Proposed Solar PV Development

Byers Gill Solar
EN010139

8.7 Comments on Local Impact Reports

Planning Act 2008

APFP Regulation 5(2)(q)

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

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1. Introduction

1.1. Purpose of this document

1.1.1. This document provides RWE's (the Applicant) response to the Local Impact Reports (LIRs) submitted at Deadline 1 (13 August 2024) for Byers Gill Solar (the Proposed Development).

1.1.2. Three LIRs were submitted to the Examining Authority (ExA) at Deadline 1 by Darlington Borough Council (DBC), Stockton-on-Tees Borough Council (SBC) and Durham County Council (DCC). Sections 2 – 4 detail each LIR in turn, providing a table for the Interested Party and setting out the Applicant's comments on each topic raised in the relevant LIR.

1.1.3. Section 5 provides a summary of all the requests for further information that have been made in the LIRs, along with a response from the Applicant.

2. Darlington Borough Council

Table 2-1 Applicant response to Darlington Borough Council's LIR

Reference	Topic summary	RWE response
Principle of development and renewable energy		
5.2.1- 5.2.8	**Key Policies** ▪ DLP Policy SD1 - Presumption in Favour of Sustainable Development ▪ DLP Policy IN9 - Renewable Energy Infrastructure DLP Policy SD1 outlines that the Council will take a positive approach to considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework and sets out how this will be undertaken. DLP Policy IN9 states that in principle renewable and low carbon energy developments will be supported across the Borough where proposals are in accordance with the relevant criteria and in determining planning applications for such projects significant weight will be given to the achievement of wider social, economic and environment objectives. Part B of Policy IN9 states that solar power developments will be approved if it can be demonstrated that those criteria, including local environmental impacts as set out in the policy, have been accounted for with appropriate mitigation and/or compensation measures to address any identified effects proposed.	The Planning Statement [APP-163] outlines the need for the Proposed Development and how it meets the objectives of sustainable development, as set out in the National Planning Policy Framework (NPPF). The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy SD1 and Policy IN9.
	Parts of the Order Limits fall within a Minerals Safeguarding area (limestone (shallow) and sand and gravel (shallow)) as defined in the Tees Valley Minerals and Waste Core Strategy DPD (2011). There are no extant permissions relating to the extraction of minerals within the Order Limits. DPD Policy MWC4 (Safeguarding of Minerals Resources from Sterilisation) sets out those circumstances where non-minerals development will be permitted within the minerals safeguarding area. Should the ExA determine that the need for the nonmineral development would outweigh the need for the mineral resources, the scheme has the potential to comply with Policy MWC4(c). Furthermore, given the 'temporary' nature of the proposed development this would not sterilise resources and they would remain capable of extraction in the future.	Environmental Statement (ES) Chapter 9 Land Use and Socioeconomics [APP-032] includes an assessment of the potential effects of the Proposed Development on the identified mineral resource of limestone within parts of Panel Area C and D. This is presented at Section 9.10.20 and concludes a Minor Adverse effect on the resource which is not considered to be significant. This effect arises through temporary sterilisation of the resource, however it would remain in situ and could be extracted following decommissioning of the Proposed Development. As reported in the Applicant's Response Matrix to the Scoping Opinion [APP-122], the Applicant engaged with DBC during the pre-application stage, who confirmed the position as reflected in the LIR – namely that there are no extant permissions and that the temporary nature of the Proposed Development would not sterilise the resource for future extraction.

Reference	Topic summary	RWE response
		The Planning Statement [APP-163] identifies that the Proposed Development is Critical National Priority (CNP) infrastructure as defined in the Overarching National Policy Statement for Energy (NPS EN-1). It is considered that the urgent need for the Proposed Development would outweigh need for mineral resources, during the temporary operational life of the Proposed Development, and this is compliant with DBC policy MWC4.
	Byers Gill Solar (BGS) would make a significant contribution towards renewable energy generation, providing "an expected 180MW of low-cost, clean and renewable energy to UK customers" (Planning Statement, para. 3.2.38) (APP - 163). This contribution aligns with key commitments at the national level and within the adopted National Policy Statements recognising the importance of the Government's commitments to cut greenhouse gases by 80% by 2050. DBC recognises that solar energy development can help meet targets for reducing carbon emissions, reduce reliance on fossil fuels and provide local energy security. Such development can also provide economic diversification for farmers and landowners and support local employment opportunities. Therefore whilst BGS by its very nature offers significant positive impacts in terms of the production of clean renewable energy and the transition and movements towards Net Zero, to be supported it must be demonstrated that there are no significant adverse environmental impacts that cannot be appropriately managed and/or mitigated through the DCO process. The other sections of this report therefore consider the potential impacts of the development on other factors/topic areas and the ExA will need to balance these positive impacts against any negative impacts set out in this LIR and that of other Interested Parties.	The Planning Statement [APP-163] sets out the planning balance in support of the Proposed Development, including that there are only a limited number of residual effects in three areas: soil, landscape / visual and noise. These residual effects are reported after the application of the mitigation hierarchy, with mitigation measures to be implemented described within ES Chapter 2 The Proposed Development [APP-025] and ES Chapters 5 to 13 [APP-028 to 036]. In line with IEMA Guidance and professional best practice, both embedded and essential mitigation are considered. Mitigation will be secured through the DCO (Document Reference 3.1, Revision 1). NPS EN-1 makes clear that subject to consideration of the impacts of the project and the application of the mitigation hierarchy, any residual impacts of CNP infrastructure should not outweigh the urgent need for its delivery. As such, NPS EN-1 does not require that there are no significant adverse environmental effects, as referred to by DBC. Indeed, paragraph 3.13.63 of NPS EN-1 states in reference to CNP infrastructure, that "*Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.*" In relation to the weighting of impacts in determining consent, NPS EN-1 paragraph 4.1.7 states: *"For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.*"

Reference	Topic summary	RWE response
		None of the residual effects of the Proposed Development present unacceptable risks to the matters identified in paragraph 4.1.7 of NPS EN-1 which could lead to an exception to the presumption of consent.
Highways		
5.3.1	**Key Policies** ▪ DLP Policy DC1 – Sustainable Design Principles and Climate Change (Strategic Policy) ▪ DLP Policy IN1 - Delivering a Sustainable Transport Network (Strategic Policy) ▪ DLP Policy IN2 - Improving Access and Accessibility (Strategic Policy) ▪ DLP Policy IN3 - Transport Assessments and Travel Plans ▪ DLP Policy IN4 - Parking Provision including Electric Vehicle Charging Policies DC1 and IN4 require that new development provides suitable and safe vehicular access and suitable servicing and parking arrangements. Policies IN1, IN2 and IN3 require that the impact of new development on the highway network is assessed and mitigated for; that development is located appropriately to reduce the need to travel by car; and that transport assessments and travel plans will be prepared for major development to promote the use of sustainable transport.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies DC1, IN1, IN2 and IN3. In reference to IN4, ES Chapter 2 The Proposed Development [APP-025] outlines the access, servicing and parking facilities to be provided. Further details of these elements would be confirmed through the discharge of Requirement 3 of the DCO (Document Reference 3.1, Revision 2) prior to commencement and would require approval of the relevant planning authority.
5.3.2	**Key Local Issues** Chapter 12 (Traffic and Transport) of the Environmental Statement (APP-035) details the predicted highways impact of the proposed development. This is primarily focussed on the construction phase, where traffic generation is significantly higher than the operational phase.	The Applicant agrees with this summary of ES Chapter 12 Traffic and Transport [APP-035], which concludes that the Proposed Development would not result in any significant effects to the transport network during construction, operation or decommissioning phases.
5.3.3-5.3.12	**Trip Generation and Traffic Impact Assessment** The response prepared by JSJV on behalf of National Highways and submitted to the examination on 29th May 2024 provides a comprehensive analysis of trip generation methodology. Rather than repeat this analysis, DBC as Local Highway Authority would set out that this is common ground between the two Highway Authorities and would agree that further evidence should be provided regarding evidence to support the trip generation associated with the proposed development.	A signed Statement of Common Ground (SoCG) has been produced between the Applicant and National Highways at Deadline 1 with all matters 'agreed', such that all matters are resolved, and no further discussion is anticipated. As outlined in the SoCG [REP1-008], both parties agree that this can be dealt with through the detailed Construction Traffic Management Plan (CTMP) which will be produced post consent (if granted) and following the appointment of the contractor. This is already secured via Requirement 6 of the draft DCO, which requires that a detailed CTMP is produced in consultation with the relevant highways' authority for the affected highways (e.g. the local highway authority or strategic highway authority).

Reference	Topic summary	RWE response
	The Transport Statement (TS) (APP-159) states that based on recently developed sites, there is an estimate of 36 trips (72 two-way trips) across the development proposals, and these trips have been distributed across each Panel Area proportional to its approximate size to understand how many trips each Panel Area could generate. HGV trips are presented as a 'daily average' and not considered within the respective Morning and Evening Peak hours. As such it is not possible to determine hourly HGV movements and the resultant impact of HGVs on the efficient operation of the Local Road Network (LRN). It is stated that it is expected that three sites will be constructed at any given time during the construction phase of the development proposals, and that each site could require up to 100 employees (300 on site at any one time). In a similar approach to the delivery trips, it is stated that based on similar sites constructed elsewhere, employees are expected to travel to site in groups, with other sites suggesting large cars or minibuses are generally used to transport staff. An average vehicle occupancy of seven staff per vehicle has been assumed, and this is forecast to result in approximately 15 car/LGV trips to each site (30 two-way movements). As previously set out, no evidence from previous sites has been provided to justify this. The figures presented as the 'daily average' are not considered within the Morning and Evening Peak hours. It is stated that staff trips will arrive before the network Morning Peak and depart after the network Evening Peak due to the proposed working hours, although no shift patters or details are provided. As such, it is not possible to determine hourly movements and the resultant impact of employee trips on the operation of the LRN. Options for travelling to the site via public transport are limited owing to the rural location of each panel area. There is however a rural on demand minibus service (Tees Flex). Presently funding for the Tees Flex on demand bus service within rural Darlington wards is only secure until March 2025, and as such cannot be relied on as a viable means of providing access to the site during the construction phase. It is therefore likely that workers will travel to the site by private car or vehicle. Further evidence is required before acceptance of trip numbers, and occupancy, as the applicant has assumed use of 7-seater cars and car sharing. This raises further concerns regarding highway safety and the impact of overspill parking where just 15 car parking spaces are to be provided for each panel area. Any resultant overspill parking is likely to be on unlit national speed limit roads with employees then accessing the site on foot both of which raises significant safety concerns. The TS states that an assumption of the assessment is that a maximum of three Panel Areas will be constructed at any given time, although it is not known which three	Table 3-1 in the Transport Statement [APP-159] provides details on the expected number of deliveries for each Panel Area. This ranges from 2 to 8 HGV trips per day, based on the size of each site. Given the quantity of trips expected, it is reasonable to assume that the Site Manager will be able to manage the arrival and departure of trips to avoid the network peaks, and other local peak periods such as the school run in Bishopton. Paragraph 7.5.1 of the Outline CTMP [APP-112] confirms that there will be a dedicated Site Manager who will be responsible for the management of the delivery booking system during the construction phase. The Outline CTMP [APP-112] also highlights (in Section 7.6) the importance of a communications strategy which will be developed and led by a Community Liaison Officer, who will be responsible for speaking to the local community and ensuring any queries or complaints are actioned to minimise the impact of construction traffic on local residents. The trip generation analysis has been based on the assumption that up to three Panel Areas will be constructed at any given time. The programme will be confirmed with the Principal Contractor and detailed in the updated CTMP which will need be agreed with the Highway Authorities prior to commencement of construction. With regards to the impact on the Local Road Network, the Transport Statement [APP-159] provides information on baseline traffic flows on the Local Road Network derived from traffic surveys undertaken in 2023. Paragraph 2.2.5 in the Transport Statement [APP-159] reports that the busiest local road in the study area is Elstob Lane / Bishopton Lane which has approximately 3,000 vehicles, per day, travelling in each direction. The Design Manual for Roads and Bridges TA79/99 Traffic Capacity of Urban Roads was withdrawn in 2020. However, it is still a helpful reference for understanding the scale of link capacities for single carriageway roads based on the type of road and width of carriageway. For a 40 – 60mph road with limited frontages, and carrying predominantly through traffic, TA79/99 suggests a flow capacity in each direction of between 1,020 and 1,860 per hour. With the busiest local road in the study area recording 3,000 trips across the day, it is reasonable to conclude that the Local Road Network has capacity to accommodate the forecast number of trips during the construction period. For reference, peak hour data from the surveys has now been extracted and provided in the following figures in the updated Transport Statement (Document Reference 6.4.12.1, Revision 2):

