Proposed Solar PV Development

Byers Gill Solar
EN010139

Summary of Applicant's Oral Submissions at ISH1, OFH1 and OFH2 with Appendices

Planning Act 2008

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Volume 8

Deadline 1 - August 2024

RWE
14 Bird Street
London
W1U 1BU
United Kingdom
www.rwe.com

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1. Introduction

1.1.1. This document summarises the oral submission made by RWE Renewables UK Solar and Storage Limited (the "**Applicant**") at Issue Specific Hearing 1 on 23 July 2024 ("**ISH1**") and Open Floor Hearings 1 and 2 on 24 July 2024 (respectively "**OFH1**" and "**OFH2**") in relation to the Applicant's application for development consent for Byers Gill Solar (the "**Proposed Development**").

1.1.2. This document does not purport to summarise the oral submission made by other parties at ISH1, OFH1 and OFH2 and references to submissions made by other parties are only included to give context to the Applicant's submissions in response.

1.1.3. The Applicant sought to capture a list of actions on all parties arising from ISH1. This list is included at Appendix A of this document and was submitted on 25 July 2024 to assist the ExA in publishing its final list of actions. The ExA's final list of actions was published on 30 July 2024.

1.1.4. Where the Applicant agreed to provide further information during ISH1, the Applicant will separately provide that information at the deadline specified in the ExA's published list of ISH1 actions.

1.1.5. The summary of the Applicant's submissions at ISH1 is structured to follow the agenda set out in Annex F of the Rule 6 Letter published by the Examining Authority (the "**ExA**") on 25 June 2024. Within this structure, the Applicant's submissions are generally summarised in chronological order, but where the Applicant's submissions were interspersed with those by other parties or addressed other agenda items, the Applicant's submissions have been re-ordered for ease of interpretation.

1.1.6. The Applicant acknowledges that various points were raised at OFH1 and OFH2 by the Interested Parties in attendance and that the Applicant had an opportunity to respond at the end of the hearings. This document summaries only the Applicant's oral submissions.

Table 1-1 Summary of Applicant's Oral Submissions at ISH1

Agenda Item	Topic for Discussion	Summary of Applicant's Oral Submissions at ISH1
1. Welcome, introductions, arrangements for this Issue Specific Hearing (ISH1)		
		1.1 Mr Alex Minhinick introduced himself as a solicitor and Partner at Burges Salmon LLP representing the Applicant and introduced the members of the Applicant's project team present at ISH1, being: Ms Laura Byng (Planner at Arup), Mr Michael Baker (Development Project Manager at RWE), Mrs Mary Fisher (Partner at Abseline Consultancy and the Applicant's landscape architect) and Miss Tamsin Sealy (Principal Planner at Arup). Mr Minhinick noted that Mr David Brown (Associate Director at Arup) was absent from ISH1 due to illness. 1.2 Please refer to Appendix 2 of the Applicant's Procedural Deadline A Submission **[PDA-001]** for further background information on the Applicant's representatives.
2. Purpose of the Issue Specific Hearing		
	For the ExA to explore the overarching guiding principles that underpin the Development Proposal, its main components, aims and objectives;	2.1 The Applicant did not make submissions on this agenda point.
	For the ExA to explore the Applicant's intentions and approach to the identification of land in the Order as identified in Land Plans [APP-010] and how it relates to the articles include in the draft Development Consent Order (dDCO) [APP-012]	2.2 The Applicant did not make submissions on this agenda point.
3. Components of the Byers Gill Solar		
	Applicant to provide a brief explanation of the proposal, including its key components, i.e: the ground mounted solar photovoltaic (PV) panel arrays, Battery Energy Storage Systems (BESS) and supporting infrastructure including cabling routes.	3.1 The ExA asked the Applicant to present the Proposed Development and explain how the Applicant considers that the Proposed Development meets the criteria for a nationally significant infrastructure project (NSIP). 3.2 Mr Baker, on behalf of the Applicant, delivered a PowerPoint presentation entitled "Components of Byers Gill Solar" on-screen and the Applicant distributed paper copies

		to the parties present in the room. A copy of the PowerPoint is included at Appendix B of this Document and sets out the substance of Mr Baker's presentation. Mr Baker's oral submissions, to the extent that these elaborated on the written content of the PowerPoint Presentation, are summarised below: a) Mr Baker confirmed that presentation had been prepared to guide the panel and the room through the points identified in the ISH1 agenda and noted that the Agenda did not include specific questions for the Applicant to address. b) Mr Baker introduced himself as the as the Project Manager for the Proposed Developer employed by RWE and presented the contents of the PowerPoint presentation. c) Slide 2 (Components of Byers Gill Solar). The ExA asked the Applicant to confirm whether Mr Baker's presentation would cover construction compounds as an element of the Proposed Development. Mr Baker confirmed that construction compounds are not included in the presentation and that the Applicant would be willing to respond to any questions orally or otherwise follow-up in writing. d) Slide 3 (Ground Mounted Solar PV Panels). Mr Baker clarified that the panels are 'bi-facial', meaning that they can generate energy on their front and back faces, so any light reflected up from the ground also generates electricity. Mr Baker confirmed that the PowerPoint image shows the solar panels which are under construction for an existing RWE project in Devon. e) Slide 4 (Ground Mounted Solar PV Panels). Mr Baker clarified that the plan shows the arrangement and extent of the panel areas which was put forward for pre-application statutory consultation. The panel areas shaded purple were removed in response to statutory consultation and further engagement. The areas removed were predominantly to the south of Great Stainton and to the north of Bishopton, reducing the total panel area 941 acres to 739 acres. f) The ExA asked the Applicant whether Mr Baker intended to provide further detail as to why those areas were removed from the final application. Mr Baker outlined

		that the Applicant's decision to remove those panel areas was taken in response to concerns expressed during the statutory consultation that the panel areas were close to Bishopton and Great Stainton. After the statutory consultation, the Applicant stopped negotiating with the owner of land forming part of the areas which were highlighted during the consultation. g) The ExA asked the Applicant to clarify the key factors that influenced the Applicant's identification of the 'problematic areas' which were removed (i.e. was it a result of consultation, or as a result of environmental factors or impacts that have not been identified). Mr Baker confirmed that the Applicant had taken into account a mixture of factors, including landscape advice from Mrs Fisher and the general response to statutory consultation that the Proposed Development was too big. The panel areas were therefore reduced as far as possible, including where there was impact on specific receptors (for example around [Hauxley Farm]), whilst ensuring the Proposed Development would generate the required electricity. h) Slide 5 (Balance of solar plant – inverters, transformers, switchgear). i) Slide 6 (Balance of solar plant – inverters, transformers, switchgear). Mr Baker explained that the PowerPoint image taken from a manufacturers catalogue shows an inverter and transformer within the frame of a container with its sides taken off. The diagram shows the hybrid layout submitted in the DCO application alongside the battery energy storage systems ("**BESS**") and the DC and to AC converters. j) The ExA asked the Applicant to confirm the approximate height of the containers. Mr Baker confirmed that the containers housing the inverter and transformer are a maximum of three meters and are therefore no higher than the panels. k) Slide 7 (Battery Energy Storage Systems – BESS). Mr Baker explained that the balancing effect of the BESS means, for example, that the Proposed Development can generate electricity in a day and then release that electricity into the national grid when the demand for electricity is higher. The batteries will be DC to DC

		coupled, meaning they are charged directly from the solar panels, and the batteries are located across the Proposed Development site rather than in a central compound as may be seen in other projects around the country. Mr Baker explained that the PowerPoint image of a BESS is from the manufacturer's catalogue, and the diagram shows the route of the electricity in relation to the BESS. Electricity is generated in the solar array from which it can either go straight through the DC-to-AC inverter into the national grid, or through the DC-to-DC converter into the battery. l) Slide 8 (33kV cable from Switchgear to on-site substation). Mr Baker clarified that the arrows on the diagram indicate the flow of electricity from all other areas towards panel area C, which is where the on-site substation is located (shown as a small yellow box on the plan). Mr Baker explained that the Applicant has included both on-road and off-road options for the cable routing but maintains a preference for going off-road where possible. This is subject to securing compulsory acquisition powers and landowner agreements for the off-road routes, and where landowner agreements are in place the Applicant will remove areas of on-road cabling. m) Slide 9 (132kV on-site substation). n) Slide 10 (132 kV cable from on-site substation to Norton Substation). Mr Baker clarified that the DCO application included on-road and off-road cable route options in the Bishopton area. The Applicant has since secured an option for easement to the south of Bishopton village and can therefore remove the on-road cable route through Bishopton from the redline boundary of the Proposed Development. o) Slide 11 (Connection to Norton Substation). Mr Baker confirmed that all works to connect the Proposed Development to the northern power grid at Norton Substation will take place within the existing substation. p) Slide 12 (Components of a solar farm).

