criteria used to define the locations of panels around Bishopton, and in particular around Bishopton school and playground. Explain why it has not been possible to locate the panels further away in order to reduce the impacts?
LSV.1.10	Applicant	Please detail the criteria used to define the locations of panels around Hauxley farm. Explain why it has not been possible to locate the panels further away in order to reduce the impacts?
LSV.1.11	Applicant	Please detail the criteria used to define the locations of panels around Great Stainton. Explain why it has not been possible to locate the panels further away in order to reduce the impacts?
<b>12. Land Use and Socioeconomics</b>		
LUS.1.1	Applicant	Paragraph 9.7.22 of Chapter 9 Land use and Socioeconomics [APP-032] states that as part of the approach described in ES Chapter 3 Alternatives and Design Iteration [APP-026], the final alignment of various cable routes forming part of the Proposed Development will be identified as part of the detailed design approvals. It may therefore be that a number of these potential effects do not arise - if for example off-road cable routes are chosen at that detailed design stage. Given the critical nature of the public rights of way (PRoW) and the ExA's need to see an indicative final alignment. would the Applicant then modify Table 9-5 to show those PRoWs where cable routes are likely to be altered with little or no adverse impact and those that are definitely likely to be affected?
LUS.1.2	Applicant	Table 9-6 of Chapter 9 Land use and Socioeconomics [APP-032] describes the Agricultural Land Classification (ALC) for each of the panel areas. Would the Applicant provide justifications for occupying each aspect of the land, especially within categories 1 to 3A?
LUS.1.3	Applicant	Tables 9-1 of Chapter 9 Land use and Socioeconomics [APP-032] indicates that ALC 2 and 3A has medium sensitivity. Given that 18.9 HA (16%) of the Panel Area A (Brafferton) is in ALC 3A, 3.4Ha (4%) of Panel D (Great Stainton) is in ALC 2 and 5.5Ha (8%) of Panel F (North of

ExQ1	Question to:	Question:
		Bishopton) is classed as ALC 2 and 3a, would the Applicant explain why the whole of these panel areas are described in Table 9-6 as low sensitivity?
LUS.1.4	Applicant	Paragraph 9.8.13 of Chapter 9 Land use and Socioeconomics [APP-032] states that the wider impacts on farm holdings can be scoped out on the basis that landowners that form part of the Proposed Development have signed up to a voluntary agreement and have considered the potential effects on the viability of farm holdings. The Inspectorate has indicated that it is content to scope out this matter, subject to the Applicant providing evidence of such agreements. Would the applicant confirm when copies of the voluntary agreements and the associated statements from the landowners, indicating the effects the disposal of these lands would have on the viability of the varied farm holdings, would be submitted?
LUS.1.5	Applicant	Paragraph 9.8.23 of Chapter 9 Land use and Socioeconomics [APP-032] mentions that upon decommissioning of the proposed development, the mineral resource (limestone) would become available for extraction and the potential effects of this would need to be assessed based on demand at that time. Would the Applicant provide an indicative assessment of this potential impact given the lengthy lifespan (40 years) of this infrastructure?
LUS.1.6	Applicant	Paragraph 9.8.24 of Chapter 9 Land use and Socioeconomics [APP-032] states that it is considered likely that the PRow diverted during the construction phase, as part of the Proposed Development, would remain on their operational alignment and therefore would not revert to the previous or baseline alignment. This will be discussed and agreed on an individual basis with the landowner(s) at the appropriate time. Considering the lifespan of this project, would the Applicant confirm if any appraisal been done to ensure that any such diversion of the PRow would stand the test of time and continue in a form that would create minimal or no hindrance to its users in perpetuity?
LUS.1.7	Applicant	Paragraph 9.10.8 of Chapter 9 Land use and Socioeconomics [APP-032] states that Circa 60% of construction employment could be retained within Darlington, Stockton-on-Tees and Durham, with the remaining 40% being within the wider North-East Region (circa 126 jobs per annum, assumption based on the Applicant's experience of buildings solar schemes elsewhere in the country). Would the Applicant provide any data to substantiate this?
LUS.1.8	Applicant	Paragraph 9.10.13 of Chapter 9 Land use and Socioeconomics [APP-032] states that no essential mitigation is required. Has the Applicant considered employment and skills plan detailing arrangements to promote local employment and skills development opportunities,