Reference	Topic summary	RWE response
	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. More certainty of the construction phasing should be provided by the applicant as the application emerges. As such, the average trips of three Panel Areas for construction delivery trips produces a cap of 18 HGVs (36 two-way movements) per day, although it is acknowledged in the TS that if the three largest Panel Areas were constructed at once, each expected to generate eight HGV trips, a maximum of 24 HGV trips (48 two-way movements) could travel to the study area each day. Furthermore, it is stated that across three sites, the employee trips could generate 45 car trips (90 two-way movements); and therefore, the total forecast HGV and staff trips to three Panel Areas would be 63 vehicles (126 two-way movements) on average, during the construction phase. In the very worst case where the three largest Panel Areas are built simultaneously, it is stated that 69 vehicles (138 two-way movements) could be expected within the network. Whilst this is presented, due regard should be made to the comments regarding the approach to trip generation and how this relates to Morning and Evening Peak impacts. Further analysis and breakdown of trip distribution to each site access would also be useful in determining local highway impacts, particularly where trips are routed through any sensitive areas with residential properties or limited access	• Appendix A1.1. – Baseline Traffic Network Diagram - 12 hour, 7 day average • Appendix A1.2. – Baseline Traffic Network Diagram – Morning Peak Hour 08:00 – 09:00, 7 day average • Appendix A1.3. – Baseline Traffic Network Diagram – Evening Peak Hour 17:00 – 18:00, 7 day average The proposed use of minibuses to transport staff to/from site has been informed by the methods used to construct other solar farm sites in the UK. This approach is detailed in the Outline Construction Traffic Management Plan (CTMP) [APP-112]. An updated CTMP will be produced following appointment of the Principal Contractor (PC) and will need be agreed with the Highway Authorities prior to commencement of construction. Measures to ensure compliance and enforcement are outlined in the CTMP, and adherence to agreed working practices will be the responsibility of the Principal Contractor.
	The operational phase of solar farm developments is considered to have a de minimis impact on the local highway network as traffic generation associated with the post construction operational phase is limited to occasional vehicle visits for inspection, repair, and maintenance, in respect of traffic generation, both in terms of the number of trips generated and the size of vehicles involved. It is accepted that the decommissioning phase requirements and impacts can be addressed at a later stage closer to the time of decommissioning, due to the potential for changes in the highway environment over the operational lifetime of the development. The submission of a Traffic Management Plan for the appropriate phase(s) of development would be secured by Requirement 5.	The Applicant is in agreement with this statement.
5.3.13-5.3.17	**Access Locations and Routes to Site** Many points of access will be located off 60mph highspeed roads and therefore DMRB standards should be applied in the interests of highway safety. Access requirements should be in accordance with DMRB CD 123 Geometric design of at-grade priority and signal-controlled junctions. Whilst there is potentially scope from some reduction in advised DMRB visibility splays, this should only be permitted where it is robustly	Safe access and egress have been considered in the design of the Proposed Development, including swept path analysis of the vehicle manoeuvres. Access will be gained to each Panel Area using established vehicular access points which currently accommodate farm traffic. The details requested in the comments provided by DBC are points of detailed design, which would be confirmed through the discharge of Requirement 3 of the DCO (Document Reference 3.1, Revision 2) prior to commencement and would require approval

Reference	Topic summary	RWE response
	evidenced that actual recorded 85th percentile speeds are able to justify visibility standards below those commensurate with the speed limit. No details supporting information or analysis is offered regarding the suitability of each proposed access point. Assessment of actual and required visibility should be demonstrated on plan and be related to site specific speed survey data for each access. Whilst the highway safety risk associated with using existing field accesses or similar can be mitigated to some degree by use of temporary speed limits, Temporary Traffic Regulation Orders (TTROs) and signage in accordance with Chapter 8 of the Traffic Signal Manual, this does not obviate the applicant's requirement to undertake proper consideration and assessment on the safety of each access. Further consideration and evidence should be presented for each access point, including visibility splays, and swept path analysis to demonstrate that the access points are able to safely accommodate the 16.5m HGVs which require access. Precise details of each access point are also needed to demonstrate how safe access and egress will be provided and maintained for the operational life of the development. This must demonstrate a safe level of visibility, given that temporary speed limits and signage will no longer be considered appropriate post construction phase. On-site turning and parking provision should be made for the largest vehicles accessing the site for maintenance. Access gates must also be set back sufficiently to enable vehicles to pull clear of the highway in the interests of highway safety. The outline Construction Traffic Management Plan (APP-112) states that access to each of the Panel Areas will be located where the "required visibility splays and Sight Stopping Distances (SSDs) will be achievable in each direction" however neither this document, nor the wording of Requirements 3 or 5 gives the Council as LHA the confidence that sufficient details relating to those matters set out in the previous paragraphs will be provided when information is submitted to consider and discharge details of the proposed site accesses. DBC would therefore request that the ExA gives consideration to broadening the scope of these requirements to address these concerns.	of the relevant planning authority, in consultation with the relevant Local Highway Authority. However, in response to the request to provide confirmation to DBC that the access points are suitable, access plans, showing the vehicle tracking and visibility splays, will be provided at Deadline 3 subject to a meeting with DBC Highways prior to their submission.
	Details are given for proposed routes to site for each of the six panel areas. These are generally dictated by the extents of each area relative to the local highway network but should where practicable be routed to avoid HGV movements through local villages. In addition to normal construction traffic it is expected that there will be two abnormal loads required to deliver sub-station components to Panel Area C. As these are categorised abnormal due to the weight of the load, rather than the dimensions of the load, the applicant will be responsible for the costs incurred to the Local Highway Authority (LHA) where access to the development site may require the crossing of structures which are only suitable for loads up to 40 tonnes.	This is noted by the Applicant. The Applicant will ensure that the authorities are notified of any request to transport an abnormal load following the Department for Transport and Highway Authority requirements. This will be factored into the construction programme, ensuring there is sufficient time to make the required arrangements for the transportation of the abnormal load. The need for abnormal load permits is identified in the Other Consents and Licenses document (Document Reference 7.3, Revision 2).

Reference	Topic summary	RWE response
	Movement of any loads over 40 tonnes across these structures will be subject to a detailed loading assessment inspection at the cost of the applicant. This must be arranged in advance with the LHA. This is addressed within the Outline Construction Traffic Management Plan (APP112) and would be secured by Requirement by Requirement 6.	
5.3.18-5.3.19	**Construction Programme and Highway Condition Survey** It is estimated that the construction programme will be approximately 12 – 18 months in length, although this could extend to up to 18 – 24 months depending on how the site is constructed. The peak of construction would see three Panel Areas being constructed at the same time. The additional traffic associated with the construction phase, particularly with regard to HGV movements poses a risk of accelerated deterioration of the local rural highway network, which is largely historic and as such is not of a designated construction proven to be suitable for high numbers of HGV trips. This potentially poses an additional maintenance burden on the LHA through extraordinary HGV movements. It is therefore sought that the applicant shall enter into an agreement with the LHA under Section 59 of the Highways Act 1980 prior to the commencement of works on site, where DBC acting as the LHA, wish to safeguard the public highway from damage caused by any construction traffic serving the development. A pre-commencement condition survey and regular inspection of HGV routes to each site area should be agreed and undertaken. This matter is not addressed as part of the outline Construction Traffic Management Plan (APP-112) and as such could not be secured by Requirement 5. DBC would request that this be included as part of an updated outline CTMP so that any CTMP submitted under Requirement 5 can address the issue of any damage caused by HGVs accessing the panel areas.	The Applicant notes the request to enter into a Section 59 Agreement. The Applicant does not consider it likely that traffic associated with the construction of the Proposed Development would pose an additional maintenance burden, or that HGV movements are to be considered extraordinary. However, the Applicant is willing to commit to undertaking pre-commencement condition surveys and regular inspections of the HGV routes to site. The outline CTMP [APP-122] will be updated to include this requirement, alongside a commitment for the Principal Contractor to advise DBC of any deterioration of the HGV routes attributable to the actions of the undertaker, and to resolve any damage either through payment of reasonable and proportionate compensation, or through acting as DBC's agent to rectify the highway directly. This is set out in the ES Errata and Management Plans Proposed Updates submitted at Deadline 2 (Document Reference 8.11). A separate Section 59 agreement is not required with this commitment made in the outline CTMP [APP-112].
5.3.20	**Cable Routing** The applicant wishes to explore both on road and off-road cable routing options. In the case of on-road routing, this is within the local highway network maintained by DBC. The routing of such cable infrastructure is likely to have a significant disruption to the local network, given that proposed routes are located on comparatively narrow high speed rural roads. The precise location within the carriageway and available road widths will dictate what traffic management measures are needed, however it is expected that this work would require a road closure, owing to limited widths and the requirements to ensure safe working methods. The LHA's preferred option is therefore that cable routing should not be within the highway where practicable. Significant reconstruction and resurfacing of the highway is also likely to be needed within rural roads owing to unknown construction makeup.	The Applicant is in agreement with DBC that the preferred option is off-road cable routes. The Applicant continues to pursue voluntary agreements with relevant land owners to enable delivery of this preferred option as far as possible. The routes are depicted on ES Figure 2.13 Underground Cable Routes (Document Reference 6.3.2.13, Revision 3).

Reference	Topic summary	RWE response
5.3.21	**Measures to Prohibit Debris and Detritus on the Highway** Robust measures must be included in the Construction Traffic Management Plan (CMP) to ensure that mud and other debris does not end up on the public highway. The focus must be on prevention rather than reactive cleansing and sweeping. A wheel wash must therefore be provided at each point of egress, with additional assurance that regular inspection and, where appropriate, road cleaning will be undertaken. The measures put forward in the application (outline CTMP) are insufficient as it is simply proposed that "Wheel washing facilities will consist of a water bowser with pressure washer" in lieu of proper wheel washing plant. DBC would request that this be addressed so that appropriate wheel washing measures can be secured as part of the CTMP submitted under Requirement 6.	Details of the wheel washing facilities would be developed prior to construction once a contractor is appointed, and would be located where they would be effective. However, in recognition of the point raised by DBC, the information in the outline CTMP [APP-112] will be amended to require consideration of the need for further wheel washing plant as part of detailed design. This is set out in the ES Errata and Management Plans Proposed Updates submitted at Deadline 2 (Document Reference 8.11). The details of measures to prohibit debris and detritus on the highway would be confirmed through the discharge of Requirement 6 of the DCO (Document Reference 3.1, Revision 2) prior to commencement and would require approval of the relevant planning authority, in consultation with the highway authority.
5.3.22-5.3.24	**Accident History and Bishopton Parish Council Report** Bishopton Parish Council (BPC) submitted a report to Darlington Borough Council, whereby representatives of the Parish wished to pass on detailed comments on the condition of road markings within the parish. Some of the roads considered within the report would form access routes to the proposed development. At the request of the ExA at the Preliminary Meeting held of 23rd July 2024, this report is attached to this LIR as Appendix DBC1. Appendix B of the BPC report (Road Traffic Incidents – Evidence) cites a number of incidents where errant vehicles have left the carriageway, however none of these are recorded within official Police accident statistics as they are not Personal Injury Collisions (PICS). It is therefore suggested that little weight is given to this report and that greater consideration should be placed on a wider review of officially recorded Police accident data within the most recent 5-year period available. Data is also available via crashmap.co.uk, although this generally does not cover the most recent incidents, it provides a convenient overview to identify any repeated pattern of incident. While it is the opinion of BPC that these unrecorded incidents are at least in part attributable to normal lifecycle wear and degradation of road markings, this is not the opinion of the LHA in the absence of any sound evidence, and that many other local factors are likely to be involved. The Council as LHA has a statutory duty to maintain the highway, having since refreshed some road markings within the Bishopton Parish, at safety critical locations (priority junctions).	The Applicant acknowledges the submission and consideration of the Parish Council highways report by DBC, as requested in Preliminary Meeting Hearing Action Point 7 [EV2-006]. This Applicant has no further comment to make on the Parish report.
5.3.25	**Glint and Glare Assessment** The Glint and Glare Assessment undertaken by PagerPower (APP-106) predicts a moderate impact on a 0.2km section (road receptors 84 – 86) and a 0.1km section	ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study [APP-106] has been produced by Pager Power, a leading specialist consultancy which provides independent glint and glare assessment. The study considers the potential impacts of the Proposed Development towards the identified receptors by

Reference	Topic summary	RWE response
	(road receptors 90 – 91) of Ricknall Lane/Lodge Lane; together with a 1.5km section of Unnamed Road/The Green/High Street (road receptors 155 – 170). As is set out in more detail at Section 5.10 'Glint and Glare' of this LIR report, DBC would request that the ExA consider whether this assessment has been undertaken in accordance with best practice, and that consideration is also given to the timely delivery of any mitigation measures required for highway receptors and that they are maintained for the lifetime of the development by way of requirement. This matter is also set out in more detail in the main 'Glint and Glare' section of this report.	undertaking geometric calculations and intensity calculations where required. Glint and glare modelling has been undertaken at several points in the design process such that the findings of the assessment have informed the design of the Proposed Development, including measures such as screening as identified in the Outline Landscape and Ecology Management Plan [APP-118] and secured via Requirement 12. The study identifies that a moderate impact of glint and glare is predicted on three sections of road and ten dwellings, however with the planting and operational maintenance of that planting, as secured via the DCO, the impact would be reduced to low/none.
5.3.26-5.3.27	**Delivery of the Darlington Northern Link Road** DBC commented as part of the applicant's pre-application statutory consultation that the location of the proposed development is potentially prejudicial to the delivery of the Darlington Northern Link Road (DNLR): "The site layout conflicts with the proposed strategic northern bypass/relief road identified as a long-term mitigation measure to reduce congestion and improve journey times within Darlington and the Tees Valley. The road is to provide a strategic link between the A66 east of Darlington and the A1(M) to provide an alternative route which avoids the urban area of the town via the A1150 Whinfield Road and the north via the A167 Harrogate Hill. Whilst the delivery of the strategic northern relief road is not within the life of the current Darlington Local Plan (2016 – 2036) it is of significant economic importance to both Darlington and the wider Tees Valley area. Although the route is not yet of fixed design or alignment, we would ask that it be considered as part of the determination process of the application, and welcome engagement with both the applicant and all key stakeholders such as National Highways and the Tees Valley Combined Authority to ensure that we can protect the land required to deliver this key highway infrastructure". Since commenting at the pre-application consultation stage, a £250m funding package has been approved by the Tees Valley Combined Authority (TVA). The current position on the DNLR is set out in further detail in the representation submitted by the TVCA, which outlines the strategic and economic importance of the scheme. The LHA would concur with this view.	A signed Statement of Common Ground has been produced between the Applicant and the Tees Valley Combined Authority at Deadline 2 (Document Reference 8.4.4) with all matters 'agreed', such that all matters are resolved and no further discussion is anticipated.
5.3.28-5.3.29	**Adequacy of the Application/DCO** Further evidence and information is required before DBC can confirm acceptance of trip generation associated with the proposed development during the construction period. Further information is also required to demonstrate that each of the panel areas can be accessed and egressed safely for the operational lifetime of the	These comments are noted and have been addressed in earlier sections of this document.