		3.3 Mr Peter Wood **[RR-416]** introduced himself as a representative of Bishopton Village Hall and a resident of Bishopton. Mr Wood referred to plan on slide 4 of the Applicant's PowerPoint and submitted that the purple areas to the south of Bishopton and to the north of Bishopton were removed unilaterally by the landowner (who is a close friend of Mr Wood), who felt that he could no longer work with the Applicant because of the Applicant's business practices. 3.4 Mr Baker, on behalf of the Applicant, clarified that the Applicant had entered into heads of terms for an option agreement with the landowner in question. The Applicant informed the landowner of its intention to include that land within the statutory consultation in anticipation of an option agreement being signed and provided the landowner with an opportunity to exclude his land from the consultation. Following the consultation, the parties ceased their engagement, and the Applicant made an active choice not to pursue that land. The Applicant had already modelled the project without including that land because an option agreement had not been signed, and following the consultation, the Applicant considered it was appropriate to reduce the size of the project. 3.5 The ExA asked the Applicant to confirm whether the reasons for removing those areas of land relate to the responses to statutory consultation and the land not being available to the Applicant, rather than any specific environmental issues being identified. 3.6 Mr Baker, on behalf of the Applicant, confirmed that could be said. ***[Post-hearing note:*** *Please note that further information in respect of the design evolution of the Proposed Development and analysis of the factors taken into account when making changes to the scheme design are to be included in the Applicant's Deadline 2 submissions. This is outlined at 3.13 below].* 3.7 Mr Chris Wells **[RR-087]** introduced himself as a local resident. Mr Wells referred to slide 4 of the Applicant's PowerPoint presentation and commented that the Applicant had applied several criteria to the removal of the panel areas shaded purple. Mr Wells commented that he would be interested to understand how those criteria apply to the remaining panel areas and proposed the Applicant to respond in writing.

		3.8 Mr Minhinick, on behalf of the Applicant, agreed that a short, written explanation of the reasons why panel areas have been removed from the scheme would be an appropriate action. Mr Minhinick clarified that the Applicant's position was not that environmental considerations were the only reasons for the removal of any panel areas. Rather, the Applicant has taken into account a combination of factors and the relevance of environmental factors can be addressed by the Applicant in a written summary. Mr Minhinick expressed doubt about the practicality of carrying out a like-for-like assessment of any given land parcel compared against every single other area of the scheme, given the number of variable environmental impacts that arise from any given area of panels. Mr Minhinick confirmed that the Applicant could attempt an assessment with reference to the likely significant effects identified in the Environmental Statement ("**ES**"). 3.9 The ExA confirmed it would be useful for the ExA to have certainty of what criteria led to the removal of the panel areas in question and to consider the application of those criteria to all of the land within the order. In particular, the ExA asked the Applicant to confirm in its written response whether the panel areas shaded purple on slide 4 were removed substantially for business reasons rather than environmental constraints. 3.10 Mr Wood made further submissions that the landowner in question was grossly upset by the Applicant's business practices and following a meeting between the landowner's family and the Applicant, the landowner withdrew the purple-coloured areas of land. 3.11 Mr Minhinick, on behalf of the Applicant, entirely refuted and rejected the doubts expressed over the Applicant's business practices. Mr Minhinick observed that the landowner understood to be casting doubts over the Applicant's business practices, as referred to by Mr Wood, was not present at ISH1 to be heard from directly. 3.12 Mr Sean Anderson **[RR-474]** introduced himself as a representative of Bishopton Village Action Group (BVAG). Mr Anderson made two submissions: firstly in relation to the residual responsibility for land drainage after construction of the scheme, and secondly in relation to the consistency of the Applicant's treatment of the land removed from Panel Area F and the land retained in Panel Area F. Mr Anderson

		submitted the only difference between the land removed and the land retained is the landownership, and that a comparative assessment should be carried out. 3.13 Mr Minhinick, on behalf of the Applicant, responded that it may not be possible to conduct a like-for-like comparison of any given parcels of the panel areas, but the Applicant will present in writing the Applicant's decision to remove the panel areas in question, taking account of the overriding objectives of the Proposed Development to deliver renewable energy from renewable sources in accordance with government policy. 3.14 Mr Baker, on behalf of the Applicant, introduced Mrs Mary Fisher to present on environmental mitigation and enhancement as a component of the Proposed Development. 3.15 Mrs Fisher, on behalf of the Applicant, continued to present on the PowerPoint entitled "Components of Byers Gill Solar" on-screen. Mrs Fisher's oral submissions, to the extent that these elaborated on the written content of the PowerPoint Presentation, are summarised below: a) Slide 13 (Mitigation and enhancement). Mrs Fisher explained that the Applicant has embedded a range of mitigation measures into the design of the scheme. One of the primary mitigation measures was the selection of land for development and the avoidance of particularly sensitive areas. That process started prior to land acquisition as part of the site search, continued through the scoping design (where further areas were excluded), and finished at the post-consultation stage (where further areas were excluded). b) Mrs Fisher explained that mitigation has also affected the design of the components of the Proposed Development either through their siting, nature or scale, including to offset the solar panels (for example, by a distance of 8 meters from watercourses) and site supporting infrastructure (for example, the BESS) throughout the panel areas. The siting of supporting scheme components has been subject to further restrictions, including to locate the BESS at least 300 metres from residential properties to mitigate noise impacts, to locate sensitive equipment outside of flood zones, and to use wood and wire deer fencing around

		the panel areas with a maximum height of two meters. Furthermore, the on-site substation has been sited in a low lying area of land with some existing screening to mitigate any visual impacts, and the height of panel areas was reduced from 4.35 meter to 3.5 meters following statutory consultation. *[**Post-hearing note:** Following discussion of the siting of BESS in the hearing, the Applicant has reviewed the design and has identified that there is one location in which BESS is less than 300m from a residential property. This is in Panel Area F, where a BESS was initially designed to be 300m from properties, however it was moved away from Mill Lane in response to concerns raised about this location, and is now within 300m of a residential properties at Cobby Castle Lane and Downland Farm. This has been assessed in respect of operational noise within the Environmental Statement and does not result in any significant adverse effect to the receptors. This is reported in ES Chapter 11 Noise and Vibration [APP-034] and depicted in ES Figure 11.8 Noise Contours Across Area F [APP-098]. The Applicant acknowledges that the wording of the design principle relating to the 300m minimum distance of BESS from properties, as secured via the Design Approach Document (DAD) [AS-004] therefore requires rewording to accurately refer to BESS-inverter hybrid containers (rather than inverters) and to make clear that a minimum distance of 300m from BESS-inverter hybrid containers is applied where possible. This will be updated in a revised version of the DAD to be submitted at a later Examination deadline.]* c) Slide 14 (Mitigation and enhancement). In addition to embedded mitigation, Mrs Fisher explained that the Applicant has included planting and ecological mitigation measures within the Proposed Development. For example, several field margins will be enhanced for biodiversity; the ground beneath and between the solar panels will be sown with grassland wildflower mixes; and existing hedgerows will be gapped-up and new hedgerows will be planted. The Applicant proposes to allow existing hedgerows to grow taller to provide additional screening, and tree planting is proposed along the northern boundaries where trees would not shade the solar panels. Mrs Fisher confirmed that mitigation areas for wildlife have been included throughout the Proposed Development, examples of which are shown on the PowerPoint slide as dotted areas. These provide ground nesting habitat for birds, and foraging habitat for birds and bats. With respect to archaeologically

		sensitive locations, Mrs Fisher confirmed the Applicant will use above ground foundations to avoid disturbance to archaeology. d) Mrs Fisher explained that the Proposed Development also includes mitigation measures for amenity, including a community orchard adjacent to Bishopton Primary School together with a sensory garden and car parking for the School. The Applicant will also provide heritage-based interpretation in panel area E relating to former airfield. Throughout the Proposed Development, some public rights of way (PRoW) will be rerouted around field margins to mitigate the impact of views at least in one direction. The Applicant also proposes to establish various permissive footpaths to consolidate the existing but fragmented PRoW network in the area. 3.16 Noting that Table 2-1 of ES Chapter 2 **[APP-025]** provides design parameters for solar PV modules, the ExA asked the Applicant to provide further information regarding the solar photovoltaic technology proposed to be used in the solar panels and the calculation of the Proposed Development's generating capacity. 3.17 Mr Minhinick, on behalf of the Applicant, agreed for the Applicant to provide a written response. 3.18 Mr Norman Melaney **[RR-381]** requested clarification of the location of the 132kV on-site substation. 3.19 Mr Baker, on behalf of the Applicant, confirmed that the on-site substation is located within Panel Area C as shown by the yellow square on the plan on slide 8 of the PowerPoint presentation. Mr Baker confirmed the location of the on-site substation was included in all drawings submitted for the statutory consultation and the DCO application. **Post -hearing note:** see, for example, the as-submitted versions of ES Figure 2.2: General Arrangement Scheme Wide **[APP-040]**, ES Figure 2.5: General Arrangement Panel Area C **[APP-043]**, and sheet 7 of the Works Plans **[APP-008]**. 3.20 With reference to ES Figure 2.2 General Arrangement Scheme Wide **[APP-040]**, the ExA asked the Applicant to explain the Applicant's approach to deciding the