ExQ1	Question to:	Question:
		including apprenticeships, education, engagement with local schools and colleges and training programmes?
LUS.1.9	Applicant	Paragraph 9.10.13 of Chapter 9 Land use and Socioeconomics [APP-032] states that no essential mitigation is required, and as such residual effects remain as reported. The Applicant is reminded that Paragraph 2.3.2 of ES Appendix 12.1 Transport Statement [APP-159] mentions the availability of a demand-responsive Tees Flex Bus Service operated by Stagecoach, in partnership with the Tees Valley Combined Authority. Tees Flex offers connections to Stockton, Darlington, Billingham, and Sedgefield. Would the Applicant explain why the practicality of using this service for transporting staff to this site from these nearest transport interchanges and vice versa, to boost the local economy and support the aspirations of Tees Valley Combined Authority, has not been explored?
LUS.1.10	Applicant	Paragraph 9.10.18 of Chapter 9 Land use and Socioeconomics [APP-032] states that no essential mitigation is required. Has the Applicant explored the possibility of staff living temporarily in this area being offered incentives to patronise local community facilities like leisure (gym, swimming pool) to bolster the local economy, given that there are few leisure centres plus Ruff 'n' Tumble Adventure World and Hardwick Green MUGA in this area, as indicated in Table 9-4?
LUS.1.11	Applicant	Paragraph 9.10.20 of Chapter 9 Land use and Socioeconomics [APP-032] states that Part of Panel Areas C and D have the potential to affect a safeguarded limestone mineral resource. At the time of writing, the Applicant is not aware of any proposals to utilise this resource in the short to medium term. Would the Applicant describe the timeline for the short to medium term and whether this assumption has been supported by the relevant authority, given the life span of this scheme?
LUS.1.12	Applicant	Paragraph 9.10.23 of Chapter 9 Land use and Socioeconomics [APP-032] mentions that no essential mitigation is required. Given that the overriding policy EN-1 stipulates that appropriate mitigation is required for the safeguarded limestone mineral resource, would the Applicant explain why no mitigation is proposed?
LUS.1.13	Applicant	Paragraph 9.11.2 of Chapter 9 Land use and Socioeconomics [APP-032] states that due to the negligible and non-significant effect anticipated on the identified socio-economic receptors, no monitoring will be required during the operational phase of the proposed development. Would the Applicant explain how and when the number of local residents benefiting from training/apprenticeship and full-time jobs would be monitored? Can the Applicant also clarify how

ExQ1	Question to:	Question:
		the ExA can be sure that the Community Benefit provision of £1.5m across the lifecycle of the Proposed Development would be channelled towards the intended improvement schemes like accessible footpaths, new native planting, improved highway safety, outdoor play areas, picnic benches, community orchards, rooftop solar for community buildings and, the effectiveness of these schemes in terms of achieving the set goals?
LUS.1.14	Applicant	The Applicant is also asked to confirm what consultation has been carried out with the local community to ascertain which projects the local community would like the Community Benefit provision to be channelled to and also what consultation is proposed throughout the lifecycle of the Proposed Developments in order to accommodate any changes and priorities from the local community? Can the Applicant also state how this should be secured within the DCO?
LUS.1.15	Applicant	Table 8-1 of 7.2 Design Approach Document [AS-004] states that there will be a minimum of 4m and maximum of 12m distance between the solar panel rows. Would the Applicant explain if and how the need to minimise the ultimate land take has been accounted for prior to arriving at the elected distances between the solar panel rows?
<b>13. Noise and Vibration</b>		
NV.1.1	Applicant	Table 1-1 of ES Appendix 11.3 Details of Noise Model [APP-156] shows the estimated noise sources from the Proposed Development. Would the Applicant explain how the sound power level [in decibels] associated with each equipment, which form part of the data that was inputted into the evaluation tool (SPv8.2), was derived?
NV.1.2	Applicant	Paragraph 1.2.8 of ES Appendix 11.3 Details of Noise Model [APP-156] states that if the operations of the proposed noise sources from the Proposed Development are found to differ greatly from those outlined in Table 1-1 at a later design stage, a supplementary noise assessment will be required to account for those changes. Can the Applicant explain why this has not been included in any of the requirements?
NV.1.3	Applicant	The second bullet point of paragraph 11.4.3 of ES Chapter 11 Noise and Vibration [APP-034] states that noise modelling using modelling software has been undertaken, considering the Proposed Development's layout, proposed equipment noise levels and traffic data (operational phase) to predict noise levels at receptors associated with the Proposed Development. Can the Applicant confirm if the modelling software mentioned here is the SPv8.2 and explain why the more critical construction phase traffic has not been considered instead of that associated with the operational phase?