Reference	Topic summary	RWE response
	development. Measures are also required to ensure the public highway is safeguarded from damage caused by any construction traffic serving the development. DBC do not consider that requirements 2 and 6 adequately address these matters to give DBC as LHA the confidence to consider these matters at the requirement stage, should the DCO application be granted. Clarification is also sought as to how appropriate mitigation for road receptors where a moderate impact from glint and glare is predicted is to be secured by requirement, as outlined in the previous paragraphs of the LIR. Without further information and clarification on these various matters, the proposed development is considered to have a negative impact on highway safety, with the potential to have a neutral impact should these outstanding matters be satisfactorily resolved.	
Public Rights of Way		
5.4.1	Key Policies • DLP Policy IN1(a) – Delivering a Sustainable Transport Network (For cycling, walking and other sustainable transport • DLP Policy IN2 – Improving Access and Accessibility Policies IN1(a) seeks to protect existing footpaths, cycle routes and bridleways from development which would impair their function for recreation and seeks to protect and enhance public rights of way as set out in the Rights of Way Improvement Plan forming part of the Darlington Green Infrastructure Strategy. Policy IN2 requires all developments to provide safe access to the Borough-wide cycling and walking network including links to the Public Rights of Way Network and other routes.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies IN1 and IN2.
5.4.2	**Key Local Issues** The proposed development will have a large potential impact upon rural communities including the villages of Great Stainton, Brafferton, Bishopton, and Little Stainton and their surroundings. In addition to these communities, the proposed development has the potential to impact upon users of the public rights of way (PROW) network, including walkers, equestrians and cyclists. Other sub classifications can include residents, dog walkers, and tourists. Section 4.3.2 of the Outline PROW Management Plan (APP – 119) states that the applicant will make every reasonable effort to minimise disruption along the PROW network.	The impacts of the Proposed Development to the local community and PRoW network have been assessed in ES Chapter 9 Land Use and Socioeconomics [APP-032]. It concludes there would be no significant effects in relation to socioeconomic receptors, recreational and community facilities or PRoW, as a result of the Proposed Development.
5.4.3-5.4.14	**Construction and decommissioning phases** The construction phase will have the greatest impact upon the PROW network and its users, and this is acknowledged in the application documents. Section 4.4.4. of the	The impacts of the Proposed Development on the PRoW network have been assessed in ES Chapter 9 Land Use and Socioeconomics [APP-032]. It

Reference	Topic summary	RWE response
	Outline PROW Management Plan (APP – 119) states that there will be increased construction traffic near the PROW network. The exact schedule of works is not detailed at this stage however estimates range in the documents from 18-24 months. Decommissioning is estimated to take 6-12 months. Section 10.3.4 of the Environmental Statement states that impacts on the PROW network during construction are considered to be minor adverse, short term and not significant. With the construction phase lasting as described as above this seems to contradict what will likely include potential increased and abnormal noise, dust, emissions, smells, waste and temporary lighting to areas of the network for lengthy time periods. This will be in addition to the visual impact of additional and abnormal vehicles, people, equipment and resources that this phase will bring. Section 4.3.5. of the Outline PROW Management Plan states that where PROW can remain open, but users need to be warned of construction vehicles or activities (local management) signage would be provided. Signage would also be provided also for drivers. The degree and flow of traffic will likely vary from day to day during the phase however signage alone may not prove sufficient particularly during heavy periods of traffic and particularly at those areas detailed in section 5.6. of this section. Construction activities may also include the decrease in normal environmental conditions such as the noise of and sight of wildlife and farm animals close to construction sites. Several access points are detailed in document 2.3. Street Works, Rights of Way and Access plans (AS-002). Two of these will see potential clashes with the PROW network: • Brafferton Public Footpath 9 from Brafferton village with construction traffic and footpath users sharing the same space along High House Lane for 150 metres. • Great Stainton Public Footpath 4 to the north of Hauxley Farm where construction traffic appears to be accessing the site off Long Lane to the north and then come into proximity with the footpath as they head either east or west. Schedule 5 of the draft DCO Application (APP-012) outlines 24 PROWs to be temporarily stopped up temporarily during the construction phase. This represents a total length of just over 7.9km. Several sections of PROW have considerable lengths to be stopped up. These include: • Brafferton public bridleway 14 (1,635m) • Bishopton public footpath 2 (960m) • Great Stainton public footpath 8 (876m) • Great Stainton public footpath 3 (805)	concludes there would be no significant effects in relation to PRoW, as a result of the Proposed Development. Further detail regarding the proposals for management of the PRoW network during construction, as requested by DBC, would be confirmed through the discharge of Requirement 14 of the DCO (Document Reference 3.1, Revision 2) prior to commencement and would require approval of the relevant planning authority, in consultation with the highway authority. Requirement 14 requires the submission of a public rights of way management plan prior the commencement of any phase of the Proposed Development. The Applicant intends to engage further with DBC regarding these concerns as part of the SoCG process, with an update to be provided on those discussions later in Examination.

Reference	Topic summary	RWE response
	• Bishopton public footpath 4 (610m) • Little Stainton public footpath 1 (485m) • Little Stainton public footpath 2 (430m) • Great Stainton public footpath 4 (315m) • Great Stainton public footpath 6 (300m) It is noted that several sections of the above list occur within the parish of Great Stainton, totalling 2.3 km of PROW closure. No schedule has been devised at time of writing for the timing and staging of each individual closure. It is likely that all closures will not take place simultaneously however even with that caveat, the impact felt will be significant. In addition to the above temporary closures, the Outline PROW Management plan refers to local closures (Section 4.3.7.). These are described as being 'temporary and short-term to facilitate periods of construction works that are discrete in nature and can be completed in a matter of days/weeks, rather than months'. Little additional detail is provided on these, but these will only add to the lengths and duration of closed routes on the PROW network. Section 2.3.12 of the Environmental Statement states that 'the cable routes for the Proposed Development will be confirmed post decision.' As the details are not yet provided installation of the cables may well lead to additional disruption the PROW network to that detailed above, the form of which cannot be estimated at this time. Section 4.2. of the Outline PROW Management Plan details the signage and information relating to temporary closures. Details are unclear at this as to how and exactly where notification will be made of temporary closures, but signage will be used in some form. Section 4.2.4. sates that PROW Officers will receive at least seven days advance notice of any closures. Depending on the duration of such closures this short notice period could lead to issues in processing and advertising closures for the Council which would have a knock-on effect for potential users. For example, sixth month closures usually require at least four weeks' notice to the Council in allow for processing time. While Requirement 14 would require the submission of a rights of way management plan "substantially in accordance with the outline public rights of way management plan" for any sections of public rights of way shown to be temporarily closed on the rights of way and access plans for that phase has been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority. Seven PROW are to be permanently stopped up as part of the development plans. This represents a total of 2,922 metres to be lost. Section 4.2 of the Outline PROW	

Reference	Topic summary	RWE response
	Management Plan, section 4.3 describes these as 'short' sections but with several of these being over 800m in length that is debatable. In contrast to this loss, 3,400 metres of network will be re-provided representing a net gain of around 500 metres. However, it must be noted that there may well be those that are against the exact 2,922 metres that are to be lost. Public rights of way can often form an important aspect of community and the loss of specific routes may cause strong public feeling despite the net gain. Section 10.2 of the Environmental Statement states that PROW diversions, new PROWs and permissive paths will 'enhance the existing PROW network and enabling a more cohesive PROW network'. Without walking and inspecting the proposed new routes, the accuracy of this statement cannot be verified at this time.	
5.4.15-5.4.16	**Operational Phase** Landscaping mitigation measures are described in 8.2.1. of the Environmental Statement. This includes the planting of trees. No information is provided on the type of height of the trees when they are planted. Therefore, no reasonable guess can be made regarding the rate of growth. Exact location of planting in relation to PROWs are also not available at the time of writing however if these are adjacent to PROWs details there is the risk of them growing out to obstruct PROWs if they are not properly managed. Documents refer to effects of sight of the panels being reduced after 10 years as trees grow but the effect is still considered significant even then. The above trees are planned to mitigate the effect of several planned new visual elements. These include the panels themselves at 3.5 metres high, security cameras on 3-metre-high poles, inverters and batteries - up to 3 metres in height and perimeter fences at 2 metres high. These are described as 'deer' fences, but no images are provided to suggest what they could look like. Not all the above elements will be visible from the PROW network but much of it will and particularly during the first 10 years of the life of the proposed development. Application documents state that some walkers within 1 kilometre would see panels and that effects are considered significant adverse overall.	Tree and hedge growth would vary depending on species but would be expected to be typical for native species in the UK as set out at 7.7.10 of ES Chapter 7 Landscape and Visual [APP-030]. The proposed maintained height of hedging is 2-2.5m and 2-3m wide as set out at 5.5.10 of the Outline Landscape and Ecology Management Plan (LEMP) [APP-118]. The species and management of trees is also set out in the LEMP. These measures would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2). Section 5.2.5 of the LEMP also sets out a commitment to maintain accessibility of the PRoW network within the Order Limits, and the design parameters applied throughout the Order Limits are illustrated by Section A on Page 34 of the Design Approach Document [APP-165]. The 'deer fence' is illustrated by ES Figure 2.15 [APP-053]. ES Chapter 7 Landscape and Visual [APP-030] sets out the anticipated effects of the Proposed Development; this includes some significant adverse effects on views from PRoW with 1km.
5.4.17-5.4.18	**Permissive Paths** A total of 3,600km of permissive paths are to be provided in addition to the PROW provision. Permissive paths have no formal legal status and are only to be provided during the operational phase of the development. From analysis of the plans provided this quoted length does not seem to match up. Nevertheless, the provision of such paths in principle is a welcome addition to the path network for the lifetime of the development.	The Applicant wishes to confirm that they are proposing to provide an additional ~3,600m of permissive paths, as confirmed in ES Chapter 9 Land Use and Socioeconomics [APP-032], and not 3,600km as stated. Further detail regarding the proposals for management of the PRoW network during construction, as requested by DBC, would be confirmed through the discharge of Requirement 14 of the DCO (Document Reference 3.1, Revision 2) prior to commencement and would require approval of the relevant planning authority, in consultation with the highway authority. Requirement 14 requires

Reference	Topic summary	RWE response
	The application documents do not detail the standard of the construction and maintenance of the proposed permissive paths. Section 4.4.9 of the Outline PROW Management Plan mentions maintenance agreements, surface materials, access features/means of enclosure and signage of permissive paths however no such mention is made for PROWs.	the submission of a public rights of way management plan prior the commencement of any phase of the Proposed Development, which would include detail on the standard of construction and maintenance of the proposed permissive paths and PRoW, as outlined in paragraphs 4.3.6, 4.4.6 and 4.4.9 of the Outline PRoW Management Plan [APP-119].
5.4.19-5.4.20	**Adequacy of the Application/DCO** Further information is required to carry out a full assessment of the potential impacts on the PROW network and its users, particularly during the construction phase given the number of footpaths affected for the duration of the construction period, as this could have a detrimental impact on a significant area of the PROW network. While the scheme incorporates mitigation measures into the scheme to seek to minimise negative impacts the Council's Public Rights of Way Officer considers this needs to be explored in more detail to identify the best solution for individual locations along the PROW network. Without further clarification and assessment of the points raised by the Public Rights of Way Officer, the Council cannot formulate a view on the overall impact of the development on the Council's rights of way network	The Applicant acknowledges this summary, the detailed points of which are responded to above, and will engage further with DBC regarding these concerns as part of the SoCG process, with an update to be provided on those discussions later in Examination.
Heritage assets (5.5)		
5.5.1-5.5.2	Key Policies • DLP Policy ENV1 – Protecting and Enhancing Darlington's Historic Environment (Strategic Policy) 5.5.1 DLP Policy ENV1 requires that when considering proposals affected all designated heritage assets or non-designated heritage assets of archaeological interest, great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's conservation, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal. 5.5.2 Further requirements regarding development affecting Conservation Areas, Archaeological Sites, and Non-Designated Heritage Assets are also set out in sub-sections to Policy ENV1.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy ENV1.
5.5.3-5.5.7	**Key Local Issues**	This assessment is noted. ES Chapter 8 Cultural Heritage and Archaeology [APP-031] provides an assessment of effects to the historic environment,

Reference	Topic summary	RWE response
	Built Heritage There is one Conservation Area (Bishopton) within the Order Limits by virtue of the on-road cable route, with listed buildings within the Conservation Area adjacent to this part of the Order Limits. One Scheduled Monument (Motte and Bailey Castle) is immediately adjacent to the Order Limits, also related to the cable route. Chapter 8 of the ES (Cultural Heritage and Archaeology) considers the stage process set out in Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets, by identifying the heritage assets, considering their relative significance, setting and the impacts of that development on the level of significance identified. As part of this process, along with designated heritage assets, the order has considered non-designated heritage assets (assets identified on the Durham and Tees Archaeology HER). The design of the proposed development submitted for development consent includes a number of changes made since the PEIR and statutory consultation. The application sets out that the final DCO application design has been informed by three key factors: statutory consultation feedback; landowner engagement; and further technical assessment. Along with various changes to layout, design and height of panels, the Norton substation has been included and the impacts of this on heritage matters has been considered. These changes are set out in 3.7.14 (Table 3-2) of Chapter 3 of the ES Alternatives and Design Iteration (APP-026). None of the identified changes are considered to alter the comments provided on the proposal as part of the statutory pre-application consultation. In relation to potential indirect impacts to designated heritage assets through a change in setting, this is considered in ES Chapter 3. For cultural heritage, mitigation measures are concentrated on the enhancement of field boundaries to provide screening between the proposed development and surrounding landscape. As part of the landscape and visual impact assessment, where existing boundaries are less than complete, these have been identified for enhancement with large gaps being proposed to be filled with new planting. The application has considered the built heritage assets that will be affected by the proposed development, their relative significance, and setting according to significance and the resulting impacts. While mitigation seeks to reduce the impact of the proposed development, there will inevitably be a degree of impact on setting of some of the assets. However, harm to designated heritage assets of the highest significance has been avoided and any resulting harm to the setting of designated heritage assets will be mitigated by the measures proposed. Any resulting harm would be considered	finding that there would be no significant effects during construction, operation and decommissioning.