		proposed arrangement, particularly the location of supporting infrastructure outside of the panel areas. 3.21 Mr Baker, on behalf of the Applicant, confirmed his role as the project manager and his background as a Town Planner and explained the process undertaken to design the Proposed Development with support from RWE's team of design engineers. RWE's design team were provided with a plan of the land available for the scheme and this plan was then updated throughout the design, consultation and environmental assessment processes. The design team revised the scheme design in accordance with the plan's constraints by drawing the solar panels on the plan, then adding access routes to the panels, and finally adding supporting infrastructure such as inverters, transformers and switch gears throughout the Proposed Development in accordance with their electrical capacity. For example, an inverter may have a capacity of eight megawatts, which necessitates a design interval for every eight megawatts of solar panels. Mr Baker confirmed the design of the Proposed Development was adapted to constrains identified through environmental consultation. 3.22 The ExA asked the Applicant to explain how the range of effects produced by the BESS (for example, noise) have been taken into account in the Proposed Development's design. 3.23 Mr Baker, on behalf of the Applicant, responded that the Applicant has applied a number of design principles including to ensure the BESS are at least 300 meters away from residential properties, where possible, and the Applicant tries to make this possible in all cases. 3.24 The ExA asked the Applicant to submit in writing further detail in relation to these design principles. 3.25 The ExA noted that the Applicant had recently submitted new or revised information **[AS-010]** regarding the on-road cable route option through Bishopton and asked the Applicant if it wished to make further submissions. 3.26 Mr Minhinick, on behalf of the Applicant, responded that the Proposed Development includes on-road and off-road cable route options and the Applicant's preference is

		to use off-road cable routes, wherever possible, as explained in ES Chapter 3: Alternatives and Design Iteration **[APP-026]** and the Statement of Reasons **[APP-014]**. Mr Minhinick reported that the Applicant has secured an easement option for the off-road cable route to the south of Bishopton, which has allowed the Applicant to remove the section of on-road cable route through Bishopton. Mr Minhinick confirmed that the Applicant is continuing to secure easement options for off road cable routes wherever possible and, where it is successful, the Applicant will remove further sections of on-road cable route.
4. Need for the Proposed Development		
	Applicant also to provide a brief explanation of how it considers that the Development Proposal complies with the relevant National Policy Statement and other important and relevant matters.	4.1 The ExA asked the Applicant to Applicant to explain, in broad terms, how the Applicant had evaluated the need for the Proposed Development and how that need assists the government's journey to net zero. 4.2 Mr Minhinick, on behalf of the Applicant, responded by outlining the policy context of the Proposed Development, comprising the National Policy Statements for energy infrastructure and particularly EN-1 (Overarching National Policy Statement for energy), EN-3 (National Policy Statement for renewable energy infrastructure) and EN-5 (National Policy Statement for electricity networks infrastructure). Mr Minhinick noted that the Application would be one of the first solar DCOs to be decided under those newly designated National Policy Statements pursuant to section 104 of the Planning Act 2008. This contrasts with the recent decisions to grant three solar DCOs (Mallard Pass, Sunnica and Gate Burton) under section 105 of the Planning Act 2008 and the previous National Policy Statements. 4.3 Mr Minhinick highlighted and read aloud (for the benefit of the hearing) the key paragraphs of National Policy Statement EN-1 which establish the need for the Proposed Development. Paragraphs 3.2.6 to 3.2.8 and 3.3.20 concern the need for new nationally significant energy infrastructure projects ("**NSIPs**"). Paragraph 4.1.3 establishes the presumption in favour of granting consent to applications for energy NSIPs and paragraphs 4.2.4 and 4.2.5 set out the government's conclusion that there is critical national priority for the provision of nationally significant low carbon infrastructure including, for electricity generation, 'all onshore and offshore generation that does not involve fossil fuel combustion. . .'. Mr Minhinick then explained how

		paragraphs 4.2.6 and 4.2.7 address how critical national priority should be taken into account in the assessment of energy infrastructure applications and the application of the mitigation hierarchy. Finally, Mr Minhinick highlighted how paragraphs 4.2.15 and 4.2.16 guide the Secretary of States' consideration of any residual impacts of critical national priority infrastructure. 4.4 Mr Minhinick explained that the Planning Statement **[APP-163]** and Policy Compliance Document **[APP-164]** (which were prepared through the early adopters program) identify the impacts of the Proposed Development in relation to relevant policy topics and evidence how the Applicant has applied the mitigation hierarchy to avoid or reduce adverse effects. The conclusion of the Planning Statement is that the limited residual effects of the Proposed Development do not outweigh its urgent need and, in the policy context, do not represent an unacceptable risk that would negate the presumption in favour of consent which is the starting point of EN-1. Mr Minhinick submit that the Proposed Development would deliver greater benefits than adverse effects and would contribute to a critical national need for low carbon infrastructure. 4.5 The ExA asked the Applicant to explain the package of additional benefits (concerning biodiversity, enhancement of public rights of way, and the community benefit fund) of the Proposed Development that are set out in the Part 3.3 of the Planning Statement **[APP-163]** and which form part of the Applicant's overall case for need. 4.6 Mr Minhinick, on behalf of the Applicant, outlined the additional benefits of the Proposed Development as set out in Part 3.3 of the Planning Statement **[APP-163]**. In relation of biodiversity, the measures set out in paragraph 3.3.4 of the Planning Statement are expected to deliver a 88% net gain in area habitat biodiversity units and a 108% net gain of hedgerow biodiversity units. In relation to enhanced access and interpretation, the Applicant proposes to create approximately 3,600 meters of permissive paths during construction of the Proposed Development and interpretation will also be provided at points of interest throughout the network. Finally, Mr Minhinick confirmed that the community benefit fund would not be relevant to planning decision-making but, for public awareness, the Applicant has

		committed to approximately £1.5 million across the lifecycle of the Proposed Development. 4.7 The ExA asked the Applicant to explain whether any community consultation had been carried out for the community benefit fund. 4.8 Mr Baker, on behalf of the Applicant, confirmed that the amount and potential uses of the community benefit fund were included as party of the Applicant's pre-application statutory consultation. The Applicant also engaged with the Parish Councils shortly after Christmas 2023 but the Applicant was asked to postpone further discussions of the fund in view of more pertinent issues. Mr Baker confirmed the Applicant is not aware of any requirement to consult on community benefit funds, and that the Applicant proposes for the fund to be administrated by an independent third party to which people can apply for the funds. 4.9 The ExA asked the Applicant to provide a further information in writing regarding the Applicant's consultation on the community benefit fund and the proposals for its management. 4.10 Mr Anderson, on behalf of BVAG, submit that the overwhelming feeling of residents is that Mill Lane is Bishopton's most valuable asset for access, exercise and amenity and that the proposed offset routes are not of equivalent benefit. Mr Anderson requested an explanation as to how the offset routes have been identified as a benefit, and whether the concerns of residents have been considered. 4.11 Mr Minhinick, on behalf of the Applicant, responded that, in headline terms, the Applicant has assessed the impacts of the Proposed Development on the PRoW network and access to recreational space in ES Chapter 9: Land Use and Socioeconomics **[APP-032]**. Mr Minhinick confirmed that the Applicant's proposals to provide permissive paths are detailed in the Public Rights of Way Management Plan **[APP-119]**.
	Applicant to provide brief explanation of how other energy generating facilities, located or proposed to be located within the vicinity of the Proposed	4.12 The ExA asked the Applicant to clarify whether the Applicant has considered the need case from a local or regional perspective, particularly regarding the potential cumulative effects with other solar generating projects in the area.

	Development, have been taken into consideration as part of the overall need for the Proposed Development.	4.13 Mr Minhinick, on behalf of the Applicant, confirmed that there is a tried and tested methodology for the assessment of cumulative effects which was followed by the Applicant in consultation with relevant technical stakeholders, (including local authorities and statutory advisors) who contributed to the Planning Inspectorate's scoping process. That scoping process was run by the Planning Inspectorate. Mr Minhinick confirmed that all of the other local scheme referred to have been assessed with the Proposed Development from a cumulative perspective, either as part of the baseline of the existing environment or through the environmental assessment work. 4.14 Mr Mark Smith **[RR-329]** requested clarification of whether Norton Substation has sufficient capacity to receive the 180MW generating output of the Proposed Development in addition to the 300MW of output generated by other local schemes. 4.15 Mr Minhinick, on behalf of the Applicant, responded that it is the responsibility of the District Network Operator (DNO) and National Grid to ensure they can deliver the necessary capacity in accordance with the Applicant's grid connection agreement. Mr Minhinick submit that a DNO would not enter a grid connection agreement if it did not expect there to be sufficient connection capacity and, for this reason, the Applicant has not considered cumulative effects of other schemes on the capacity of the grid to accommodate those connections. It is the role of the DNO to consider the impacts of other connections on connection capacity. Mr Minhinick confirmed the Applicant's position is set out in the has submitted a Grid Connection Statement **[APP-168]**. 4.16The ExA requested the Applicant to engage with Northern Powergrid (the DNO) and confirm within the Applicant's Statement of Common Ground the capacity of Norton substation, considering the cumulative effects of other schemes. The Applicant agreed to.
5. Alternatives		
	Applicant to provide an overview of how reasonable alternatives, including locations and alternative technologies, have been considered and how these have informed and shaped the Development proposal.	5.1 The ExA asked the Applicant to explain the Applicant's consideration of reasonable alternatives to the Proposed Development, firstly in relation to site selection and secondly in relation to design.