ExQ1	Question to:	Question:
NV.1.4	Applicant	<p>Paragraph 1.4.1 of ES Appendix 11.1 Noise and Vibration Guidance [APP-154] mentions that BS4142 is used to rate and assess sound of an industrial and/or commercial nature including:</p> <ul style="list-style-type: none"> <li>• sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and</li> <li>• sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train or ship movements on or around an industrial and/or commercial site.</li> </ul> <p>Would the Applicant explain why these have not been included in the assessment done in Table 1-1 of ES Appendix 11.3 Details of Noise Model [APP-156]?</p>
NV.1.5	Applicant	<p>Paragraph 2.6.7 of Chapter 2 The Proposed Development [APP-025] states that the proposed climate change resilience measures which will be secured via the Outline CEMP and implemented by the PC during construction include:</p> <ul style="list-style-type: none"> <li>• using equipment's cooling systems where necessary/adapting working practices and equipment used based on current weather conditions.</li> </ul> <p>Would the Applicant explain how working practices and equipment used would be adapted to reflect varied weather conditions during construction?</p>
<b>14. Resource and Waste Management</b>		
RWM.1.1	Applicant	<p>Can the Applicant please confirm how it has used its design approach to the Proposed Development and processes to minimise carbon contributions at all phases of the Proposed Development (construction, operation, maintenance and decommissioning phases) and how these have been assessed?</p>
RWM.1.2	Applicant	<p>As part of the Proposed Development approach to reducing carbon contributions, can the Applicant please confirm what measures it proposes to put in place in order to minimise carbon emissions through the life cycle of the Proposed Development and how these will be secured?</p>
<b>15. Traffic and Transport</b>		
TT.1.1	Applicant	<p>Paragraph 12.7.14 of ES Chapter 12 Traffic and Transport [APP-035] cites Gately Moor Solar Farm (22/0072/FUL) as included in the future baseline scenario, the Transport Assessment of which stated that "Employees will travel in crew buses, with a maximum of 20 minibuses (940 movements) quoted in the Transport Assessment as potentially travelling to the site during the peak of the construction period. Should the figure 940 be the total number of staff being</p>

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ExQ1	Question to:	Question:
		transported and can the Applicant clarify whether the 20 (minibuses) is a daily figure? Also, how has the peak hour traffic been estimated?
TT.1.2	Applicant	Paragraph 12.7.14 of ES Chapter 12 Traffic and Transport [APP-035] cites Forrest Park (DM/19/00283/OUT) as included in the future baseline scenario, the Transport Assessment of which stated that the combined peak hours would add 774 trips onto the A1(M) junction – Would the Applicant confirm if these trips are morning and evening peak hours together and the assumed time periods?
TT.1.3	Applicant	Paragraph 12.7.15 of ES Chapter 12 Traffic and Transport [APP-035] mentions Land At Wynyard Village Wynyard (23/0261/OUT), a development with up to 700 dwellings, community centre, care and medical facilities, open space, golf course improvements, the Transport Assessment of which stated that the highway officer response recommends that it should not be given planning permission. Would the Applicant confirm the status of this application because highway objection does not necessarily mean that the development would not be given a planning consent bearing in mind NPPF advice on the degree of severity of traffic impact?
TT.1.4	Applicant	Paragraph 12.10.13 of ES Chapter 12 Traffic and Transport [APP-035] states that each Panel Area could require up to 100 employees (300 on site at any one time) for 3 sites. employees are expected to travel to the site in teams of 7. This is forecast to result in approximately 15 car/LGV trips to each site (30 two-way movements). Across three sites, the employee trips could generate 45 car tips (90 two-way movements). How would the Applicant ensure that this forecasted trip would be realised without any clear-cut action to provide minibuses for staff?
TT.1.5	Applicant	Paragraph 12.10.24 of ES Chapter 12 Traffic and Transport [APP-035] mentions that while no local junction modelling has been undertaken, professional judgement has been made that links and junctions within the Study Area operate within theoretical capacity. Without junction capacity assessment being carried out on the base and with development traffic scenarios, how confident is the Applicant that the critical junctions around this site would continue to operate efficiently, bearing in mind the potential re-routeing of traffic consequential to the execution of on-road cabling?
TT.1.6	Applicant	Paragraphs 12.10.29, 12.10.30 of ES Chapter 12 Traffic and Transport [APP-035] states that it is expected that cable construction could cause a greater level of driver delay, should road-based cable route options be chosen as the preferred route over the off-road options. However, where this might be the case, it is proposed that cabling works will be outside of network peak hours and traffic management (e.g. single lane closures) or temporary diversions would seek to