Reference	Topic summary	RWE response
	at the lower end of less than substantial for the purposes of the NPPF and DLP Policy ENV1.	
5.5.1-5.5.10	**Archaeology** The Archaeological Management Strategy (AMS) submitted with the application is appropriate for the development and has previously been agreed with Durham County Council Archaeology Section (providing advice to Darlington Borough Council on Archaeology matters) and Tees Archaeology (advising Stockton Borough Council). DBC, in conjunction with Durham County Council Archaeology Section, would request that further additional information is secured as part of requirement 17: • 17(4) "No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be brought into operation until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority" • 17(5) "For each phase of works, following investigative archaeological works, an update to the Archaeological Management Strategy will be produced, setting out any mitigation measures to be put in place. The development will then be carried out in line with this update" The inclusion of 17(4) would allow for fieldwork to be carried out and completed and discharged but allow time for the post excavation work to take place. This can often take some time after an excavation, so a separate condition is desirable, and is based on model conditions proposed by Historic England. 17(5) would allow DBC in consultation with Durham County Council Archaeology Section to agree what mitigation measures are needed to deal with any archaeology found within a panel area and to ensure they are enforceable and capable of being complied with. It would also ensure that any further excavation could be worked into the programme.	The Applicant has contacted the County Archaeologist to clarify the meaning of 'post-investigation assessment' as specified in the suggested requirement wording, and will consider the request further once this clarification is provided.
5.5.11	**Adequacy of Application/DCO** The application appropriately assesses the impacts of the proposed development on designated and non-designated heritage assets. While some harm is identified to the Bishopton Conservation Area this is considered to be less than significant and at the lower end of the scale of harm. Should the ExA determine that the public benefits to be derived from the scheme outweigh this level of harm then with mitigation, the scheme has the potential to comply with the requirements of DLP Policy ENV1.	These comments are noted.

Reference	Topic summary	RWE response
	Similarly, subject to an appropriate written scheme of investigation and further information as set out above being secured by requirement, the scheme is considered to also comply with Policy ENV1(c). On this basis the proposal is considered to have a neutral impact on heritage assets.	

Reference	Topic summary	RWE response
Landscape and Visual Impact		
5.6.1	Key Policies • DLP Policy SH1 – Settlement Hierarchy • DLP Policy DC1 - Sustainable Design Principles & Climate Change (Strategic Policy) • DLP Policy DC4 - Safeguarding Amenity • DLP Policy ENV3 – Local Landscape Character (Strategic Policy) • DLP Policy ENV4 – Green and Blue Infrastructure (Strategic Policy) • DLP Policy IN9 – Renewable Energy Policy SH1 states "distribution of development will be shaped by the role and function of places (settlement)….The character of the Rural Villages, including their relationship to and setting within the surrounding countryside, will be protected and where possible enhanced". Policy DC1 is concerned with good design and ensuring proposals respond positively to the local context. Proposal should take account of important views and vistas. Policy DC4 is concerned about safeguarding amenity. Amongst other things it states that development will be supported where it is suitably located and is acceptable in terms of visual dominance and overbearing effects. Policy ENV3 is concerned with the protection and enhancement of character and local distinctiveness of the urban and rural area and villages. Policy ENV4 is concerned with the protection and improvement of green and blue infrastructure. Policy IN9 states renewable energy development will be support where proposals are in accordance with relevant criteria which includes the mitigation of visual impact in relation to solar development, taking account of, among other things, the colour and appearance of the modules.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies DC1, DC4, ENV4 and IN9. In relation to Policy SH1, ES Chapter 7 Landscape and Visual [APP-30] outlines the anticipated effects on nearby villages to the Proposed Development. This assessment was carried out following pre-application engagement with DBC, and includes an assessment of village character, which is not generally carried out for similar solar NSIPs, or other LVIAs for any project.
5.6.2-5.6.19	**Key Local Issues** DBC commissioned Glenkemp Landscape Architects to assist in the consideration and reviews of the landscape and visual elements of the proposed development. A full copy of their report and comments on the DCO application is provided in Appendix DBC2. The following assessment is based on those comments and should be read in conjunction with them.	The Applicant has previously engaged with DBC and Glenkemp Landscape Architects, with a further meeting on 19/08/2024 to discuss landscape matters. The Applicant continues to engage with DBC through the Statement of Common Ground, intended to be submitted at a future deadline of Examination.
	Byers Gill Solar, taken individually and in combination with other consented solar farms in the 3km Study Area represents one of the largest concentrations of photovoltaic development in the country, equivalent to some of the largest solar energy farms currently proposed in the UK.	Environmental Statement Chapter 2 The Proposed Development [APP-025] sets out in detail a description of the Proposed Development and its location and context that it sits within. National planning policy as set out in NPS EN-1 and EN-3 actively encourages the development of solar farms of greater than 50MW in response to the

Reference	Topic summary	RWE response
	The dispersed nature of the Byers Gill solar panels across a wide geographic area, with separation distances ranging from 100-700m, would give the appearance of up to 10 individual solar farms (in close proximity) separated by one or several fields, roads and settlement. The Development proposes six separate Panels Areas A-F located across a geographic area in excess of 25 km2 (9.74 square miles). The geographic area is predominantly open farmland with scattered villages connected by rural roads and public footpaths. The farmland is located between Darlington/Newton Aycliffe and Stockton-on-Tees. The gap between the edge of the major urban areas is approximately 12km. The Solar Panel Areas extend across 8km of this gap. The gap contains an additional seven solar farms which have consent and/or under construction (One cumulative project lies outside the described settlement gap). The Panel Areas cover approximately 20% of all land within the 25km2 geographic area. The Panel Areas cover 57 separate field enclosures. The open, undulating topography of the Study Area presents a challenging landscape in which to locate solar farm development due to high visibility from elevated land, visibility on local ridges and the large variation in reflective light (appearance) caused by undulating solar panels. These effects are illustrated in this report with photography of a solar farm in a similar landscape. It is unclear from the Design Approach Document, the ES or any other supporting document, the rationale behind the following key design principles which characterise the scheme layout for Byers Gill Solar. a) The clustering of solar panel areas around rural settlements and their landscape setting. b) The clustering of solar panel areas along the most commonly used country road in the Study Area connecting local villages. c) The dispersed nature of the solar panels covering a wide geographic area (25km2). d) The limited potential for expansion of Panel Areas B and C on land regarded as less sensitive (outside the village settings) and with relatively few environmental constraints. e) The introduction of solar panels in open countryside on the edge of Bishopton with high visual amenity value due to proximity (and visual connectivity) to important walking routes, residential and community properties and recreation facilities. The absence of a clearly defined landscape strategy in the Design Approach Document is a key weakness in the presentation of the design principles and without such information it is challenging for DBC to assess the positive benefit of embedded	urgent national need, identifying this as CNP infrastructure. The clustering of consented and proposed energy developments in areas of grid availability (such as in the area in which the Proposed Development is sited) is a consequence of the way in which the market for electricity generation is operated and is not under the control of either individual applicants, or renewable energy developers as organisations. The design approach and process, including site selection and the landscape strategy, is described in ES Chapter 3 Alternatives and Design Iteration [APP-026], the Design Approach Document [AS-004], ES Figure 2.20 Landscape Concept Masterplan [APP-058] and ES Appendix 2.14 Outline LEMP [APP-118]. Further detailed description of the selection of and changes to the panel areas is provided in Energy Generation and Design Evolution Document (Document Reference 8.9). Cumulative effects of the Proposed Development with other committed developments, including other solar schemes, have been assessed using the methodology set out in Environmental Statement Chapter 13 Cumulative Effects [APP-036]. A long list [APP-161] and short list [APP-162] of committed developments have been identified to feed into this assessment and their cumulative effect with the Proposed Development has been considered and where it has been assessed as appropriate to do so. Darlington Borough Council was actively engaged in the definition of the long list of committed developments, see 13.3.11 in Environmental Statement Chapter 13 Cumulative Effects [APP-036]. The Applicant's cumulative assessment of the impacts on landscape and visual impacts is contained within paragraphs 13.5.32 to 13.5.46 of ES Chapter 13 [APP-036].

Reference	Topic summary	RWE response
	mitigation and enhancement in terms of strategic green infrastructure and wildlife corridors.	
	DBC is of the view that the proposal for 3.5m high solar panels should not be regarded as mitigation where this specification is commonly used on new solar development and taller panels are, in fact, atypical.	Solar panels are a continuously evolving technology and tracker panels of up to 5m in height are a realistic option considered during the earlier stages of the project. The reduction to 3.5m for the maximum panel height was informed by consideration of the potential landscape and visual impacts of the 4.35m panels during the PEIR stage.
	The Design Approach Document refers to the creation of new permissive routes to improve the quality and connectivity of the PROW network. These routes are welcome where there is poor or disrupted connectively across the existing network. However, the recreation value of improved footpath connectivity must be balanced against the loss of amenity due to the widespread use of double hedging.	The Applicant considers that double-hedged lanes are relatively typical of LCA 6 Great Stainton Farmland, which is the host character type for Panel Areas A-D as shown by ES Figure 7.1 Landscape Context [APP-063]. Within this area, the following routes are double-hedged rights of way: High House Lane, Catkill Lane, Salters Lane, sections of the routes radiating from Brafferton, parts of Ketton Lane. As noted later in the LIR, double-hedging, whilst not ideal in landscapes where it is not typical, or where there are currently open views from PRoW, is judged to be preferable to open views of a solar farm.
	The designation of Permissive Routes as Public Rights of Way would have secured greater long-term benefit for local communities.	This comment is noted. As set out in ES Chapter 9 Land Use and Socioeconomics [APP-032], the Applicant is proposing to provide an additional ~3600m of permissive paths, during the construction stage, in order to create an enhanced and better-connected network in the local area.
	The Design Approach Document refers to new amenity areas, community land and interpretation at Bishopton. There are no proposals for such mitigation/enhancement in other villages located in the Study Area. It is reasonable to assume, therefore, that the benefit of these proposals is limited to residents in Bishopton.	It is reasonable to assume that the facilities are more likely to be used by residents of Bishopton. However, the facilities may be used any who choose to do so, and children of families who live in other villages but go to school in Bishopton are likely to benefit from the facilities provided close to the school.
	The biodiversity net gain across the development is welcome and perhaps the most significant benefit of the development. However, in weighing the ecological benefit of the mitigation measures the Council is mindful of potentially significant landscape/visual adverse effects arising from such measures. It is the Council's opinion that the widespread introduction of hedging on PROW and new permissive routes significantly reduces the amenity value of these footpaths. The substantial length of footpath affected by these proposals and the extensive geographic area covered by the Development (in close proximity to three villages) increases the adverse effect on local amenity. It is accepted that high hedging (on both sides of a footpath corridor)	The Applicant acknowledges the support for the substantial biodiversity net gain to be delivered by the Proposed Development. The Applicant's position on double hedging has been addressed in earlier sections of this document.

Reference	Topic summary	RWE response
	may be a preferable solution to views of solar panels, but it does not mean that this solution is acceptable in landscapes where such features are uncommon.	
	DBC is of the opinion that the baseline methodology and criteria used to undertake the landscape and visual assessment in ES Chapter 7 (APP-030) generally accords with guidelines. The baseline material is generally adequate and comprehensive, but the absence of plans (in the ES or supporting documents) illustrating site analysis and evaluation, normally expected for strategic development at this scale, is a significant weakness. The Council also has major concerns about the selection/quality of photographic viewpoints presented in the ES and the representativeness of appearance in the visualisations. The Council is of the opinion (demonstrated by photographic evidence presented in this report) that the photography provided in the ES does not represent a reasonable 'worst case' for some receptors such as Great Stainton (and the roads into this village) and in some cases, does not even represent a typical view.	The Applicant notes the acknowledgement of DBC that ES Chapter 7 Landscape and Visual [APP-030] generally accords with relevant guidance. Site analysis plans (which are specifically referenced in Appendix DBC 2 at 6.1a, 7.9 and 7.17 among others), if provided, typically form part of a design description, and as noted at 7.9 of DBC2, could have been included in the Design Approach Document. They are not required as part of an LVIA or as part of a design description. For this project the choice was made to express the design and mitigation strategy as text rather than illustration. In selecting viewpoints at Great Stainton, the aim was to represent views of the solar farm from the village (the receptor) as closely as possible. In order to obtain more open views than those available at viewpoints 17 or 18, it would have been necessary to move further away from the village – which would be viewpoints better representing receptors using footpaths and local roads rather than from the village itself. During consultation, DBC criticised the viewpoint selection, but also declined to identify specific locations or receptors that should be included. Some locations were suggested as 'examples' by DBC – which are discussed in Table 7-1 of ES Chapter 7 Landscape and Visual [APP-030]. The location suggested at Great Stainton was an unsafe location on a narrow road verge and was unsuitable. Appendix DBC2 to the LIR also shows further 'example' views from around Great Stainton on pages 30-34. Location 2 (page 30) is in an unsafe position on a narrow road verge. On pages 31-32, locations 3 and 5 are suggested as a better alternative to ES viewpoint 17, however location 5 is further from the village and it was judged that despite the presence of the nearby shed it was better to capture both east and southward views at one viewpoint – reflecting the extent of views experienced from the village. This is not possible from example location 3. Pages 33-34 relate mostly to views towards the village or around rather than from the village. Location 6 is similar to Illustrative View F in Appendix 7.2 Illustrative Views to the ES [APP-133]. Locations 8 and 9 could have been selected, but the relevant receptors are represented by ES viewpoints 16 and 19. Location 10 would not be used as a representative viewpoint as it is in a location which would not be accessible to the public during the lifetime of the solar farm (a footpath which is proposed to be re-routed.