		5.2 Mr Minhinick, on behalf of the Applicant, confirmed that ES Chapter 3: Alternatives and Design Iteration **[APP-026]** sets out the Applicant's consideration of alternatives when determining the location and design of the Proposed Development in accordance with the Environmental Impact Assessment Regulations ("**EIA Regulations**"). Mr Minhinick highlighted explained the key requirements of the EIA Regulations with reference to paragraph 3.2 of ES Chapter 3, and then explained the four-stage site selection process set out in detail at paragraph 3.6. 5.3 The ExA asked the Applicant to explain why, at stage 1 of the site selection process, it was appropriate for the Applicant to extend the search radius from Norton Substation from 6km top 12km. 5.4 Mr Minhinick, on behalf of the Applicant, responded that the Applicant was not in a position to provide a detailed oral response, partly because it involves decisions taken prior to Mr Baker's involvement with the project. 5.5 The ExA agreed to seek further information on the site selection process through written questions instead. The ExA asked the Applicant to briefly explain the Applicant's consideration of alternatives in relation to the design of the Proposed Development. 5.6 Mr Minhinick, on behalf of the Applicant, explained that the Applicant has taken an iterative approach to designing the Proposed Development and taken into account feedback from consultation and engagement from technical stakeholders. For example, the Applicant considered the alternative types of fixed or tracking solar PV panels and concluded that fixed panels should be used to reduce the maximum height of the panels from 4.35 meters to 3.5 meters. The Applicant also considered several alternative locations for the on-site substation and its proposed location in Panel Area C was chosen to minimise the impacts on nearby residential receptors. Further, the Applicant included on-road and off-road cable routes for the 33kV and 132kV cabling and, in view of the differing environmental effects of those options, has decided that off-road routes would be preferable wherever possible. 5.7 The ExA asked the Applicant to confirm whether the Applicant has engaged, or has intention to engage, the input of a design review panel, particularly given some

		elements of the Proposed Development are still be decided and designed. The ExA also asked the Applicant to explain how flexibility in the design will be used to maximise the opportunity to improve the design of the Proposed Development. 5.8 Mr Minhinick, on behalf of the Applicant, confirmed that the Applicant had not engaged with a design review panel at this stage but the Applicant will consider doing so going forward. Mr Minhinick confirmed that the Applicant's careful consideration of the design of the Proposed Development's to minimise impacts is set out in the Design Approach Document **[AS-004]**. 5.9 The ExA asked the Applicant to explain whether it has considered alternative systems for the storage of maintenance equipment either off-site (whereby maintenance equipment would be transported on site when maintenance is carried out) or to consolidate the storage across several sites into one location. 5.10 Mr Minhinick, on behalf of the Applicant, agreed for the Applicant to provide a written response. 5.11 Mr Melaney requested clarification of the dimensions of the area of hardstanding outside the on-site substation for vehicle movements, noting that early drawings show this area as 70 meters by 30 meters and the PowerPoint presentation given by the Applicant appears to show this as 70 meters by 70 meters. 5.12 Mr Baker, on behalf of the Applicant, clarified that the area of hardstanding remains unchanged since statutory consultation, but the PowerPoint only included the dimensions of the substation and did not include the proposals for vehicle access. Mr Baker agreed to clarify the Applicant's response in writing.
6. Order Land and the dDCO		
	Applicant to provide an overview of how it has identified land needed for the Proposed Development, the different powers of acquisition and possession of land included in the **dDCO [APP-012]** and how the Applicant expects the dDCO to provide them with the powers needed to secure the delivery of the Proposed	6.1 The ExA asked the Applicant to briefly explain the Applicant's Rule 9 Response **[AS-008]** regarding the identification of land required for the Proposed Development and the powers sought within the draft DCO for compulsory acquisition and temporary possession.

	Development. The ExA will also ask the Applicant to expand on **[AS-008].**	6.2 Mr Minhinick, on behalf of the Applicant, summarised the Applicant's categorisation of land required for the Proposed Development and the Applicant's approach to acquisition for each category as broadly set out in section 2 of the Applicant's Rule 9 Response **[AS-008]**. These categories were (1) the panel areas A to F, (2) the off-road cable routing, (3) the on-road cable routing, (4) land at Norton Substation itself, and (5) land over which powers of temporary possession are sought. Mr Minhinick confirmed that all land subject to compulsory acquisition powers is needed for the delivery of the Proposed Development, noting that the Statement of Reasons **[APP-014]** sets out the Applicant's compelling case in the public interest for seeking compulsory acquisition powers to deliver the off-road cable routes. 6.3 The ExA noted that the Applicant's approach to compulsory acquisition does not appear to be consistent with previous DCO schemes and asked the Applicant to clarify the reasoning for this approach. 6.4 Mr Minhinick, on behalf of the Applicant, responded that the Applicant has thought very carefully about the approach to compulsory acquisition and particularly the need to minimise land take and ensure no more land that is needed is compulsorily acquired to deliver the Proposed Development. Mr Minhinick confirmed the Applicant's position that it is not necessary to exercise compulsory acquisition powers against subsoil interests beneath publicly adopted highways for the on-road cable routing because the Applicant does not intend to carry out any works within those subsoil interests. The Applicant's intention is for any on-road cabling to be laid in the strata of land vested in the local highway authority. 6.5 The ExA noted that it would usually expect all rights to be included in the Book of Reference and asked the Applicant to explain how the proposed approach to land interests within adopted highways and subsoils is reflected in the Book of Reference **[AS-017]**. 6.6 Mr Minhinick, on behalf of the Applicant, confirmed that there is no reference to an existing right for the Applicant to lay cables in publicly adopted highway land is because that right would arise by virtue of the statutory right that is granted through the dDCO articles which incorporate the Streetworks Code.

		6.7 The ExA request the Applicant to respond in writing including to clarify the consistency of the Applicant's approach to other schemes which have sought rights over subsoil interests. 6.8 Mr Minhinick, on behalf of the Applicant, agreed for the Applicant to prepare a written response. Mr Minhinick submitted that the Applicant's proposed approach is consistent with the majority of existing solar schemes that have been delivered under the Town and Country Planning Act without powers of compulsory acquisition (which could only be obtained through a separate Compulsory Purchase Order) through the laying of cables within the highway strata, rather than within the subsoils beneath. Mr Minhinick noted that, to the extent the ExA is not satisfied by the Applicant's approach, the Applicant could seek to include compulsory acquisition powers over subsoil interests and the change process governed by The Infrastructure Planning (Compulsory Acquisition) Regulations 2010.
	Applicant to explain how the rights of statutory undertakers and potentially affected person(s) and with a registered legal interest in the land, or any part of the land, affected by the application, have been considered, particularly those affected by the on-road cabling option.	6.9 The Applicant did not make submissions on this agenda point.

Table 1-2 Summary of Applicant's Oral Submissions at OFH1 and OFH2

Agenda Item	Topic for Discussion	Summary of Applicant's Oral Submissions at ISH1
1. Welcome, introductions, arrangements for the Open Floor Hearings		
		1.1 The Applicant did not make submissions on this agenda point.
2. Purpose of OFHs		
	These hearings tend to have a community focus and are an opportunity for individuals and community groups to speak directly to the Examining Authority (ExA) and put forward their views.	2.1 The Applicant did not make submissions on this agenda point.
3. Confirmation of those who have notified the ExA of their wish to be heard the OFH		
	OFH1	3.1 The ExA confirmed that the following Interested Persons had registered to speak at OFH1: a) Mr David Clark **[RR-110]** b) Mr Peter Galvin **[RR-362]** c) Mr Sean Anderson (who did not make oral submissions) **[RR-474]** d) Mr Norman Melaney **[RR-381]** e) Mr Peter Wood **[RR-416]**
	OFH2	3.2 The ExA confirmed that none of the Interested Persons had registered to speak at OFH2, but the following Interested Parties had expressed a desire to make oral submissions: a) Mr Colin Taylor **[RR-099]**

		b) Mr Sean Anderson **[RR-474]** c) Ms Melanie Turner (who did not make oral submissions) **[RR-348]** d) Mrs Susan Nobbs (who did not make oral submissions) **[RR-367]** e) Ms Susan Melaney (who did not make oral submissions) **[RR-507]** f) Mr Martin Philpott (who did not make oral submissions) **[RR-333]** g) Mr Ian Robins (who did not make oral submissions) **[RR-209]**
4. Oral submissions from Interested Parties (IPs)		
	ISH1	4.1 Mr Minhinick, on behalf of the Applicant, noted two general points of clarification in response to concerns raised by several Interested Parties relating to the impacts of the Proposed Development and the Applicant's consultation process: a) The Applicant has carried out adequate and extensive assessments of the potential impacts of the Proposed Development and the scope of those assessments was defined through a process of consultation with relevant stakeholders. Those assessments are detailed in the Environmental Statement ("**ES**") and supporting appendices **[APP-022 to APP-162]** which were submitted with the application. b) The Applicant's adequate pre-application consultation on the Proposed Development is detailed in the Consultation Report **[APP-017]** and extensive evidence of this process is set out in the Report's appendices **[APP-018 to APP-021]**. 4.2 Mr Minhinick, on behalf of the Applicant, then responded to specific points raised by Interested Parties: a) In response to Mr Clark's submissions regarding a new drinking water pipeline project promoted by Northumberland Water, Mr Minihinick confirmed that the potential effects of the pipeline project have been addressed in the Applicant's cumulative assessment as detailed under entry 23/00733/SCO in Table 13-8 of ES Chapter 13: Cumulative Effects **[APP-036]**. b) In response to Mr Clark's submissions regarding the potential 50 megawatt generating capacity of the Proposed Development in comparison to wind turbines rated at 2 megawatts each, Mr Minhinick clarified that