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ExQ1	Question to:	Question:
		<p>minimise any increase in journey length, therefore having minimal impact. Has the Applicant carried out any sensitivity testing of the on-road option in conjunction with indicative mitigation, in concluding that it would have a minimal impact?</p>
TT.1.7	Applicant	<p>Paragraph 12.10.33 of ES Chapter 12 Traffic and Transport [APP-035] states that due to a negligible increase in traffic on the LRN, it is anticipated that the impact of the Proposed Development on pedestrian, horse riding and cyclist amenity will not be material, and, if at all, only in isolated locations. In arriving at this conclusion, did the Applicant take into consideration the effect the on-road cabling would have on these road users?</p>
TT.1.8	Applicant	<p>Paragraph 12.10.38 of ES Chapter 12 Traffic and Transport [APP-035] states that collision data covering the study area has been sourced, for the period 2015 to 2019 inclusive, from crashmap.com. The study area includes the LRN and surrounding SRN. Would the Applicant not consider that the analysis of 2015-2019 accident data which was pre covid restriction, is insufficient and out-of-date, given that a more recent data from the end of the covid restriction (12/07/21) to the most recent time in 2024 would have given a valid result?</p>
TT.1.9	Applicant	<p>Paragraph 2.2.5 of ES Appendix 12.1 Transport Statement [APP-159] mentions that the results from the Traffic Surveys can be seen in Appendix A. Would the Applicant demonstrate what the 12hour plus the morning and evening peak hours traffic flows (7AM to 7PM, 8AM to 9AM and 5PM to 6PM respectively), which coincide with the operation times of the construction works, would be from the survey data results?</p>
TT.1.10	Applicant	<p>Paragraph 3.7.1 of ES Appendix 12.1 Transport Statement [APP-159] states that the potential overlap with traffic from other developments within the vicinity has been considered. Those committed developments that would use routes within the Study Area have been identified and any additional vehicle trips on those routes have been included in the future baseline scenario. Would the Applicant explain why this method would give a true picture of the cumulative traffic impact of this development, given that the proportion of the combined development and committed developments' traffic over the based traffic scenario should have been calculated instead?</p>
TT.1.11	Applicant	<p>Appendices A to D of ES Appendix 12.1 Transport Statement [APP-159] states that the base and future traffic calculations here were based on 7-day averages. Would the Applicant signpost where the weekday 12-hour and AM and PM averages can be found, bearing in mind the above ExQs TT.1.9 and TT.1.10?</p>



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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
TT.1.12	Applicant	Paragraph 3.3.1 of ES Appendix 12.1 Transport Statement [APP-159] mentions that to forecast the trip generation associated with a solar farm development we have sourced examples of similar developments from elsewhere. Would the Applicant explain how the features of these similar developments used for estimating vehicular trips compare to those of Byers Gill Solar Farm?
TT.1.13	Applicant and Darlington Council	<p>Paragraph 2.3.2 of ES Appendix 12.1 Transport Statement [APP-159] mentions the availability of a demand-responsive Tees Flex Bus Service operated by Stagecoach, in partnership with the Tees Valley Combined Authority. Tees Flex offers connections to Stockton, Darlington, Billingham, and Sedgefield.</p> <p>Has the applicant explored the practicality of using this service for transporting staff to this site from the nearest major transport interchange and vice versa?</p> <p>Would Darlington Council confirm the status of the Tees Flex Bus Service and its long-term aspiration for this important transport infrastructure, given the limited public transport provision in this locality?</p>
TT.1.14	Applicant	Paragraph 3.3.1 of ES Appendix 12.1 Transport Statement [APP-159] states that three sites will be constructed at any given time (100 employees, 300 on site at any one time). Occupancy of 7 staff per vehicle = 15 car/LGV trips to each site (30 two-way movements). Would the Applicant explain how this would be enforced while relying on the staff to provide their own individual/shared transport?
TT.1.15	Applicant	Paragraph 3.6.1 of ES Appendix 12.1 Transport Statement [APP-159] mentions that it is not known which three Panel Areas might be constructed at once, the assessment assumes trips for all Panel Areas with each road capped to the average trips of three Panel Areas, to assess the impact. Can the Applicant explain what the limitations are for not being able to decide which of the 3 panel areas can be constructed simultaneously bearing in mind that in satisfying the need for consolidation of deliveries, it appears logical to construct Panels A, B & C in parallel while D, E & F are constructed at the same time?
TT.1.16	Applicant	Paragraph 2.3.4 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] states that the temporary construction compounds would contain construction worker welfare facilities, a site office, limited parking, wheel wash area, plant and machinery storage, Heavy Goods Vehicles (HGV) turning and waste storage areas. Would the Applicant explain how many car parking spaces would be provided and has any consideration been given to potential for mini-bus and motorcycle parking?