Reference	Topic summary	RWE response
		DBC commented on viewpoint selection at the scoping and PEIR stages, and where they suggested specific locations these were responded to and some included. After publication of the PEIR DBC continued to comment on the viewpoint selection, but made no specific suggestions. They were invited to do so both before and after publication of the ES, as the Applicant offered to provide additional visualisations as reference material outside of the ES if DBC could identify suitable locations that they wished that done for. If DBC had responded to requests to suggest alternative locations it is quite likely that some of the viewpoint examples included in DBC2 could have been included in the ES or as further reference material. However, it is considered that the examples they provide would not alter the outcomes of the assessment if used instead of, or as well as, the ES viewpoints.
	The misinterpretation of the village settings and the absence of an assessment on the settings (as a distinct receptor) compounds the above weaknesses.	The assessment of settlements and their settings is provided at sections 7.10.52-7.10.80 of ES Chapter 7 Landscape and Visual [APP-030]. It is not a matter covered by LVIA guidance, is not normal practice, and there is no standard approach to it. DBC's contention that two assessments should be provided for each village, one for the settlement and one for the setting has no basis in guidance or best practice. The author of the LVIA has more than 23 years of professional practice, primarily working on EIA projects, often on appeals and quite frequently on national scale projects, including peer reviews of assessments prepared by others. In that time, this type of assessment has never previously been requested, nor has the lack of one been criticised, nor has one been provided in an LVIA received for peer review. The approach taken in the ES was developed in response to DBC's request that such an assessment be undertaken. It draws on established techniques used to define landscape and townscape character areas ('An Approach to Landscape Character Assessment, Natural England, 2018' and 'Townscape Character Assessment', Landscape Institute Technical Information Note 05/2017, Revised April 2018) along with considerations in relation to settlement setting which are more commonly used to inform the design of projects to extend settlements (e.g. housing allocations and housing proposals). It is also important to note that despite DBC's comments that the assessments should be separate, there is notable agreement between the Applicant and DBC as to whether or not effects on settlements and their settings would be significant. In light of this, the Applicant considers that the methodological point as to whether there should be one assessment or two has limited relevance given the parties broadly agree where significant effects would arise.

Reference	Topic summary	RWE response
		In Appendix DBC2 of the LIR, DBC suggest that the extent of each village setting is more extensive (in some but not all directions) than indicated in Figure 7.6 [APP-068]. Reviewing the drawings of settings provided in Appendix DBC2 of the LIR and the text at 4.9 of Appendix DBC2, it appears that DBC considers the 'extent of visibility' to be a key factor in defining setting, whereas the Applicant has focussed more on character as noted above. The division of the landscape around the villages into village setting or simply part of the wider landscape character areas is a construct borne of DBC's request for an assessment of effects on settlements and their settings. The dispute about the extent of settings should not distract from broad agreement about where significant effects would arise. For example, at Brafferton – both parties agree that there would be significant effects on character and views in the areas to the northeast and south of Brafferton which would be host to parts of Panel Area A. The disagreement relates to whether or not these form part of the village setting – a matter not covered by guidance.
	The ES predicts significant landscape and visual effects during operation on the Great Stainton landscape character area, the villages of Great Stainton and Bishopton and all public footpaths within 1.0km of the Proposed Development. Views from several receptors are predicted to reduce to moderate by Years 10-40. Moderate adverse effects can be considered potentially significant. DBC is of the opinion that the effects on the character of Brafferton and views from Brafferton should also be considered significant. Furthermore, DBC is of the view that significant impacts will occur on the setting of the villages. The sensitivity of the rural village settings is highlighted in Darlington Landscape Character Assessment and any significant changes will clearly impact on landscape character and the amenity of local residents.	See below regarding significant effects agreed / not agreed.
	Additionally, DBC is of the opinion that the combination of the development and cumulative solar farms generates significant impacts on the rural highway network in the 3.0km Study Area, noting that the ES predicts visual effects on every individual section of road, ranging from moderate/minor to moderate (potentially significant). It is clear that every road would interact with a solar farm and travellers would potentially experience a solar farm every 2-3 minutes along the entire 10.6km central route connecting the villages. DBC is of the view, therefore, that such effects should be considered significant.	See below regarding significant effects agreed / not agreed.
	Overall, the predicted significant adverse impacts identified in the ES are not that dissimilar to the views expressed by DBC but there is disagreement on the significance of moderate impacts and the magnitude of adverse effect on Brafferton and local roads. There is a high degree of consensus that many local receptor groups	Based on the LIR and initial discussions in relation to the SoCG on 19/08/2024, the Applicant is of the view that the following is agreed in relation to significant landscape and visual effects:

Reference	Topic summary	RWE response

	in close proximity to the solar panels will experience significant adverse effects including rural settlement and public footpath users. There is also agreement about significant adverse effects on landscape character although, for reasons given, DBC is of the view these effects cover multiple character areas.
	5.6.17 Summary of landscape and visual effects after mitigation considered by DBC to be significant (during operation). ES denotes those affects which are assessed as significant in the Environmental Statement.
	1) Landscape effects on landscape character area Darlington 6: Great Stainton Farmland (ES)
	2) Landscape effects on landscape character area Darlington 7: Bishopton Vale* 1
	3) Landscape effects on the setting of Bishopton*2
	4) Landscape effects on the setting of Great Stainton*2
	5) Landscape effects on the setting of Brafferton* 2
	6) Landscape effects on the character of Bishopton (ES)
	7) Landscape effects on the character of Great Stainton (ES)
	8) Landscape effects on the character of Brafferton*3
	9) Visual effects on all Public Rights of Way (25 no. covering a total length of approximately 33km) within 1km of the Development (ES)*4
	10) Visual effects on the central east-route through the Study Area connecting villages*5
	11) Visual effects on views from Bishopton (ES)
	12) Visual effects on views from Great Stainton (ES)
	13) Visual effects on views from Brafferton*6
	Notes*
	1. Assessed as moderate in the ES (potentially significant)
	2. Not assessed as a receptor in the ES
	3. Assessed as moderate/minor in the ES
	4. Effects on PRoW are grouped in geographic areas in the ES. All visual effects for all PRoW groups are assessed as significant
	5. Effects on individual sections of roads within 1km of the Proposed Development are assessed as moderate/minor or moderate in the ES (moderate effects are potentially significant).
	6. Assessed as moderate in the ES (potentially significant)
		- DBC has no comment on significant effects identified during construction and decommissioning.
		- Where the ES identifies significant effects during operation, those are agreed.
		- In addition, DBC consider the following effects to be significant:
		  - Effects on LCA 7 Bishopton Vale;
		  - Effects on the character and setting of Brafferton;
		  - Effects on views from Brafferton;
		  - Effects on the local road route between Bishopton and Brafferton (Lime Lane, Lodge Lane and the local road between Great Stainton and Bishopton).
		- Clarification is awaited as to whether DBC consider effects on receptors to be significant where the ES indicates that mitigation is predicted to reduce effects to non-significant in years 10-40 (character and setting of Bishopton, views from Bishopton and PRoW within 1km - East of Bleach House Bank between Stillington, Redmarshall and Stoney Flatt Farm)
		The Applicant notes that DBC directly connect the identification of multiple significant adverse effects with identifying effects as unacceptable. Whilst national policy requires good design, including in relation to the mitigation of landscape and visual effects, there is no suggestion in national policy that significant landscape and visual effects must be entirely avoided. The explanation of the balance to be made between loss of function and reduction of landscape and visual effects is clearly expressed at 5.10.26 of NPS EN-1. Here it is indicated that in considering the reduction of panel areas to mitigate landscape and visual effects the loss of function (energy generation) is only warranted in "*exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function*".
		The Applicant considers that this balance has been correctly struck within the limitations of the land available for the Proposed Development; the design requirements imposed by the technology; other potential (non-landscape/visual) environmental impacts and responding to consultation.
		The residual adverse effects must also be situated within the context of the critical national priority (CNP) for low carbon energy generation such as the Proposed Development, as established through NPS EN-1. Chapter 3 of the Planning Statement [APP-163] sets out the urgent need for the Proposed Development as supported through the NPSs to meet national legislative

Reference	Topic summary	RWE response
	DBC accepts that some effects are inevitable for any solar development but significant adverse residual effects on multiple receptors (after mitigation) are not inevitable. The conclusion of significant landscape and visual effects in the ES and by DBC suggests that the landscape in question has limited capacity for a solar farm at this scale in combination of other consented solar development. It also indicates that the dispersed nature of the Development, across a large geographic area, causes widespread unacceptable harm to many receptors which cannot be mitigated. The predicted landscape/visual impacts will be transformative and the effects on local amenity and local communities will be multi-generational.	commitments to net zero, deliver the national energy strategy and to act on the climate emergency declarations of the three local host authorities. In relation to the weighting of impacts in determining consent, NPS EN-1 paragraph 4.1.7 states: "*For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.*" The Applicant therefore sets out in Chapter 6 of the Planning Statement [APP-163] how the limited residual adverse impacts of the Proposed Development do not outweigh this urgent need, and do not present an unacceptable risk (as identified in paragraph 4.1.7 of NPS EN-1) that would negate the presumption in favour of consent. It concludes that "*The Proposed Development would deliver greater benefit than adverse effects, and would contribute to an urgent national need for low carbon infrastructure*."
	The absence of site analysis and evaluation in the ES and Design Approach Document (except for key settlements, after a request from DBC) would suggest the layout of the Development has not been driven by landscape and visual amenity considerations from the outset. Indeed, it is difficult not to conclude that the solar farm layout, as currently proposed, has been dictated by factors such as land ownership/landowner consent rather than landscape and visual sensitivities, since no rationale is presented to justify the concentration of solar panels around the villages. Landscape and visual matters have been mainly addressed through the landscape mitigation strategy. The strategy has limited success due to the inherent weakness in the design layout, and this has resulted in a range of significant adverse impacts which most likely could have been avoided had the Developer adopted a different design approach.	The influence of landscape and visual considerations on design, from site selection through to the design included at the application stage, is set out within: - ES Chapter 3 Alternatives and Design Iteration (APP-026) – paragraphs 3.6.10, 3.7.5-3.7.6, 3.7.14 (Table 3-2), 3.8.3, 3.9.15, 3.11.3. - Development Approach Document (AS-004) – section 5.2, paragraphs 6.1.2, 7.24-7.2.5, 7.2.10, 7.2.19, 7.2.28, section 7.3, paragraph 7.4.2, Table 7-1, paragraphs 7.4.8-7.4.9. Further detailed description of the selection of and changes to the panel areas is provided in Energy Generation and Design Evolution Document (Document Reference 8.9).
5.6.20	**Adequacy of the Application/DCO** The significant landscape and visual effects generated by the Proposed Development after mitigation are in conflict with Local Policy SH1, DC1, DC4, ENV3 AND IN9. Darlington Borough Council are of the view that these effects and the process undertaken by the Developer to identify such effects are in conflict with national policy and guidance set out in NPS EN1 and NPS EN3. The development is therefore considered to have a negative impact on the area.	As set out in the Planning Statement [APP-163], NPS EN-1 defines low carbon energy infrastructure as critical national priority (CNP); this includes solar energy. It further makes clear that subject to consideration of the impacts of the project and the application of the mitigation hierarchy, any residual impacts of CNP infrastructure should not outweigh the urgent need for its delivery. There are exceptions to the presumption of consent, this does not include

Reference	Topic summary	RWE response
		landscape and visual effects. The Proposed Development is therefore considered to be policy compliant. The Applicant acknowledges the position of DBC and will continue to engage on this matter through the SoCG process.
Flooding and Drainage		
5.7.1	**Key Policies** • DLP Policy DC2 – Flood Risk and Water Management (Strategic Policy) Policy DC2 sets out that new development will be focused in areas of low flood risk (Flood Zone 1). In considering development on sites in higher flood risk areas, the Sequential and Exception Tests must be passed, and the sequential approach applied on site. Site specific flood risk assessments will be required in accordance with national policy. Major development is required to incorporate SuDS.	An updated Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1, Revision 3) which responds to comments from stakeholders on the application of the Sequential and Exception Tests, has been submitted as part of Deadline 2. This has been shared with the EA and the Lead Local Flood Authorities (LLFA).
5.7.2-5.7.3	**Key Local Issues** A Flood Risk Assessment and Drainage Strategy (AS-001) is contained within Appendix 10.1 to Chapter 10 of the Environmental Statement. The comments of the Environment Agency in their relevant representation dated 17th May 2024 are noted; that the development has not considered the sequential test in respect of parts of the site being located within Flood Zones 2 and 3 and has gone straight to the exceptions test. As such, the development would not comply with DLP Policy DC2. DBC understands from the applicant that the Flood Risk Assessment and Drainage Strategy (AS-001) will be updated during the course of the examination to give more detailed reference to the Sequential Test, Sequential Approach and Exception Test, with the intention being that we will be able to provide comment on the updated document.	An updated Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1, Revision 3) which now includes the Sequential and Exception Tests has been submitted as part of Deadline 2.
5.7.4	**Adequacy of the Application/DCO** DBC will consider and provide comment on the updated Flood Risk Assessment and Drainage Strategy at the appropriate time, but at this stage cannot formulate a view on the overall impact of the development in terms of flood risk and drainage.	This comment is noted.
Ecology		
5.8	**Key Policies** • DLP Policy DC1 – Sustainable Design Principles and Climate Change (Strategic Policy)	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies DC1, ENV7, ENV8 and IN9.