		the Application Documents state the generating capacity of the Proposed Development is 180 megawatts ***[Post-hearing note:*** *Please see paragraph 3.6.7 of the Grid Connection Statement* ***[APP-168]]***. c) In response to Mr Clark's submissions regarding details of the scheme such as the security fences and CCTV cameras, Mr Minhinick clarified that the application describes the security fencing as "deer fencing" which would be a maximum of two meters in height, and it is understood that all security cameras will be directed to face into the area of the solar panels ***[Post-hearing note:*** *Please see paragraph 2.3.38 of ES Chapter 2: The Proposed Development* ***[APP-025]*** *and ES Figures 2.15* ***[APP-035]*** *and 2.16* ***[APP-036]]***. d) In response to Mr Galvin's reference to comments made during ISH1 in relation to the distance between solar panels and residential properties, Mr Minhinick clarified that the 300-meter distance referred to was in relation to residential properties and the battery energy storge system ("**BESS**"). The switchgear, inverters and supporting solar plant have been located 300 meters away from residential properties where this is possible, but this does not apply to the solar panels. **e)** In response to Mr Melaney's submissions relating to the impact of the Proposed Development on greenbelt land, Mr Minhinick clarified that none of the land within the Order limits is greenbelt land, as confirmed by the Application documents. *[**Post-hearing note:** please see paragraph 2.5 of ES Chapter 2: The Proposed Development* ***[APP-025]*** *and ES Figure 2.19: Environmental Constraints* ***[APP-057]]***. f) In response to Mr Melaney's submissions relating to the location of BESS units along the fence line of Bishopton Redmarshall Primary School and the playground, Mr Minhinick clarified that the Application documents, notably ES Figure 2.8: General Arrangement Panel Area F **[APP-046]**, do not provide for BESS units along the fence line of the school or playground.
	ISH2	4.3 Mr Minhinick, on behalf of the Applicant, noted two general points of clarification in response to concerns raised by Interested Parties relating to the impacts of the Proposed Development and the Applicant's consultation process: a) The Applicant has carried out all relevant assessments which are required by policy to support the application for the Proposed Development. The assessments have been carried out with appropriate rigour and in consultation with relevant consultees through the scoping process. The majority of these assessments have relied on site investigations, where appropriate.

		b) The Applicant's position is that adequate consultation has been carried out in accordance with the statutory regime and the Applicant has set out its approach to consultation within the Consultation Report **[APP-017]**. 4.4 Mr Minhinick, on behalf of the Applicant, then responded to specific points raised by Interested Parties: a) In response to Mr Taylor's submissions relating to changes in policy positions and a requirement for the Applicant to demonstrate that the Proposed Development is the best-case solution, Mr Minhinick submit that relevant policy does not require the Applicant to show the Proposed Development is the best-case solution. b) In response to Mr Taylor's submissions relating to the recent Finch1 ruling of the Supreme Court ruling on the environmental impact assessment of downstream effects, Mr Minhinick submitted that the finding of the Supreme Court in that case found that the eventual burning of fossil fuels extracted were an 'inevitable emission' of the extraction phase and that the environmental impact assessment for that scheme was inadequate. Mr Minhinick submitted that there is no equivalent application of the Finch case to the Proposed Development, and that the existing ES remains adequate. c) In relation to Mr Anderson's submissions that the Applicant had misrepresented any details of the Proposed Development or been disingenuous, Mr Minhinick refuted absolutely Mr Anderson's suggestions and confirmed that the Applicant and the Applicant's team are striving to put forward information into the public domain to enable the examination of the Proposed Development with a view to obtaining development consent. Mr Minhinick acknowledged that there is a significant volume of information in the public domain and the Applicant's team is doing its best to identify the relevant information for parties

[1] *R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents)* [2024] UKSC 20

Appendix A - Applicant's draft list of actions from ISH1

Ref	Action	Party	Timeframe
Issue Specific Hearing 1			
ISH1-01	Submit in writing Mr Wood's questions for the Applicant and related representations concerning the effects of the Proposed to the local road network around Bishopton.	Mr Peter Wood	Deadline 1
ISH1-02	Submit in writing Mr Anderson's question for the Applicant regarding the construction and grid connection dates of the Proposed Development.	BVAG (Mr Sean Anderson)	Deadline 1
ISH1-03	Submit in writing Mr Rose's question for the Applicant concerning examples of biodiversity net gain benefits being delivered / realised on other schemes.	Bishopton Parish Council (Mr Steve Rose)	Deadline 1
ISH1-04	Submit in writing Mr Melaney's question for the Applicant to clarify the dimensions of the hardstanding area outside the 132kv on-site substation.	Mr Norman Melaney	Deadline 1
ISH1-05	Submit in writing Mr Rose's question for the Applicant concerning the Applicant's design decision to locate the onsite Battery Energy Storage Systems 300m from residential housing.	Bishopton Parish Council (Mr Steve Rose)	Deadline 1
ISH1-06	Submit in writing Mr Melaney's question for the Applicant to clarify how the 300m separation of the Battery Energy Storage Systems from residential housing has been measured (i.e whether from the residence or boundary of the residence).	Mr Norman Melaney	Deadline 1
ISH1-07	Submit in writing Mr Anderson's question concerning the Applicant's consideration of alternative sites for the Proposed Development which are further removed from residential receptors.	BVAG (Mr Sean Anderson)	Deadline 1
ISH1-08	Provide responses to actions ISH01-01 to ISH1-07 (inclusive) above together with any further explanation of the principles which have informed the design and layout of the Proposed Development, which should also address: - calculations demonstrating the expected generating capacity of the Proposed Development - an explanation of the previous reduction or removal of panel areas - the potential to consolidate the maintenance equipment for the Proposed Development to a single onsite location	Applicant	Deadline 2

ISH1-09	Submit in writing Mr Anderson's question for the Applicant concerning the Applicant's approach to consulting the community when identifying the community benefits of the Proposed Development.	BVAG (Mr Sean Anderson)	Deadline 1
ISH1-10	Provide further information about the proposed Community Benefit Fund including the Applicant's approach to community consultation and proposals for the administration of the fund in response to action ISH1-09	Applicant	Deadline 2
ISH1-11	Engage with Northern Powergrid to obtain confirmation of available connection capacity at Norton substation.	Applicant	Deadline 2
ISH1-12	Provide a further written explanation of the Applicant's approach to delivering the on-road cable route without acquiring subsoil interests, to include an explanation of how the proposed DCO powers drafted by the Applicant are consistent with previously granted DCOs.	Applicant	Deadline 2