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
TT.1.17	Applicant	Table 2-1 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] describes the proposed access points and indicates that vehicles accessing Panel Areas A and B would traverse via unnamed farm tracks. Would the Applicant confirm if the proposed wheel wash locations for these panel areas would guarantee that large vehicles exiting the farm tracks onto the adjacent Brafferton Lane and Lodge Lane respectively after their wheels have been washed would not any carry mud/dust onto these latter roads?
TT.1.18	Applicant	Paragraph 2.3.31 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] states that the Considerate Constructors Scheme (CCS) will be adopted to assist in reducing pollution and nuisance from the Proposed Development, by employing best practice measures which go beyond statutory compliance. Has the Applicant considered also engaging contractors who subscribe to Fleet Operator Recognition Scheme (FORS)?
TT.1.19	Applicant	Table 4-1 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] states under 'release of GHG emissions during construction' that encouraging the use of lower carbon modes of transport by identifying and communicating local bus connections and pedestrian and cycle access routes to/ from the Proposed Development to all construction staff and providing appropriate facilities for the safe storage of cycles. With limited local bus services and pedestrian and cycle access routes in this locality plus lack of clear-cut action to encourage staff to use sustainable travel modes, would the Applicant explain the effectiveness of communicating the availability of these sustainable modes to the staff?
TT.1.20	Applicant	Paragraph 3.3.2 of ES Appendix 2.8 Construction Traffic Management Plan (CTMP) [APP-112] mentions that it should be noted that most construction workers are expected to travel to and from the Order Limits by vehicle due to the remote location of the Proposed Development and lack of access by public transport. Can the Applicant confirm the validity of this statement given that Paragraph 2.3.2 of Appendix 12.1 Transport Statement states that the availability of a demand-responsive Tees Flex Bus Service operated by Stagecoach (ExA's initial check shows 9 buses in Fleet, buses can be hailed via Tees Flex App, announced on Darlington Council's website that services extended for another 18months from 20/02/23), in partnership with the Tees Valley Combined Authority, which offers connections to Stockton, Darlington, Billingham and Sedgfield?
TT.1.21	Applicant	Paragraph 5.3.23 of ES Appendix 2.8 CTMP [APP-112] states that decommissioning of the Proposed Development could give rise to the same level of forecast trip generation as the construction phase of the Proposed Development. Therefore, the commissioning stage will be

ExQ1	Question to:	Question:
		used as a proxy to determine the potential impacts of the decommissioning phase. Would the Applicant confirm if the 'commissioning stage' here should read construction stage?
TT.1.22	Applicant	Paragraph 6.1.4 of ES Appendix 2.8 CTMP [APP-112] mentions that Panel Area C is centrally located within the Order Limits however, the closest strategic road is the A66. Therefore, it is expected that HGV movements will be via the A66, connecting to Bishopton Lane/Elstob Lane. Bishopton Lane and Elstob Lane are rural roads with no footpaths. Would the Applicant confirm that the A66 mentioned here is actually A1150 and demonstrate this route linkage from Elstob Lane?
TT.1.23	Applicant	Paragraph 6.2.4 of ES Appendix 2.8 CTMP [APP-112] states that the existing access point to the southern section of Panel Area A is narrow and located on a bend in the road with limited visibility and space to manoeuvre. Therefore, it is advised that HGV arrive and depart the access point via Aycliffe Lane, avoiding the sharp turn onto Brafferton Lane to the south. Can the Applicant provide justifications for including the southerly access despite its established highway safety implications?
TT.1.24	Applicant	<p>Paragraph 6.2.5 of ES Appendix 2.8 CTMP [APP-112] states that the access point on Aycliffe Lane/Brafferton Lane is a single-track road. Therefore.</p> <ul style="list-style-type: none"> <li>• the timings of HGV will need to be planned so that there will be no conflicting movements on the lane; and</li> <li>• suitable traffic management should be agreed with Darlington Borough Council to ensure safe entrance and exit.</li> </ul> <p>Would the Applicant demonstrate the practicality of this arrangement given that there are other physical measures that can be adopted and, illustrate the suitable traffic management to be agreed with Darlington Borough Council and whether it has been or would be agreed before the end of the examination?</p>
TT.1.25	Applicant	Paragraph 6.3.3 of ES Appendix 2.8 CTMP [APP-112] - Would the Applicant also explain the practicality of this arrangement given that there are other physical measures that can be adopted and, illustrate the suitable traffic management to be agreed with Darlington Borough Council and whether it has been or would be agreed before the end of the examination?
TT.1.26	Applicant	Paragraph 6.5.4 of ES Appendix 2.8 CTMP [APP-112] - Would the Applicant also explain the practicality of this arrangement given that there are other physical measures that can be adopted and, illustrate the suitable traffic management to be agreed with Darlington Borough Council and whether it has been or would be agreed before the end of the examination?