Reference	Topic summary	RWE response
	• DLP Policy ENV7 – Biodiversity and Geodiversity and Development (Strategic Policy) • DLP Policy ENV8 – Assessing a Development's Impact on Biodiversity • DLP Policy IN9(b) – Renewable Energy Infrastructure (Solar Power developments)	
5.8.1 – 5.8.2	**Key Local Issues** ES Chapters 2 (Proposed development) (APP-024) and 6 (Biodiversity) (APP-029) assess the impacts and likely significant effects of the proposed development on biodiversity, and outline actions for biodiversity. These include: Design iterations have sought to avoid some areas where nesting lapwing and curlew were recorded and areas where geese and other wildfowl were recorded in the winter. • DBC Ecologist comment – Wintering bird surveys conducted by RSK Biocensus between 2021/2022 identified the habitat supported birds of county level importance. The waterfowl recorded make up part of the assemblage of birds for which the Teesmouth and Cleveland Special Protected Area (SPA) is designated. The impact assessment considered the loss of resting and foraging areas to winter birds, disturbance levels, and displacement from the solar PV modules. Due to potential impacts from the proposed development, the proposed layout was revised which avoided areas of open water and areas where wintering geese were recorded in higher numbers. The revised layout avoids open water and some areas in which wintering geese were recorded. The revised layout also allocates eight biodiversity enhancement areas and two large fields in Panel Area F: North of Bishopton, which will remain free of solar PV modules to provide continued availability of habitat. Due to the revised layout, impacts on wintering birds have therefore been assessed to be long term and of low magnitude, with the effects considered to be not significant. Overall, I am in agreement with the redesign to avoid areas of higher bird activity.	The agreement of DBC in relation to ornithology is noted.
5.8.3	Eight land parcels currently used for intensive agriculture across the Order Limits to be used for biodiversity enhancement with two large fields in Panel Area F: North of Bishopton, also to remain free of solar PV modules. • DBC Ecologist comment - I am satisfied to see that the two large fields in Panel Area F: North of Bishopton, will be maintained with low maintenance grass sward providing enhanced availability of open ground for curlew, lapwing, and other ground nesting birds. This area will also provide foraging habitat for bats.	The support of DBC in relation to biodiversity enhancement is noted.
5.8.4	Revised layout enabling the retention of woodland and the majority of hedgerows and associated trees	As per the Other Consents and Licenses (Document Reference 7.3, Revision 2), the Hedgerow Regulations are sought to be modified through the draft DCO. Furthermore, article 38 ensures that Regulation 6 of the Hedgerow

Reference	Topic summary	RWE response
	• DBC Ecologist comment - The Hedgerow Regulations referenced in the Preliminary Ecological Appraisal Report (APP-126) (section 2.3.4) remain in force and are the appropriate legislative to be referred to. The new Management of Hedgerows (England) Regulations 2024 make provision for the protection of hedgerows on agricultural land. The existing retained hedgerows and new hedgerows will be suitably buffered and managed appropriately, as detailed in sections 5.4 and 5.5 of the OLEMP.	Regulations 1997 is read to include the carrying out or maintenance of development which has been authorised by the Order when assessing whether work is permitted under those regulations. This ensures that the Hedgerow Regulations continue to be in force and are appropriate must be read alongside the amendments caused by article 38.
5.8.5	All boundary features and other features such as larger hedgerows with trees and woodland edge that are of value to foraging bats will be retained, with it predicated that only small sections of poor-quality hedgerow will be removed to accommodate the grid connection cables and access routes. Where possible and practical, construction access and cabling will use existing field entrances and horizontal directional drilling (HDD) will install the cables under hedgerows. • DBC Ecologist comment – As above. In agreement.	The agreement of DBC in relation to hedgerows and trees is noted.
5.8.6	Maintenance of 10 m buffers between Solar PV modules and riparian boundaries and watercourses. • DBC Ecologist comment – In agreement.	The agreement of DBC in relation to proposed buffers is noted.
5.8.7	Maintenance of 8m buffers (3m from hedgerows to security fencing and 5m from security fencing to Solar Cells) between Solar PV modules and hedges to retain foraging and commuting corridors for bats. • DBC Ecologist comment – In agreement.	The agreement of DBC in relation to proposed buffers is noted.
5.8.8	Maintenance of appropriate buffers between Solar PV modules and trees with potential bat roost trees with potential roost features (PRF), which will be protected during development, in line with British Standard BS 5837: Trees in relation to design, demolition and construction by establishing a Construction Exclusion Zone (CEZ) around their Root Protection Areas (RPA). • DBC Ecologist comment – In agreement.	The agreement of DBC in relation to proposed buffers and tree protection is noted.
5.8.9	Much of the terrestrial habitat for GCN within the Proposed Development was considered either suboptimal or unsuitable with the majority of suitable habitat to be retained, with no ponds to be removed. As there remains a possibility that GCN might be present in low numbers or might enter the construction area, an application for a Natural England District Level Licence for GCN will be made. The terms of this licence will include an appropriate payment to be determined by Natural England to further the enhancement of GCN in the region. • DBC Ecologist comment – In agreement	As per the Other Consents and Licenses (Document Reference 7.3, Revision 2), the Applicant has progressed a DLL with Natural England as far as possible in the pre-consent stage. The DLL process will be completed post-consent should consent be granted.

Reference	Topic summary	RWE response
5.8.10	Perimeter security fencing will be implemented early in the construction phase. The fence design will be around individual Panel Areas, to allow the movement of large mammals such as deer through the landscape along retained hedgerow margins. • DBC Ecologist comment - The fence design to allow movement of deer through the landscape along retained hedgerows is welcomed and reduces habitat fragmentation and allows dispersal of deer and other wildlife through the landscape. • Section 6.4.4. of the OLEMP states that 'Maintenance of 8m buffers (3m from hedgerows to security fencing and 5m from security fencing to Solar Cells) between Solar PV modules and hedges to retain foraging and commuting corridors for bats.' It is unclear whether the 3m is from the inner or outer edge of the hedgerow or central point. This needs to be clarified, as if it is from the outer edge or centre, this does not give a 3m buffer. I am concerned that 3m between hedgerow and security fencing may result in collisions from bird species such as sparrowhawk which may hunt along the hedgerows. I would recommend a minimum of 5m between hedgerow edge closest to fencing and fencing to reduce risk of collision from birds flying across/along the hedgerows.	Sparrowhawks are highly agile and adept fliers, evolved to navigate through dense vegetation and hunt in confined spaces, such as woodlands, gardens, and hedgerows. Studies have shown that sparrowhawks are capable of navigating through gaps as narrow as 1-2 meters while pursuing prey. This ability indicates that these birds can effectively hunt and avoid obstacles in relatively confined environments. The presence of a security fence 3 meters away from the hedgerow is unlikely to significantly impede their movement or increase the risk of collisions. A 3-meter buffer provides sufficient space for sparrowhawks to fly parallel to the hedgerow, and their natural agility reduces the likelihood of accidental impacts with the fence. Research on bird collisions with man-made structures suggests that birds are more likely to collide with transparent or reflective surfaces, such as windows, rather than solid objects like fences. Since security fences are generally not reflective and are often visible to birds, they pose a lower risk of collision. In conclusion, based on the ecological behaviour and flight capabilities of sparrowhawks, a 3-meter distance and a 6 m distance to the security fence along mature hedgerows should be sufficient to minimise the risk of collisions. The combination of their hunting strategies, adaptability to narrow spaces, and the visibility of the fencing supports the argument that a 3-meter buffer can effectively accommodate these birds.
5.8.11	Perimeter security fencing to include badger access points placed in the fencing in strategic locations to allow badgers and other small mammals, such as hares access into Panel Areas. The number of badger access points will be determined after preconstruction surveys. A suitable qualified ecologist knowledgeable in badger ecology will determine the number and location of badger access points within the security fencing. These badger access points should be in place the same day the fencing is installed. • DBC Ecologist comment – The inclusions of wildlife access points through security fencing are welcomed. This will reduce the fragmentation of habitat availability for foraging to badgers and other smaller wildlife.	The support of DBC in relation to ecological fencing is noted.
5.8.12	The Proposed Development is anticipated to provide a biodiversity net gain of 88% for habitat units and 108% of hedgerow habitats, in line with the detailed design. • DBC Ecologist comment - Section 7.2.4. of 6.1.1 Environmental Statement Non-Technical Summary states that a biodiversity net gain (BNG) of approximately 87% of habitats and 108% net gain in hedgerows is reported for the Proposed Development. Any changes to landscaping which result in an alteration to BNG must be amended on the BNG Metric and an updated report should be produced.	This comment is noted.

Reference	Topic summary	RWE response
5.8.13	Lighting will be limited to the construction period with occasional lighting required for maintenance works during operation, which will not be a permanent fixture. Lighting will conform to best practice guidelines with respect to minimising light spill into adjacent habitats and prevent disturbance to bats and other species during construction and operation. Lighting will be minimised to that required for safe site operations. Where lighting is required, it will be directed toward the middle of the working area and will utilise directional fittings to minimise outward light spill and glare, preferably at an angle greater than 20 degrees from the horizontal). • DBC Ecologist comment – Where possible, lighting should not be used during the hours of darkness to minimize disturbance to nocturnal wildlife. Where lighting will be used between the hours of dusk to dawn, a lighting design plan to show the spill of light onto the adjacent habitats should be submitted. The lighting plan should refer to the updated Bats and Artificial Lighting at Night Guidance Note 08/23 (ILP, 2023).	As set out in paragraph 2.7.23 of ES Chapter 2 The Proposed Development [APP-025], construction lighting would be intermittently used throughout the construction phase for select operations in isolated locations only at the construction compounds, and may be required for working during night time hours in the winter Paragraph 2.6.14 confirms that best practice guidelines, namely the Guidance Notie 08/23 as referenced by DBC, would be utilised. Paragraph 2.3.38 confirms that operational lighting would be limited to infrared security lighting, which would be required around key electrical infrastructure. This lighting would be sensor triggered and therefore not continuous. The Applicant is willing to commit to delivering a lighting plan, in accordance with the aforementioned guidance, for any stage of construction in which works are required during hours of darkness. This will be set out in an update to the outline CEMP [APP-110] as reflected in ES Errata and Management Plans Proposed Updates (Document Reference 8.11).
5.8.14	Pre-construction and pre-decommissioning surveys will be undertaken to provide an update on the presence and location of any invasive species. An Invasive non-native plant species (INNS) method statement should be created, detailing measures to minimise the risk of spreading Himalayan balsam along Bishopton Beck. • DBC Ecologist comment -The PEA and CEMP outline that an INNS method statement will be submitted to manage the INNS. The PEA and CEMP also recommend a pre-construction site survey to identify areas of Himalayan balsam and to check for presence of other INNS within the development area. The Mitigation Route Map identifies that a pre-construction and predecommissioning survey and method statement for INNS will be undertaken. This needs to be secured to ensure that surveys both pre-construction and predecommissioning are undertaken to determine presence and location of INNS, with a supporting method statement to detail measures to minimize the risk of spreading Himalayan balsam and any other INNS present.	Requirement 4 of the DCO (Document Reference 3.1, Revision 2) states that the CEMP must be produced in accordance with the Outline CEMP [APP-110], whilst Requirement 5 requires the production of a DEMP in accordance with the outline DEMP [APP-111]. The Outline CEMP and Outline DEMP [APP-111] specify that an invasive non-native plant species (INNS) method statement will be produced, as secured via commitment BD6-CEMP in the Mitigation Route Map [APP-171]. As such, the detailed CEMP produced under Requirement 4 and the detailed DEMP under Requirement 5 will need to accord with this provision, along with any other commitments made in the outline documents. It is considered that the INNS is sufficiently secured in this manner.
5.8.15	An Ecological Clerk of Works (ECoW) to be appointed to help oversee construction and decommissioning from an ecology perspective. • DBC Ecologist comment – In agreement that an ECoW needs to be appointed.	The agreement of DBC in relation to an ECoW is noted.
5.8.16	An ecologist or ECoW will complete a preconstruction and pre-decommissioning survey in advance of works. The walkover will be completed sufficiently in advance of the works to allow for the completion of any additional seasonal surveys (e.g., surveys in support of protected species licenses).	The agreement of DBC in relation to further survey work is noted.

Reference	Topic summary	RWE response
	• DBC Ecologist comment – In agreement that a preconstruction and pre-decommissioning suite of surveys are required in advance of works.	
5.8.17	A Species Protection Plan (SPP) is to be to be implemented during the construction and decommissioning phases of the Proposed Development. • DBC Ecologist comment – In agreement.	The agreement of DBC in relation to an SPP is noted.
5.8.18	Clearance of vegetation of potential value to nesting birds (i.e., to facilitate access) will be completed outside of the bird-breeding season (considered to be between midFebruary and August inclusive). However, should it not be possible to avoid this season, vegetation will be inspected/surveyed by the ECoW immediately before clearance (i.e., within 24 hours of clearance works). An active nest will be given an appropriate disturbance buffer for that species with work only allowed to take place within this buffer once the project ecologist has confirmed any young have fully fledged and left the nest. • DBC Ecologist comment – In agreement with methods. ECoW should be available to check for nesting birds and to install buffer area where nesting birds are located, and to check for fledging.	The agreement of DBC in relation to vegetation clearance is noted.
5.8.19	Any tree to be felled will be subject to a preconstruction check to determine its current bat roost potential and if found to have potential to support roosting bats will be subject to suitable surveys, as described in good practice survey guidelines. • DBC Ecologist comment – a suitably qualified ecologist with appropriate licenses should be commissioned to undertake the bat roost check on trees to be felled. In addition to the above comments, if trees are determined to have bat roosts, then either the trees should be retained and protected, or a Natural England Mitigation Licence should be sought to ensure that appropriate mitigation is undertaken to protect the conservation status of the bat species roosting.	Any trees to be felled identified with bat roost potential will be subject to pre-construction checks, either a climbing or emergence survey by a licensed bat ecologist. If roosting bats are identified then the tree will not be felled until a licence has been applied for and received from Natural England and suitable mitigation measures agreed to compensate for the loss of the roost. This is secured via commitment BD5-CEMP of the Mitigation Route Map [APP-171] via the Outline CEMP [APP-111]. As per Requirement 4 of the DCO, no phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the relevant planning authority. Any CEMP submitted for approval must be in accordance with the outline CEMP and any approved CEMP must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates.
5.8.20	Where possible, hedgerows, tree lines, ditches and trees including the tree RPA are to be protected during construction and decommissioning through the use of suitable buffers and fencing. For further information on tree buffers, see ES Appendix 7.5 Arboricultural Impact Assessment (APP-138) (Document reference 6.4.7.5). • DBC Ecologist comment – In agreement.	The agreement of DBC in relation to tree protection is noted.
5.8.21	Should ground clearance of habitat suitable for reptiles/amphibians be required then this should be undertaken at the right time of year to avoid the hibernation period -	The agreement of DBC in relation to reptiles and amphibians is noted.