Appendix B - PowerPoint Presentation - Components of Byers Gill Solar

Components of Byers Gill Solar

Issue Specific Hearing 23 July 2024

Components of Byers Gill Solar

1) Ground mounted solar PV areas A – F

   Balance of Solar Plant
   1) Inverters
   2) Transformers
   3) Switchgear

2) Battery Energy Storage Systems

3) 33kV Cable from switchgear to on-site substation

4) On site 132kV substation

5) 132kV cable from on-site substation to Norton substation

6) Connection to Norton Substation

7) Mitigation and Enhancement

Ground Mounted Solar PV Panels

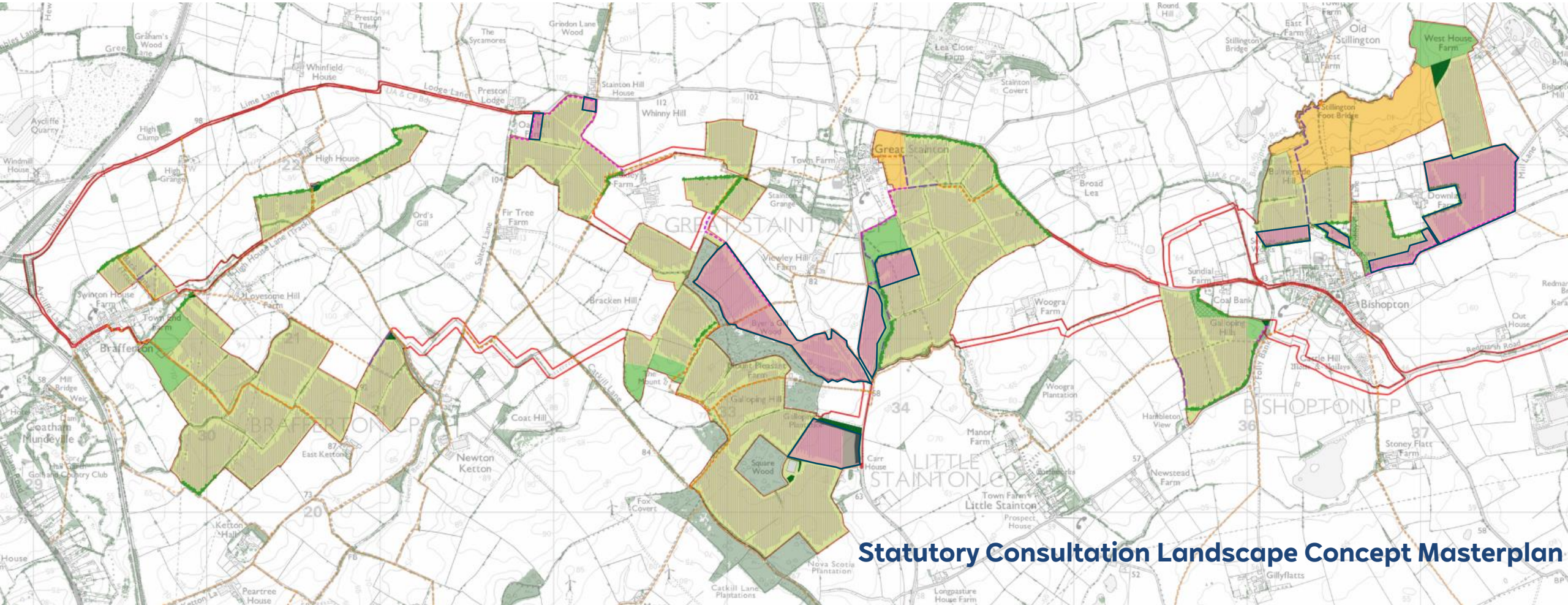
- Panels convert electricity from the sun into Direct Current electricity
- Typically, each panel is approximately 2x1m and bi-facial
- They are fixed to a mounting structure
- For Byers Gill, this is a fixed structure going from east to west
- They are connected to eachother electrically in “strings”
- These strings go to combiner boxes to be fed to a central inverter

RWE project under construction – Langford (Devon) 15/07/24

Ground Mounted Solar PV Panels

Plan to show Panel Areas removed in response to statutory consultation

- Statutory Consultation Panel Areas: 941 acres
- DCO Application Panel Areas: 739 acres



Balance of solar plant – inverters, transformers, switchgear

Inverters

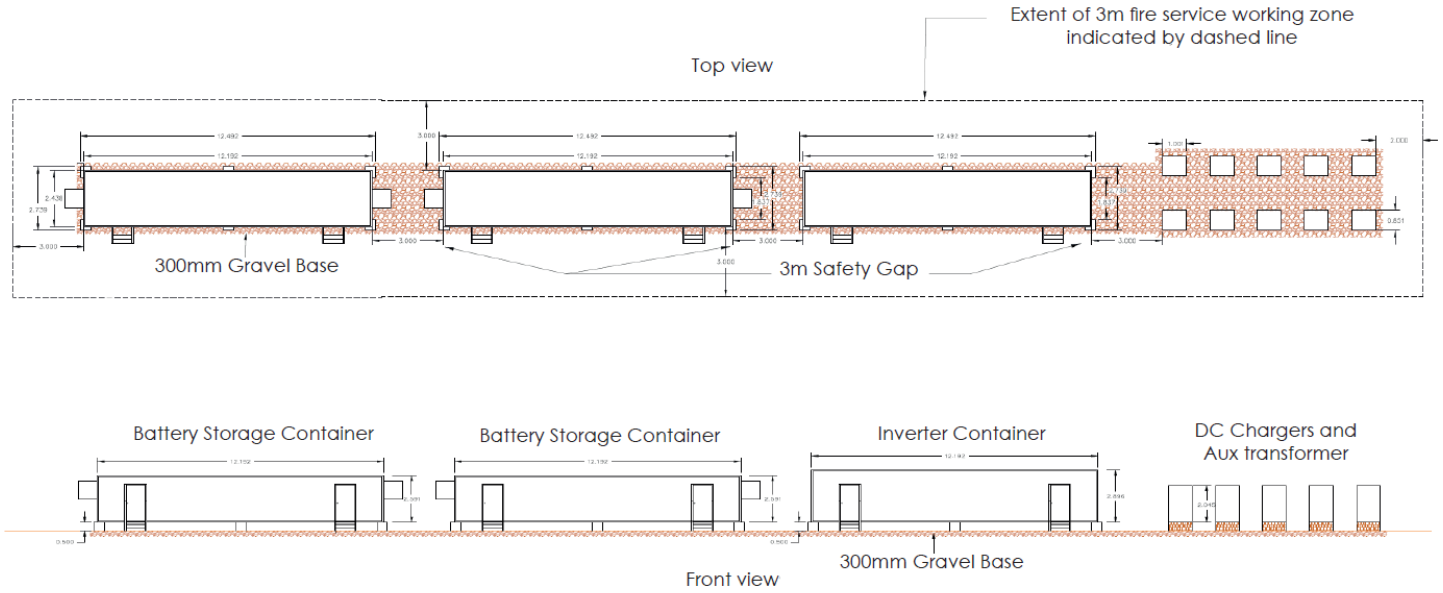
- Inverters convert the DC electricity from the solar panels to AC which is used by the national grid
- Once the electricity has been converted to AC in the inverter, it goes to the transformer

Transformers

- Transformers increase the AC electricity from 0.69kV to 33kV
- They are adjacent to the inverters
- They then connect to the switchgear

Switchgear

- The switchgear combines the electricity from inverters and transformers to transmit down the 33kV cable
- The switchgear also includes a circuit breaker that allows a panel area to be “switched off” or isolated from the rest of the proposed development



Balance of solar plant – inverters, transformers, switchgear

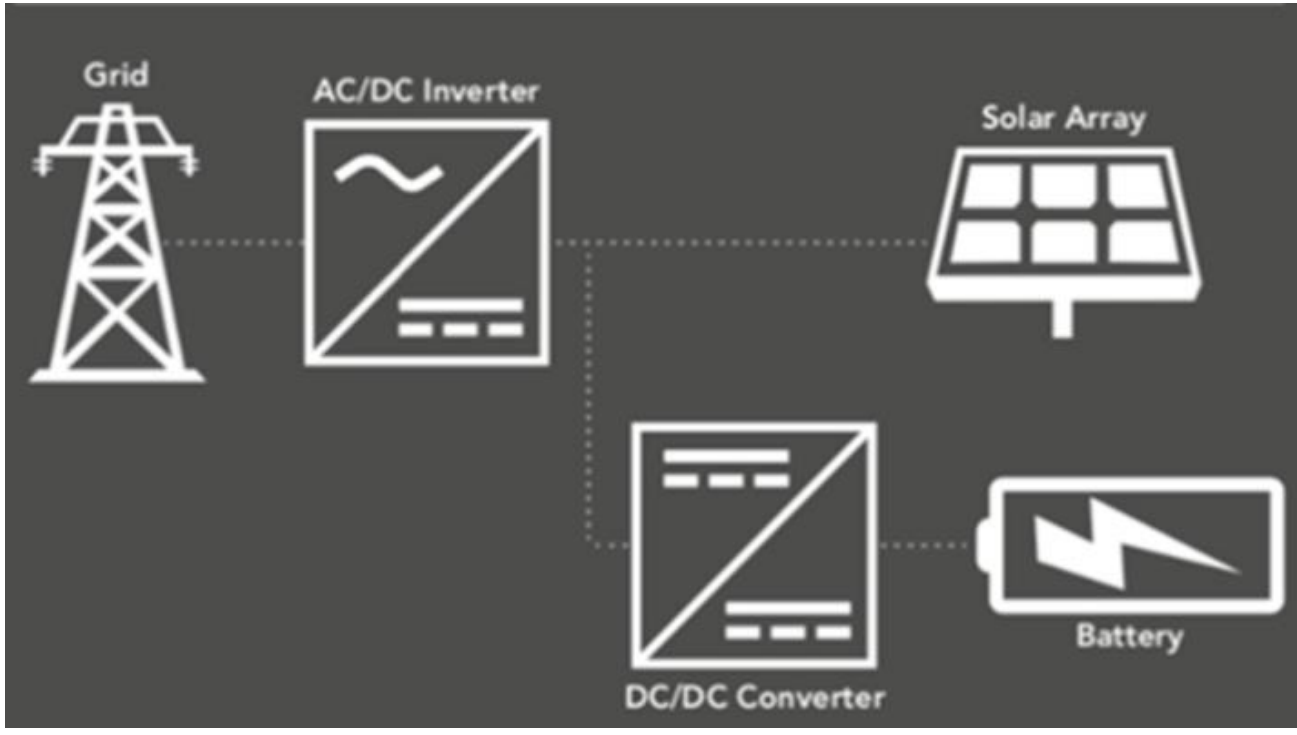
Indicative image from inverter manufacturer catalogue showing inside the container

Battery Energy Storage Systems (BESS)

- The purpose of the BESS is twofold:

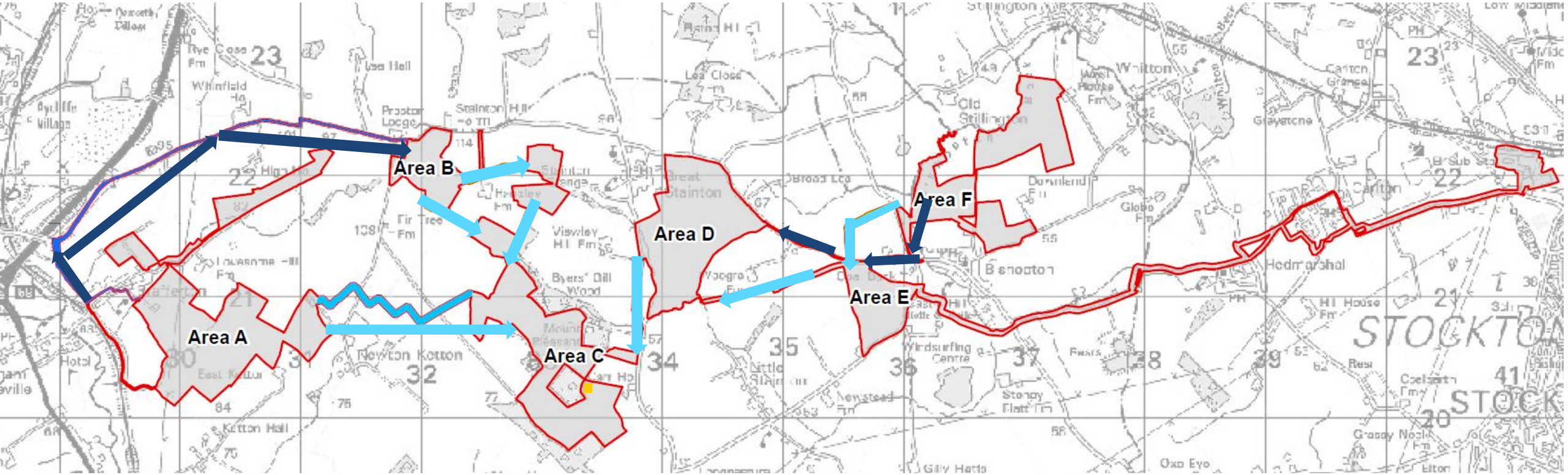
1) To capture excess energy generated by the solar panels
2) To help balance the National Grid by storing and exporting electricity

- The batteries are DC to DC coupled, which means they charge directly from the solar panels and are located across the site rather than a central compound



33kV cable from Switchgear to on-site substation

- This cable connects the switchgears to the on-site substation
- We have retained options in the application for laying the cable, on-road or off-road. Our preference is off-road.



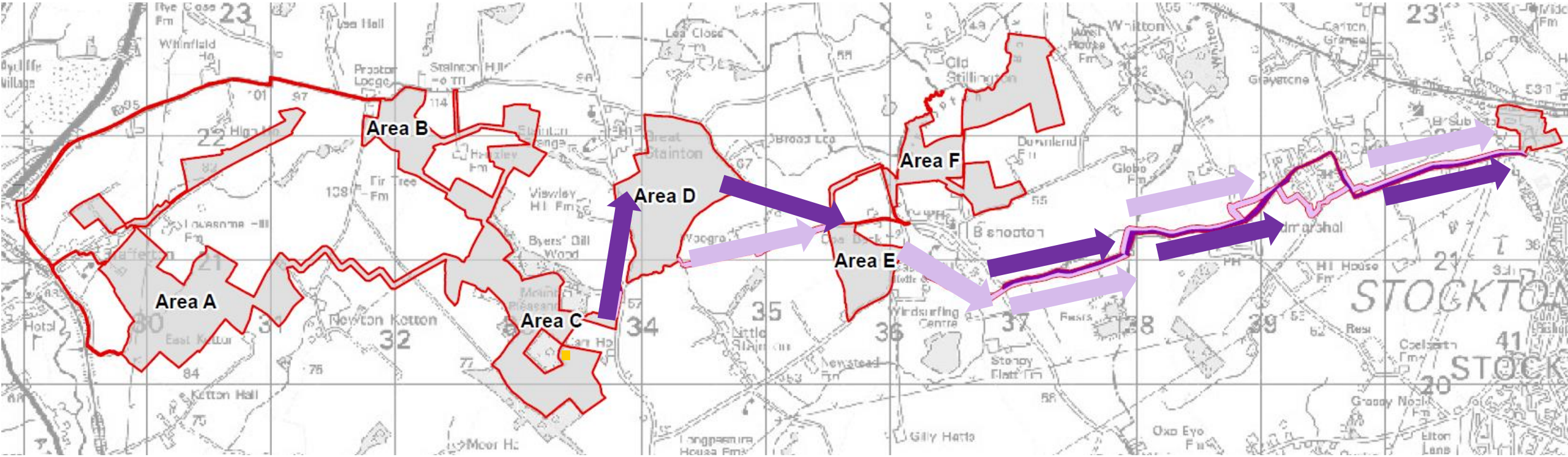
132kV on-site substation

- The purpose of the on-site sub-station is to increase the voltage from 33kV to 132kV for the national grid.
- Increasing the voltage is necessary to reduce losses when moving energy over long distances
- A number of locations were considered at an early stage of the project. The current location costs more but is furthest away from people.

Proposed dimensions: 70x70 metres. 8m height for highest electrical equipment, 15m height for communications mast (if required)

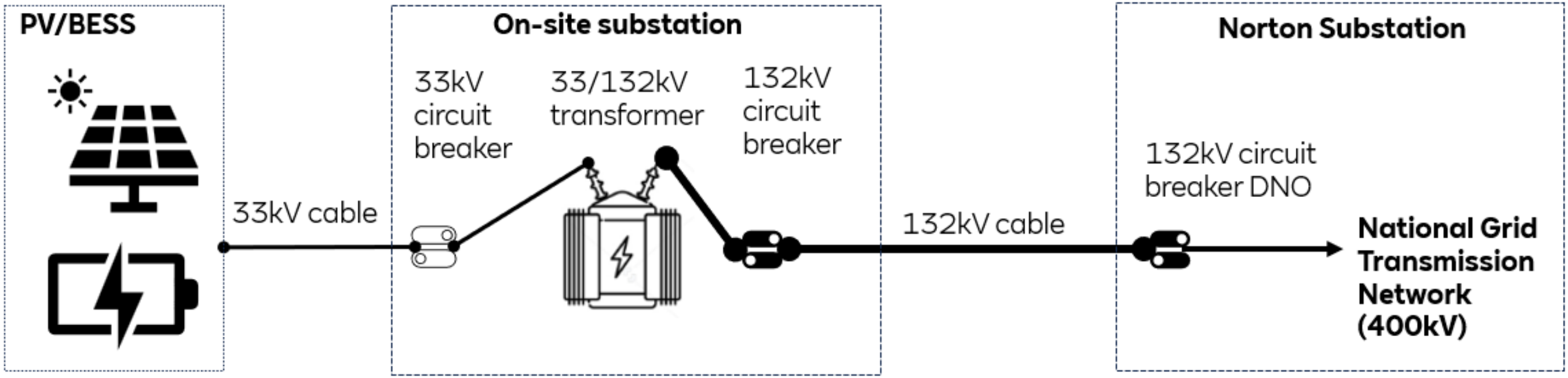
132kV cable from on-site substation to Norton substation

- The 132kV cable connects the solar farm from the on-site substation to the National Grid
- We have retained options in the application for laying the cable, on-road or off-road. Our preference is off-road.

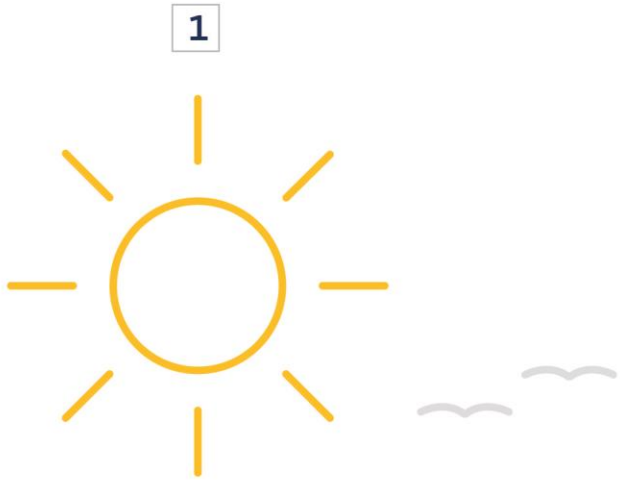


Connection to Norton Substation

- The solar farm connects to Northern Power Grid and the National Grid at Norton Substation
- The 132kV cable connects to a Northern Power Grid 132kV Gas Insulated Switchgear (GIS) via circuit breaker
- Northern Power Grid then transfers this energy to the National Grid Transmission Network