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
TT.1.27	Applicant	Paragraph 6.3.1 of ES Appendix 2.8 CTMP [APP-112] states that access to Panel Area B will be via an existing unnamed farm track located off Salters Lane. Would the Applicant explain the contradiction between this statement and that of the second bullet point in paragraph 5.3.19, which seems to suggest a different and more logical access?
TT.1.28	Applicant	Paragraph 7.5.2 of ES Appendix 2.8 CTMP [APP-112] mentions that deliveries will be scheduled to avoid morning and evening peak hours. This will avoid HGV traffic arriving during the morning peak hours, creating conflict with local residents' commute or school run. Construction personnel will be encouraged to carpool, or to travel to the Proposed Development in minibuses. Would the Applicant confirm how the school departure times (off-peak hours of 3-4pm) that are outside the morning and evening peak hours would be incorporated into the booking system bearing in mind the consultation response on this issue?
TT.1.29	Applicant	Paragraph 7.5.4 of ES Appendix 2.8 CTMP [APP-112] lists some actions to control, prevent and minimise dirt on the access route and emissions of dust and other airborne contaminants during the construction works. Would the Applicant explain how the positions of the wheel washing machines would indeed ensure that no debris would be deposited on the adjoining roads considering that HGV would travel certain lengths on some of the unconstructed access routes before reaching nearby roads?
TT.1.30	Applicant	Paragraph 7.5.4 of ES Appendix 2.8 CTMP [APP-112] - Would the Applicant comment on why consolidation of deliveries plus an undertaking to sweep relevant adjacent roads daily and/or if and when necessary have not been considered as part of the mitigating actions to control, prevent and minimise dirt on the access route and emissions of dust and other airborne contaminants during the construction works?
TT.1.31	Applicant	Paragraph 7.7.2 of ES Appendix 2.8 CTMP [APP-112] states that the delivery routes will be communicated in advance by the Principal Contractor to all individuals and companies involved in the transport of materials and plant to and from the Proposed Development. Would the Applicant explain how this would be enforced in terms of what penalties would be meted out to those contractors who do not comply with the agreed delivery routes?
TT.1.32	Applicant	Paragraph 7.8.3 of ES Appendix 2.8 CTMP [APP-112] mentions that the Contractor is expected to meet the requirements of BS5288, 'Code of practice for noise and vibration control on construction and open sites'. Would the Applicant be amenable to changing this wording to read: "The applicant will comply with the requirements of BS5288, 'Code of practice for noise and vibration control on construction and open sites'"?

ExQ1	Question to:	Question:
TT.1.33	Applicant	Paragraph 12.10.36 of ES Chapter 12 Traffic and Transport [APP-035] states that due to a negligible increase in traffic on the LRN, the impact on pedestrian, horse riding and cyclist amenity will not be material, and, if at all, only in isolated locations. Can the Applicant describe the isolated locations where these road users are likely to experience vehicular traffic problems?
<b>16. Water Environment and Flood Risk</b>		
WFR.1.1	Applicant and Stockton-on-Tees Council	Table 10-1 of ES Chapter 10 Hydrology and Flood Risk [APP-033] states that the applicant is awaiting response from Stockton-on-Tees Council on the use of Ballast slabs. Would the Applicant confirm if this has been agreed?
WFR.1.2	Applicant	Paragraph 10.7.45 of ES Chapter 10 Hydrology and Flood Risk [APP-033] states that results from the GeoSmart Groundwater Flood Risk Map indicates that most of the Order Limits is at negligible risk of groundwater flooding with small pockets of low and moderate groundwater flood risk (mostly around Panel Area F). However, no electrical infrastructure has been located within these zones. Would the Applicant explain what type of installation is proposed at the area of Panel F where there is likely to be moderate groundwater flood risk and the level of flood risk associated with such equipment?
WFR.1.3	Applicant and Environment Agency (EA)	<p>Paragraph 5.4.13 of ES Chapter 5 Climate Change [APP-028] states that the probabilistic projections in the UKCP18 provide local low, central and high changes across the UK, equating to 10%, 50% and 90% probability levels respectively. In addition, paragraph 5.4.14 of same paper mentions that climate change projections for a range of meteorological parameters are presented for different probability levels within the Representative Concentration Pathways 8.5 (RCP8.5) high emission scenario for the near-term and long-term future time periods. IEMA guidance states that using the higher emissions scenario (RCP8.5 in the latest UKCP18 projections) at the 50th percentile, for the 2080s timelines is best practice, unless a substantiated case can be made for not doing this (e.g. anticipated lifespan of the project is shorter than 2080s). Paragraph 5.4.15 of this document describes the methodology adopted.</p> <ul style="list-style-type: none"> <li>• Would the Applicant confirm if the methodology used to arrive at an overall lifetime carbon reduction was based on the 50th percentile CCR (Climate Change Resilience) assessment?</li> <li>• Would EA agree that this method sufficiently addresses its concern that there has been no assessment of higher, central and upper climate change flood levels thus resilience of the site is unknown (please refer to EA submission dated 17 May 2024 (Ref: A/2024/100084/01))?</li> </ul>