Reference	Topic summary	RWE response
	i.e., avoid the period: October to March. The ECoW would supervise works and relocate any reptiles/amphibians found. • DBC Ecologist comment – In agreement. A suitably qualified ecologist with appropriate licenses should be commissioned to undertake the work.	
5.8.22	If clearance of reptile hibernacula features is necessary, then this would be done in the summer months to avoid disturbing hibernating reptiles (April to September). • DBC Ecologist comment – This should be undertaken under ECoW to avoid injury or death to species which may be using the features.	This comment is noted. As above, an ECoW would be appointed.
5.8.23	For mobile species such as badger, preconstruction and pre-decommissioning surveys will be required to check the status of the setts identified and to locate any new active setts that would need to be protected. • DBC Ecologist comment – In agreement. Where new badger setts or foraging areas are identified they should be mapped, and protection measure and mitigation should be outlined. Where badger setts are to be impacted by the development, a badger mitigation licence must be obtained to undertake the work.	The agreement of DBC in relation to works involving badgers is noted.
5.8.24	Badger setts are to be protected from direct impacts by maintaining a suitable standoff distance measured from professional judgement from existing setts and micro siting equipment if required. Furthermore, any exposed trenches or holes are to be covered up when contractors are off site (i.e., at nighttime) or a slope provided to allow any trapped badgers a safe exit. It would need to be protected. • DBC Ecologist comment – It would be expected that the recommended buffer zones for working around badger setts are implemented in line with best practice guidelines.	This comment is noted.
5.8.25	All works in proximity to waterbodies/watercourses should follow standard protection measures to ensure their complete protection against pollution, silting and erosion. • DBC Ecologist comment – In agreement with the CEMP which states 'Sediment control measures (silt fences, settlement/attenuation ponds etc.) would be used in the vicinity of watercourses, springs or drains where natural features (e.g. hollows) do not provide adequate protection.'	The agreement of DBC in relation to watercourses is noted.
5.8.26	It is anticipated that most works will take place 10m away from watercourses/waterbodies. A small number of small tributaries will be crossed by the proposed cable route corridor. At these watercourse crossings HDD will be used.	Use of 2mm mesh is not discussed in the CEMP [APP-110] because it is uncertain whether over-pumping of the watercourse will be necessary. If over-pumping is needed, best practice techniques will be employed to avoid trapping fish. This will involve using a 2mm mesh, along with considering and adjusting the flow velocity to prevent fish from getting stuck to the mesh.

Reference	Topic summary	RWE response
	• DBC Ecologist comment – If over-pumping of a watercourse is required, the pump intake must have a 2mm diameter mesh on it to prevent the entrainment of elvers and other small fish.	A reference to secure consideration of the use of mesh, should over-pumping be required, is to be added to the outline CEMP [APP-110] in response to the comment from DBC. This is reflected in ES Errata and Management Plans Proposed Updates submitted at Deadline 2 (Document Reference 8.11).
5.8.27	No nighttime work is to take place within 30 m of watercourses / waterbodies (the period when otters are most active). • DBC Ecologist comment – In agreement. Ensure that no artificial lighting spills onto the water courses between dusk to dawn to prevent disturbance to otters.	The agreement of DBC in relation to nighttime work near watercourses is noted.
5.8.28	The loss of ground nesting bird breeding and foraging habitat is to be mitigated through the provision of eight land parcels currently used for intensive agriculture to be used for biodiversity enhancement, with no Solar PV modules proposed within these areas. The two large fields to the north of Bishopton will be maintained with low maintenance grass rich sward ensuring continued availability of open ground for ground nesting birds such as curlew and lapwing. • DBC Ecologist comment – In agreement. There must be a clear management and monitoring plan for the habitats created to ensure that species composition and sward height are suitable for the target species.	This comment is noted. An outline Landscape and Ecology Management Plan [APP-118] has been submitted as part of this application. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2).
5.8.29	Eight land parcels currently used for intensive agriculture across the Order Limits to be used for biodiversity enhancement with two large fields in Panel Area F: North of Bishopton, also to remain free of solar PV modules. These areas will provide enhanced foraging opportunities across the Order Limits for bat species and mitigate the potential avoidance of Panel Areas. The establishment of a network of new and improved native-species-rich hedgerows with hedgerow trees will also create additional and enhanced commuting, foraging, and roosting habitat for bats. • DBC Ecologist comment - In agreement. There must be a clear management and monitoring plan for the habitats created.	This comment is noted. An outline Landscape and Ecology Management Plan [APP-118] has been submitted as part of this application. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2).
5.8.30	The two large fields to the north of Bishopton will be maintained with low maintenance grass rich sward ensuring continued availability of open ground for ground nesting birds such as curlew and lapwing. To be managed with no grazing during the nesting season (April to August) with a late summer hay cut (late August to September) after young birds have fledged followed by grazing if required. • DBC Ecologist comment - In agreement. There must be a clear management and monitoring plan for the habitats created.	This comment is noted. An outline Landscape and Ecology Management Plan [APP-118] has been submitted as part of this application. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2).

Reference	Topic summary	RWE response
5.8.31	Regular checks of fencing will occur to ensure no deer or other large mammals have become trapped and badger access points will be checked to ensure they remain operational. • DBC Ecologist comment – Would request clarification as to who would be responsible for the checks and how often is 'regular'? How would this be recorded to ensure the checks are being conducted?	Security camera footage will be monitored on a weekly basis to ensure no large mammals get trapped in the fencing. In addition, maintenance checks to be carried out by operational staff conducted at least every 3 months by walking around the security fence to ensure badger access points are clear and no other problems with the fencing. This will be reported to the operations manager with records kept.
5.8.32	The establishment of a network of new and improved native-species-rich hedgerows with hedgerow trees to increase biodiversity across the Order Limits. Existing hedgerows will be enhanced with planting along defunct hedgerows where landscape concerns suggest it is effective mitigation. Only native species will be planted along these hedgerows. • DBC Ecologist comment – The new hedgerows will be suitably buffered and managed appropriately, as detailed in sections 5.4 and 5.5 of the OLEMP. In agreement with the methods proposed overall but would expect to see a species list outlining which native species are to be used within the hedgerows.	This comment is noted. An outline Landscape and Ecology Management Plan [APP-118] has been submitted as part of this application. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2).
5.8.33	Reduced cutting (flailing) along existing hedgerows to benefit nesting birds and invertebrates. • DBC Ecologist comment - The reduced cutting (flailing) will enable improved growth, reinforcement of defunct hedgerows. Please consider a different method of management to flailing, as this is damaging to hedgerow vegetation, and can destroy eggs laid by invertebrates such as the nationally scarce small eggar moth; and Lackey moths, which overwinter as eggs on shoots and twigs, and are very vulnerable to annual flailing. • Encourage any cutting to be undertaken outside of nesting bird season (March to August inclusive), and where possible avoid cutting hedgerows with berries on as overwintering birds such as fieldfare and redwing will feed on these. Where possible, reduce cutting to every three or more years as this will allow hedge plants to produce flowers and berries and achieve a better structure.	Hedgerows will be lightly flailed every three years on rotation with only one side of an individual hedgerow flailed in any one year outside of the bird breeding season. If required, for example road visibility, then more regular flailing will occur. ES Appendix 2.14 Outline Landscape and Ecology Management Plan (LEMP) [APP-118] sets of the proposed management and maintenance regime, which is committed to under DCO requirement 12 of the draft Development Consent Order (Document Reference 3.1, Revision 2)]. No phase of the Proposed Development would be commenced until a LEMP covering that phase which accords with the outline LEMP has been submitted to and approved by the relevant planning authority, as outlined in DCO requirement 12. As such, specific measures such as the flailing regime of hedgerows would be captured through the approvals process of the detailed LEMP.
5.8.34.	Field margins between the boundary hedgerows and the security fencing will be enhanced in line with three options and managed accordingly: provision of winter wild bird food (sowing with specific wild bird winter food), provision of rough grass margins (sowing with tussock forming grass species), and provision of flower rich margins (sowing with a wildflower seed). It is anticipated that a third of the total length of margins will be given over to each treatment. • DBC Ecologist comment – In agreement.	The agreement of DBC in relation to the filed margin enhancement is noted.

Reference	Topic summary	RWE response
5.8.35	Area underneath panels to be sown with a low maintenance grassland while between panels and to margins they will be sown with legume rich herbal ley/wild flora mixes, this aims to improve soil health and insect diversity such as pollinators to improved foraging habitat for species such as birds and bats. To be managed accordingly with either a light cutting or grazing regime in late autumn (August onwards) to maintain the vegetation. • DBC Ecologist comment – In agreement. I would expect to see a species list outlining which native species are to be used within the habitats. A management plan for grazing/cutting should be submitted.	This comment is noted. An outline Landscape and Ecology Management Plan [APP-118] has been submitted as part of this application. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2).
5.8.36	Provision of boxes to increase the opportunities for roosting bats and nesting birds such as barn owl (Tyto alba). • DBC Ecologist comment – I am satisfied with the provision of boxes for roosting bats and barn owls. I would expect that a plan for locations of boxes, type of box, and numbers of boxes be submitted. Please ensure that boxes provided for barn owls have a numbered tag and are checked on an annual basis. The boxes should be installed at a height that allows monitoring to be undertaken – no more than the height of a double ladder (for reasons of health and safety). The monitoring could be undertaken by a local bird ringing scheme – DBC LPA ecologist can advise on local groups.	Section 8.3 of the outline LEMP [APP-118] sets out how bat boxes and bird boxes would be inspected. Bat boxes would be monitored during late spring or summer by a bat licenced ecologist annually within the first five years of the Proposed Development to confirm use. If during these monitoring visits there is no evidence of use by roosting bats, the location and position of the boxes would be re-evaluated, with alternative locations considered. Bird boxes would be monitored during late spring or summer by a suitably experienced (or licensed, for barn owls) ecologist or ornithologist annually within the first five years of the Proposed Development to confirm use. The boxes for the barn owls will also have a numbered tag, as suggested by DBC. No phase of the Proposed Development would be commenced until a LEMP covering that phase which accords with the outline LEMP has been submitted to and approved by the relevant planning authority, as outlined in DCO requirement 12 [APP-012]. As such, specific measures such as the specific height of barn owl box installation, the locations, type and numbers would be captured through the approvals process of the detailed LEMP.
5.8.37	Hedgerow creation and enhancement with a forecast length of approximately 12km and 29km, respectively. • DBC Ecologist comment – In agreement.	The agreement of DBC in relation to hedgerows noted.
5.8.38	**Additional Comments** **General** The construction and decommissioning works including cabling are temporary, and in the short term have the potential to generate significant localised effects, however, these will not last into the long term. Due to the main areas of the works occurring in arable and pasture farmland, the impacts are limited to those habitats.	This comment is noted and agreed with.

Reference	Topic summary	RWE response
5.8.39	**Plants** Common Valerian (Valeriana officinale) which is on the England ref list listed as near threatened, was recorded within the study area. It is not expected to be impacted by the proposed development; therefore no plant-species-specific surveys or mitigation is recommended. The Ecologist is in agreement with this. However if common valerian is encountered in areas where works will commence, then a suitably qualified ecologist should be contacted for advice and mitigation.	The outline Landscape and Ecology Management Plan [APP-118] details that pre-commencement surveys would be undertaken in advance of works to reconfirm the ecological baseline conditions and to identify any new ecological risk or changes to existing known constraints. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2).
5.8.40	**Trees** The majority of trees identified as suitable bat roost trees will be protected during development by establishing a Construction Exclusion Zone (CEZ) around their Root Protection Areas (RPA). Please refer to Appendix 7.5 Arboricultural Impact Assessment (Document Reference 6.4.7.8). A total of seven trees which were identified as suitable bat roost trees with be removed by the Proposed Development. These trees will undergo pre-construction checks to determine the presence or absence of a bat roost. If a bat roost is located, a bat licence will be required before the start of works. Any trees to be removed or to have branches pruned to be checked by an ecologist prior to work, to determine the likely presence of a bird's nest and/or bat roost.	This comment is noted and agreed with.
5.8.41	**Bats** Static bat detectors were deployed between May and September 2022 by RSK Biocensus. The results were predominantly common and widespread species, however, activity level demonstrated that the habitat was variable, from low to high foraging suitability. Nathusius' pipistrelle accounted for a low number of recordings, however, is still considered to be of county importance for the species. 6.2.6 Environmental Statement Chapter 6 Biodiversity outlines the impacts to bats through the construction noise, and through habitat changes from the installation of the solar PV models which may lead to reduced insect prey availability. Notwithstanding this, the increase in habitat provided via the landscaping plans for the site are expected to result in an increase in insect prey availability over the longer term. The areas with solar PV modules may result in avoidance behaviours from some bat species.	This comment is noted and agreed with.
5.8.42	**Hazel dormice** Hazel dormice were scoped out of further surveys due to the geographic distribution and lack of records. DBC would agree with this assumption.	The agreement of DBC in relation to hedgerows noted.
5.8.43	**Other wildlife**	The outline Construction Environmental Management Plan [APP-110] details how impacts to ecological features will be mitigated during construction. This

Reference	Topic summary	RWE response
	If mammal burrows such as a fox earth and rabbit warren are to be destroyed, then the burrow may need to be excavated under ecological supervision, to ensure no mammals are harmed during the unearthing process. It should be noted that all wild mammals are protected by The Wild Mammals (Protection) Act 1996 (as amended). If works are undertaken into December – February, hedgehogs may be hibernating under the hedgerows. Whilst hedgehogs themselves are not European endangered species, they are a species of principal importance under the NERC Act 2006 due to them declining significantly within the UK. I would advise they should not be disturbed during hibernation, however, if one is encountered during the hedgerow removal you must stop works and wait until the hibernating hedgehog has moved on of its own accord. Hibernating hedgehogs which are removed from their locations have the potential to die due to being woken up and having to find a new place to hibernate, which uses up the fat reserves stored for the winter.	would be secured via Requirement 4 of the DCO (Document Reference 3.1, Revision 2).
5.8.44-5.8.45	**Water voles** Given that there are streams which have the potential to support water voles, albeit not optimal habitats, further survey effort is recommended to determine impacts both direct and indirect to water voles. These could be undertaken by visual searching and through the use of eDNA. If eDNA returns water vole presence, it is expected further consideration and mitigation for water vole to be implemented where impacts are likely. There are no considerations of potential impacts to water voles in section 6.8 of the ES Chapter 6 Biodiversity. Impacts to water voles during the construction, operational and decommissioning phases of the development should be given appropriate consideration as part of the application, with particular emphasis on the temporary bridge crossing points which have the potential to destroy water vole burrows and habitat, and potentially cause injury or death to water voles themselves if not mitigated for.	During the Preliminary Ecological Appraisal (PEA) [APP-126], waterbodies, watercourses, and their surrounding habitats within the order limits were surveyed for their suitability for water voles. While the drain at Letch Beck was noted for its potential riparian habitat, the majority of habitats within the order limits were found to be unsuitable due to their shallow water depth and lack of in-channel vegetation. Given the fragmented and poor-quality nature of the habitat, the presence of water voles within the order limits is determined to be unlikely. Additionally, no signs of water vole activity, such as burrows or droppings, were recorded during the surveys. Consequently, the order limits were considered to have limited potential for supporting water voles. Furthermore, given appropriate buffers between watercourses and the solar array with temporary watercourse crossings for the cable route using existing crossing were possible with HDD a consideration over any sensitive watercourses, then the impacts on water voles are not envisaged and therefore further baseline surveys are considered disproportionate.
5.8.46	**Otters** Otters need to be considered at all stages of development from construction, operational, to decommissioning. Section 6.10.26 of the ES Chapter 6 Biodiversity states that 'buffers of 10m between construction and riparian boundaries and watercourses will be maintained'; however, where the temporary crossings will be installed these will breach the 10m buffer. Where temporary crossings are proposed over water courses, these should be considered to have impacts on otters using the watercourses. It must also be considered that otters can and do create holts in areas of up to 100m away from the water courses, and natal dens can be up to 1km from a	Given the fact that the solar array will be located in open arable or grassland fields the chances of ad hoc otter holts being present is considered extremely unlikely. Habitats more likely to support holts away from watercourses such as woodland are being retained. Notwithstanding this pre-construction surveys will be carried out at each of the proposed temporary crossing points to ensure no otter holts are present. If in the unlikely event holts are identified these will be monitored and if active suitable safeguard measures agreed with Natural England.