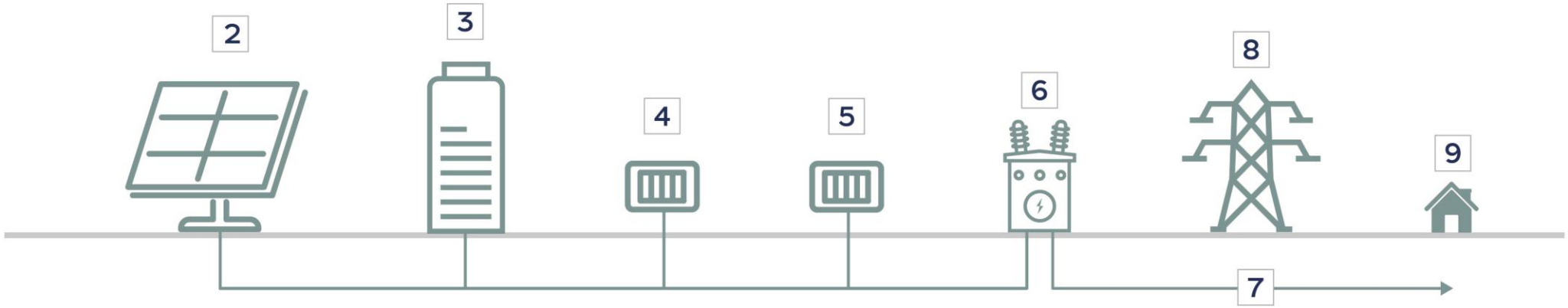


Components of a solar farm



Solar Farm Infrastructure

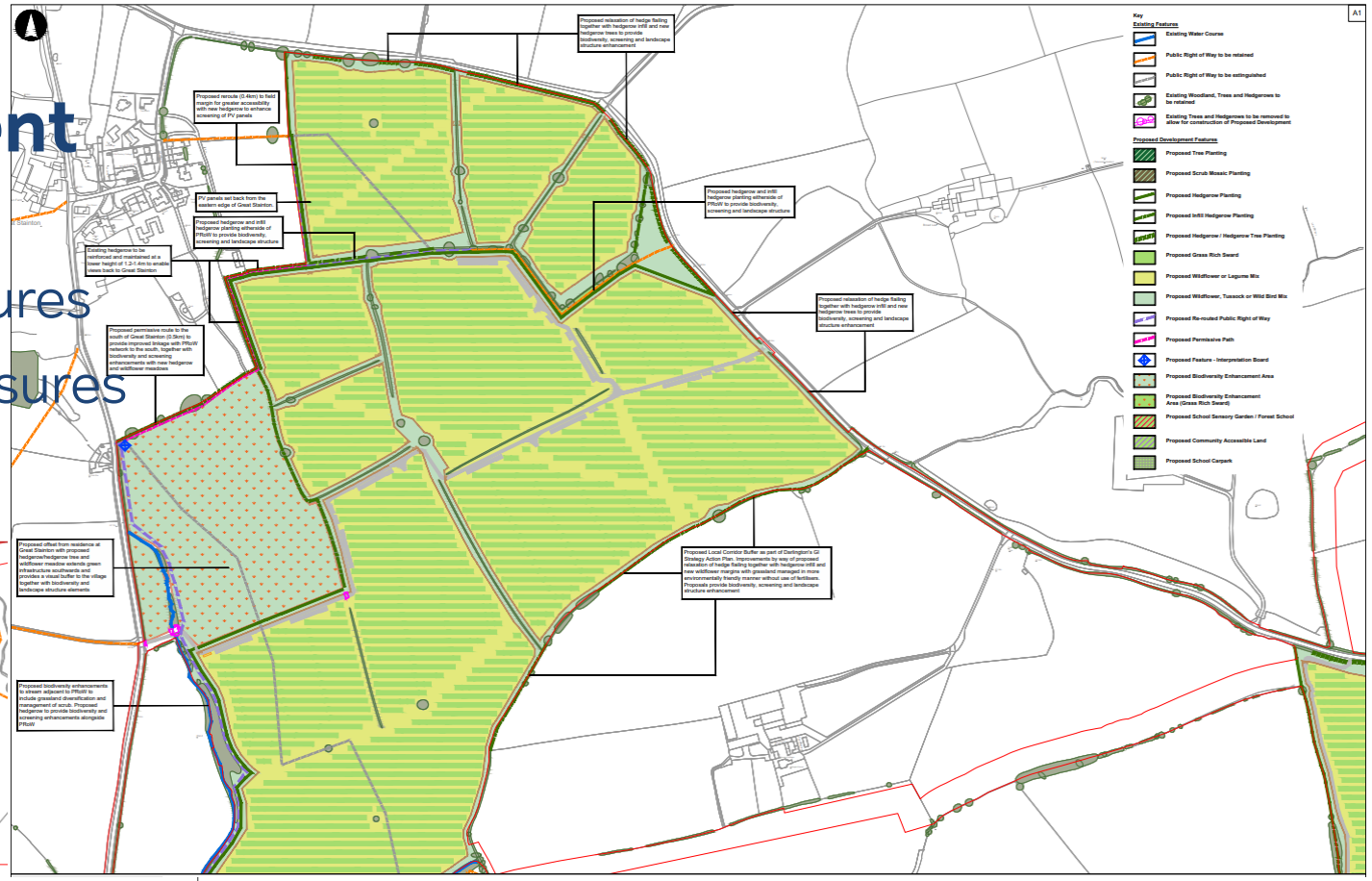
1 Solar Energy
2 Solar Panel
3 Battery Energy Storage System
4 Inverter / Transformer
5 Switchgear
6 On-site Substation
7 Underground Cable
8 Distribution Network (Northern Power Grid)
9 Clean electricity for households and businesses

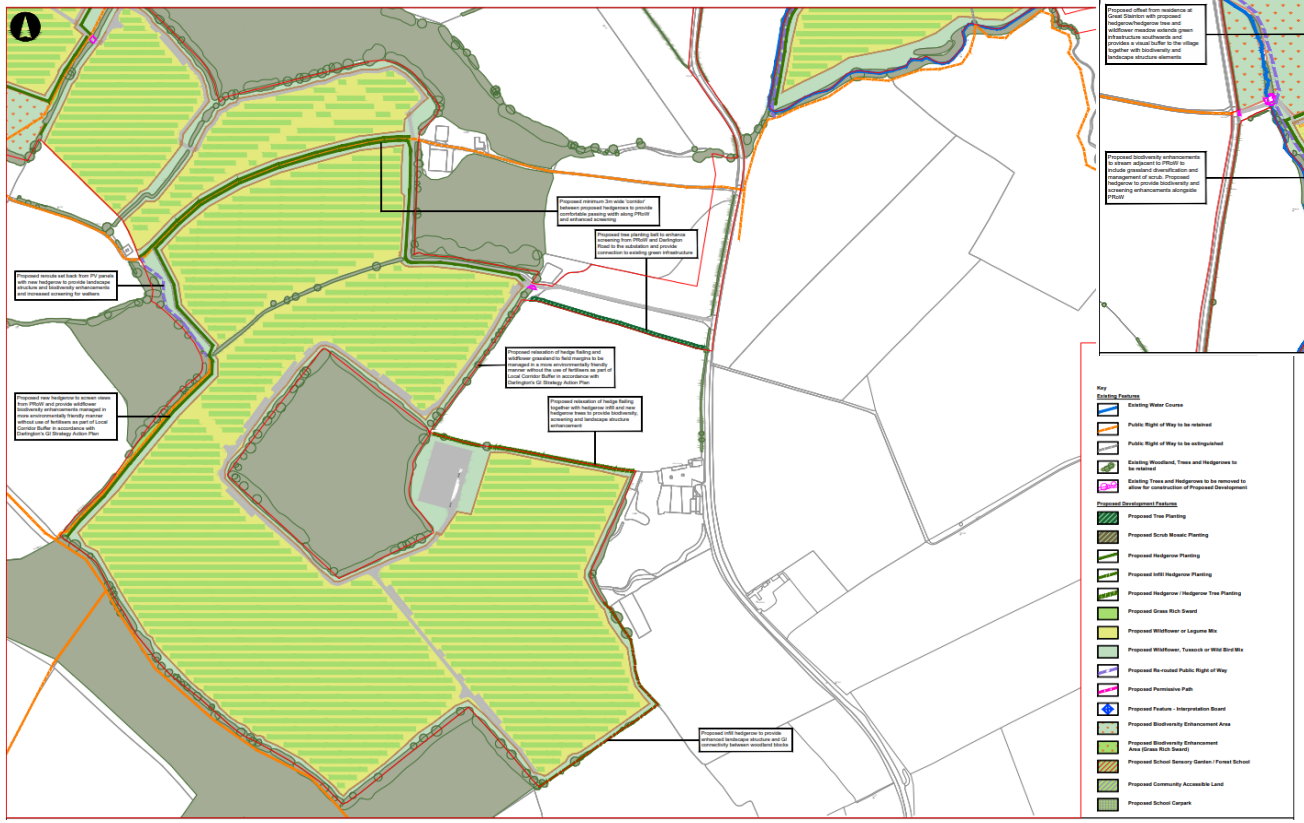


Tx = Transformer

Mitigation and enhancement

- Basis of design / embedded measures
- Mitigation and enhancement measures





Mitigation and enhancement

- Basis of design / embedded measures
- Mitigation and enhancement measures