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ExQ1	Question to:	Question:
WFR.1.4	EA	<p>Paragraph 10.7.35 of ES Chapter 10 Hydrology and Flood Risk [APP-033] states that the EA flood maps indicate that the Proposed Development is largely situated within Flood Zone 1, which is defined as an area having less than a 1 in 1,000 annual exceedance probability of flooding from main rivers. Therefore, the Proposed Development is not considered to be at a significant risk of river flooding. EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) says that "For a development of this scale with a vulnerability classification of 'essential infrastructure' we would expect any assessment of fluvial flood risk to be based on detailed flood modelling."</p> <p>Would EA explain how its flood risk mapping was derived including the base data that was inputted into it, frequency of update, the objective of keeping it open for public interrogation and why this cannot be relied upon by the applicant?</p>
WFR.1.5	Applicant and EA	<p>Paragraph 10.7.48 of ES Chapter 10 Hydrology and Flood Risk [APP-033] mentions that there are several small reservoirs surrounding the Proposed Development and runoff from the Order Limits may drain into Bishopton Lake. According to data from the EA, the eastern extent of the Order Limits, surrounding Bishopton and Carlton, is at significant risk of flooding from reservoir failure. Current reservoir regulation, enhanced by the Flood and Water Management Act 2010, aims to make sure that all reservoirs are properly maintained and monitored to detect and repair any problem. Therefore, the risk of reservoir flooding is not considered to be high in this area.</p> <p>Would the Applicant be able to provide evidence that most of these reservoirs have established and approved plans for maintenance and monitoring to detect and repair any problem?</p>
WFR.1.6	EA	<p>EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) states that the Planning Practice Guidance (PPG Paragraph: 006 Reference ID: 7-006-20220825) recommends that a lifetime of 75 years should be considered for non-residential development when assessing flood risk. However, the Flood Risk Assessment (FRA) states the development's design life is expected to be at least 40 years. However, the overriding Policy EN1 paragraph 5.8.36 stipulates that the applicant should ensure that in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42).</p> <p>Would EA explain why with the mitigations put forward by the applicant, subject to other possible additions during this examination, the 40years would be inadequate?</p>
WFR.1.7	Applicant and EA	<p>EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) states that it is not possible at this time for us to support the applicant's request for disapplication. We have concerns about the lack of information regarding the disapplication of Flood Risk Activity Permits (FRAP) under the</p>

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ExQ1	Question to:	Question:
		<p>Environmental Permitting Regulations (2016). We are currently reviewing our standard Protective Provisions and will discuss this issue further with the applicant. Have the Applicant and EA now agreed on EA's Protective Provisions?</p>
WFR.1.8	Applicant	<p>The third bullet point of paragraph 2.6.6 of ES Chapter 2 The proposed development [APP-025] mentions that designing, constructing and implementing the proposed development in such a way as to minimise the creation of waste and maximise the use of alternative materials with lower embodied carbon, such as locally sourced products and materials with a higher recycled content where feasible. Would the Applicant explain the features of this alternative materials with lower embodied carbon in comparison to other materials giving lower carbon saving that may have been used in other similar development?</p>
WFR.1.9	Applicant	<p>The third bullet point of paragraph 2.6.6 of ES Chapter 2 The proposed development [APP-025] states that liaising with construction personnel for the potential to implement staff minibuses and car sharing options. Would the Applicant explain the practicality of this measure given the availability of a more effective scheme like clear-cut commitment to utilising the Tees Flex Bus Service?</p>
WFR.1.10	Applicant	<p>ES Appendix 10.2 Water Framework Directive Assessment [APP-153] and EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) – Would the Applicant explain why the Water Framework Directives Assessment does not address the proposed drainage outfall into River Skerne, Billingham Beck and Bishopton Beck or the Directional Drilling under River Skerne, Billingham Beck and Bishopton Beck?</p>
WFR.1.11	Darlington and Stockton-on-Tees Councils	<p>Paragraph 4.2 of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001] mentions the applicant's correspondence with the Lead Local Flood Authority [LLFA]. Are Darlington LLFA and Stockton-on-Tees LLFA now content with the applicant's flood risk assessment and drainage strategy?</p>
WFR.1.12	Applicant	<p>Table 4.2 of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001] shows the maintenance plan which has been produced using the relevant guidance from CIRIA (Construction Industry Research &amp; Information Association) SuDS (sustainable drainage system). Would the Applicant explain how the frequency of maintenance was derived, for example under landscaping, cutting the grass annually may be insufficient as grass generally grows faster during British summer time and the 5-yearly washing or replacement of overlying filter medium of the gravel aprons may not be adequate?</p>

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ExQ1	Question to:	Question:
WFR.1.13	Applicant	Table 2-1 of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001] shows the number of switchgears, inverters, hybrid inverters (containing Battery Energy Storage Systems (BESS)), spare containers and a substation. Would the Applicant confirm the number of each of these equipment per site and submit corresponding clearly annotated ES Figures 2.3 to 2.8 General Arrangement [APP-041 to APP-046]?
WFR.1.14	Applicant	Paragraph 2.3.28 of ES Chapter 2 The proposed development [APP-025] states that only in instances where the cable plough cannot be used, alternative methods, such as trenching or horizontal directional drilling (HDD), will be used in more constrained locations such as going underneath water courses and roads. Would the Applicant provide plans showing where trenching or horizontal directional drilling are likely to be used?
WFR.1.15	Applicant and EA	<p>Paragraph 10.7.43 of ES Chapter 10 Hydrology and Flood Risk [APP-033] states that an area of 3m flood depth has been estimated at Panel Area C (C06) around Square Wood. Paragraph 10.7.44 of same paper then mentions that the extensive drainage system installed at this location by the current landowner is not included in the EA flood maps. Therefore, there is reasonable evidence to believe that the depth has been inaccurately represented and the mapped flood extent is not accurate. It is not anticipated that flooding to such extreme depths would occur in this area.</p> <p>Would the Applicant describe the extensive drainage system installed at this location by the current landowner and what effect this would have had on the calculated flood depth?</p> <p>Would EA comment on the content of these two paragraphs?</p>
WFR.1.16	Applicant	ES Chapter 10 Hydrology and Flood Risk [APP-033] states that monitoring is proposed for inspection of silt accumulation in drainage to avoid potential blockage during operation. This is stated to be secured through the FRA and Drainage Strategy; however, this is not a certified document and these measures are not secured through the requirements of the dDCO. Can the Applicant explain how these measures are secured?
WFR.1.17	Applicant	Paragraph 2.3.28 of ES Chapter 2 The Proposed Development [APP-025] states that only in instances where the cable plough cannot be used, alternative methods, such as trenching or horizontal directional drilling (HDD), will be used in more constrained locations such as going underneath water courses and roads. Paragraph 10.8.15 of ES Chapter 10 Hydrology and Flood Risk [APP-033] then states that where the 2 new watercourse crossings are proposed, if not adequately designed there is the potential for long-term erosion of the stream bed which could impact the natural morphology as well as increased risk of sediment pollution. Can the Applicant



ExQ1	Question to:	Question:
		demonstrate how the design features of these two watercourse crossings would guide against long-term erosion of the stream bed?
<b>17. Cumulative Effects</b>		
CU.1.1	Applicant Northern Power Grid (NPG)	The Applicant and Northern Power Grid are asked to provide the ExA with some evidence in relation to Norton’s Substation capacity to absorb the energy produced by the Proposed Development and how this will be managed taking into consideration the cumulative effects of other energy generating projects. The ExA does not that a connection agreement has been secured with NPG for the generation of 180MW of electricity.
CU.1.2	Applicant	Has the Applicant given any consideration in relation to any potential surplus in energy? And how likely is this to occur and how will its management be secured through the DCO?
CU.1.3	Applicant	The Applicant recognises, in the ES Non-Technical Summary [APP-022] that there is expected to be a significant cumulative effect relating to the temporary loss of agricultural land. Can the Applicant please explain its position in relation to the cumulative effects of the proposal and how it has taken into consideration the cumulative effects of the Proposed Development on sensitive receptors, particularly those whose agricultural land will be lost?
CU.1.4	Applicant	The Applicant also mentions, in the ES Non-Technical Summary [APP-022], that it would manage their impact upon agricultural land via Soil Resource Management Plan. However the Soil Resource Management Plan [APP-116] does not seem to deal with cumulative effects. Can the Applicant please explain their approach?
CU.1.5	Applicant	Chapter 13 of the ES [APP-036] deals with cumulative effects. In it the Applicant states that although significant cumulative effects have been identified in relation o land use and socioeconomics there is no essential mitigation available to reduce this effect. Can the Applicant please clarify what additional mitigation it has considered and why it has been dismissed?
CU.1.6	Applicant	Can the Applicant please also confirmed how it has assessed the cumulative effects of the Proposed Development on identified residential receptors, particularly considering those that might be potentially affected by any visual and landscape impacts as well as an additional effect such as noise and/or traffic, during construction and also during operational and decommissioning stages.

**ExQ1: 30 July 2024**

**Responses due by Deadline 2: Thursday, 29 August 2024**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
CU.1.7	Applicant	How has the Applicant taken into consideration, in relation to need, the impact of other generating facilities located or proposed to be located within the vicinity of the Proposed Development?

**ANNEX A**

[case name]:

List of all objections to the grant of Compulsory acquisition OR TEMPORARY POSSESSION powers (eXq1: Questions [Insert Nos.]

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No. <sup>i</sup>	Name/ Organisation	IP/AP Ref No <sup>ii</sup>	RR Ref No <sup>iii</sup>	WR Ref No <sup>iv</sup>	Other Doc Ref No <sup>v</sup>	Interest <sup>vi</sup>	Permanent/ Temporary <sup>vii</sup>	Plot(s)	CA? <sup>viii</sup>	Status of objection

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each Relevant Representation (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

vii This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

viii CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.