Reference	Topic summary	RWE response
	water body. Whilst this is unlikely to occur in suboptimal habitat, it cannot be discounted as a possibility.	
5.8.47	**Fish** Where temporary crossings are proposed over water courses, these should be considered to have impacts on fish present within the watercourses. Where there is an omission of information this needs to be explained full as to why this is.	Fisheries surveys were not carried out as we do not know the watercourse crossing designs. The two new watercourse crossings relate to proposed access tracks across minor tributaries of the River Skerne and Little Stainton Brook. The final design of these crossings is not yet known and will be subject to detailed design following the appointment of a contractor. The potential effects of these crossings have been discussed with the EA and the Applicant has committed to providing further detail via the detailed CEMP, on which the EA will be consulted. Other watercourse crossings may be required but these are likely to relate to the final cable route selection. Again, any works to these crossings would be controlled through the updated CEMP, in consultation with the EA, and will be set out in the SoCG with the EA anticipated to be submitted at Deadline 3. If the crossings will involve instream work, then pre-construction surveys such as fisheries, otter, and water vole would be required.
5.8.48	**Adequacy of the Application/DCO** The proposal will provide significant biodiversity net gains which is considered to be a positive impact. Further assessment is however required in respect of the impact of the proposed development on water voles, and consideration should be given to those matters of detail set out in this section of the report to ensure that impacts can be appropriately mitigated for through the proposed requirements. Subject to further consideration of these matters, the development could be capable of having a neutral impact on habitats and protected species.	These comments are noted and have been addressed in earlier sections of this document.
Contaminated Land		
5.9.1	Key Policies • DLP Policy DC1(h) – Sustainable Design Principles and Climate Change DLP Policy DC1(H) requires that proposals for development on land affected by contamination will be permitted where the applicant can demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy DC1.

Reference	Topic summary	RWE response
5.9.2-5.9.6	**Key Local Issues** Chapter 9 (Land Use and Socioeconomic) of the ES considers the effects of the proposed development on residential amenity and on local communities and their health and wellbeing, although land contamination is not specifically mentioned. A Preliminary Risk Assessment (Desk Top Study) (APP-105) has been submitted with the application which concludes that the risk to human health is very low to low, taking into account mitigation for construction workers which would be secured as part of the Construction Environmental Management Plan (CEMP). The Desk Top Study recommends that an intrusive site investigation is carried out and any contamination present which poses a risk to groundwater should be remediated. Additionally, due to the presence of potentially backfilled ground workings and historic landfills, further intrusive site investigation and ground gas monitoring is also recommended across the site, to inform appropriate levels of gas protection measures, where necessary. This site investigation work does not however appear to be secured specifically within the draft DCO and associated requirements. Reference is made within requirement 4(i) to 'unexpected contaminated land…identified during ground investigation' DBC would ask the ExA to consider whether this is sufficient to ensure the recommended site investigation work and any necessary mitigation measures are secured in order to ensure the level of risk identified is mitigated as set out in the Desk Top Study.	This comment is noted. The outline Construction Environmental Management Plan [APP-110] is going to be updated via the ES Errata and Management Plans Proposed Updates (Document Reference 8.11).
	Requirement 4(2) requires the production of a CEMP for each phase of the development. Point (i) specifically relates to a 'protocol requiring construction with the Environment Agency in the event that unexpected contaminated land is identified during ground investigation or construction'. The Environment Agency is not a statutory consultee on land contamination and as such there is a possibility that they will not provide comment on any information submitted in respect of this requirement, particularly if they have not been consulted on the protocol in the first instance. DBC would welcome clarification on this matter.	This comment is noted and the draft DCO has been amended for Deadline 2 (Document Reference 3.1, Revision 2) to require consultation with DBC instead of the Environment Agency as appropriate and necessary for the contamination found.
	Requirement 8(1) requires the submission of a Materials Management Plan for each phase of the development. DBC agree with this requirement however this would not normally be subject to further approval by the Local Planning Authority. The CL:Aire Definition of Waste Code of Practice requires that the material management plan be signed off/declaration be made by a qualified person (as defined in the Code of Practice) independent to the project which is then submitted to the Environment Agency. Accepting that this matter should be the subject of a requirement DBC requests that the Environment Agency is identified as an appropriate third party with	This comment is noted and the draft DCO has been amended for Deadline 2 (Document Reference 3.1, Revision 2) to require consultation with the Environment Agency as appropriate.

Reference	Topic summary	RWE response
	which they can consult in relation to any documents submitted under this requirement, as set out in the Explanatory Memorandum accompanying the DCO.	
5.9.7	**Adequacy of the Application/DCO** DBC accepts the conclusion of the Preliminary Risk Assessment (Desk Top Study) in terms of risk to human health and the environment, subject to mitigation measures being secured by the various requirements. Providing appropriate clarification can be provided in respect of requirements 4 and 8, as outlined in the previous paragraphs of this LIR, the proposed development is considered to have a neutral impact on land contamination.	These comments are noted and have been addressed in earlier sections of this document.
Glint and glare		
5.10.1-5.10.17	**Key Policies** • DLP Policy IN9(b) – Renewable Energy Infrastructure – Solar Power developments • DLP Policy DC4 – Safeguarding Amenity DLP Policy IN9(b)(vi) sets out that solar power developments will be granted planning permission if the applicant can demonstrate that the proposal has adequately mitigated (the visual impact on the landscape) and the effect of glint and glare on neighbouring uses and aircraft safety. Impact on aircraft safety is not considered as part of this LIR. It is assumed that the ExA will seek the views of Teesside International Airport on this matter. DLP Policy DC4 requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. Key Local Issues Visual disturbance, including glint and glare is covered in Chapters 4 (Biodiversity, Ecology and Natural Environment) and 9 (Land Use and Socioeconomics) of the Environmental Statement. Appendix 2.2 of the Environmental Statement includes a Solar Photovoltaic Glint and Glare Study (2024) prepared by Pager Power (APP-106).	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies DC4 and IN9.
	There is no existing official planning guidance or standardised assessment methodology for the assessment of solar reflections from solar panels towards roads and nearby dwellings. Pager Power has produced guidance for glint and glare and solar photovoltaic developments based on industry knowledge, consultation and experience, the fourth and current edition being published in 2022. DBC would seek clarification from the ExA as to whether this document should be considered the	ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study [APP-106] has been produced by Pager Power, a leading specialist consultancy which provides independent glint and glare assessment. The Applicant considers the study and the guidance produced by Pager Power to be valid and appropriate for the DCO application.

Reference	Topic summary	RWE response
	authoritative guidance to be used in assessing the submitted Glint and Glare Study, also prepared by Pager Power. This matter has previously been raised with the applicant as referenced in the Principal Areas of Disagreement Summary Statement (PADSS) dated 8th February 2024 entered into with the applicant (point DBC9). Should the ExA decide that this is the authoritative guidance to be used, DBC would offer the following comments.	
	Pager Power's approach contained within both their guidance and this assessment is to undertake geometric reflection calculations and, where a solar reflection is predicted, consider the screening (existing and/or proposed) between the receptor and the reflecting solar panels. The model used is conservative, for example it considers 100% sunlight during daylight hours. In total 259 dwellings were used for assessment based on dwellings being within a one kilometre study area and have potential views of the panels. In areas with multiple layers of dwellings, only the outer dwellings have been considered for assessment. The panels are fixed, south facing and solar reflections at ground level towards the north at this latitude are highly unlikely. Therefore, the area to the north of the northern-most solar panels has been excluded from the assessment. The PEIR version of the Glint and Glare Study dated May 2023 identified 310 dwellings for assessment. DBC would seek clarification as to the reason for the reduction in the number of dwellings but assume that this is due to a reduction in some of the panel areas, some dwellings being excluded due to their location to the north of the site, and/or positioning of the solar panel areas.	The version of the glint and glare study dated May 2023 was based on a single-axis tracking panel layout. This has a larger study area for ground-based receptors, because it includes receptors to the north of the solar panels. Fixed solar panels do not require assessment of receptors at ground level to the north, and therefore the number of dwelling receptors considered decreased. This change can be seen from Figure 15 in Section 4.1.3 of the May 2023 report[1] to Figure 11 in 5.1.3 in ES Appendix 2.2 [APP-106].
	The Pager Power guidance includes the following key considerations for residential dwellings which have been used in this assessment: • Whether a reflection is predicted to be experienced in practice by undertaking geometric calculations and intensity calculations and if so, at what time will it occur. • The duration of the predicted effects, relative to thresholds of 3 months per year or 60 minutes on any given day Where reflections are predicted to be experienced for more than three months per year/or for more than 60 minutes on any given day, expert assessment considering various mitigating factors (visibility on all storeys, separation distance, are windows facing the reflecting area and position of the sun) has been carried out to determine the impact significance and mitigation requirement as per Appendix D of the report. If	An outline Landscape and Ecology Management Plan [APP-118] has been submitted as part of this application. This sets out how the planting proposed in the Environmental Masterplan [AS-016] would be managed to ensure it is effective. It provides details regarding the management of mitigation planting for the lifetime of the Proposed Development at Appendix 1 – Management and Maintenance Schedule. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2).

[1] https://byersgillsolarfarm.co.uk/wp-content/uploads/sites/15/2023/05/PEIR-Appendix-2.2-Solar-Photovoltaic-Glint-and-Glare-Study.pdf

Reference	Topic summary	RWE response
	following consideration of the relevant factors, the solar reflections do not remain significant, the impact significance is low, and mitigation is not recommended. Further technical details regarding the methodology of the geometric calculations and an assessment of limitation and assumptions of the Pager Power Model are presented in Appendix E and Appendix F of the Byers Gill Report. In terms of the proposed development, the report states that a moderate impact where a solar reflection is geometrically possible is predicted on ten dwellings (87 – 88, 98, 101, 111 -115) due to the duration of effects (greater than 3 months per year), and the lack of sufficient mitigating factors. Assuming that the height of proposed hedgerow/tree planting along reflecting panel boundaries for these dwellings will be managed so that relevant reflecting areas are obscured from view, so that the impact would be reduced to low/none, no further mitigation is recommended. Section 7 makes reference to the preferred screening being the provision of planting or opaque fence within the site boundary as this is in the developer's control. The locations of the proposed hedgerow/tree planting are shown in Figure 66 and 67 of the report. The required height will depend on the relative elevation of the receptors, the base of the planting itself, and the reflecting panels. It is not clear how this is to be secured by the DCO and managed and maintained for the lifetime of the development, including the approval of such details to include a timescale to carry out such works prior to the operation of the development, the length of time needed to establish required hedgerow height, and replanting if required during the lifetime of the development. While references to landscaping and boundary treatment/means of enclosure are made within requirements 3, 12, 13 and 16 it is not clear how this would specifically secure the required mitigation for the lifetime of the development, or within the appropriate timescale, such that the LPA could agree with the conclusions of the report in respect of these dwellings.	
	The receptors used within the Solar Photovoltaic Glint and Glare Study are given numerical references within the study. The receptors are not identified anywhere in the study by their address, making it not easy to identify the properties. This has been identified as an issue when considering the relevant representation made by the McKeown Family trustees of High House Farm, Brafferton which refers to the cumulative impact from glint and glare. Whilst Figure 11 of the Study shows an aerial overview of the location of the dwelling receptors, and Figures 12 – 53 an aerial image of numbered dwelling receptors, the figures do not identify the addresses of the dwelling. DBC would therefore request a list of addresses for those receptors used in the assessment.	Address information is not generally provided as part of glint and glare studies and it is not proposed to submit this information into the Examination, given that the receptors are shown on figures provided as part of the study in ES Appendix 2.2 [APP-106]. The Applicant will engage directly with DBC to discuss any concerns relating to particular dwellings.

Reference	Topic summary	RWE response
	A low impact where a solar reflection is geometrically possible is predicted on nine dwellings (84, 91, 117-118, 119, 121, 126, 200 – 201) due to the duration of effects and the presence of the following mitigating factors: • Significant separation distance between observer and closest visible reflecting panel • The position of the sun – effects that coincide with direct sunlight appear less prominent than those that do not The impact may be reduced to none for some of these dwellings once proposed hedgerow/tree planting has been established.	
	In the case of dwellings 84 (previously 83), 119 (previously 120), 121 (previously 122) and 201 (previously 200) the PEIR version identified the impact as moderate but for these properties in this assessment the impact is considered low. Clarification is also requested as to why the level of impact has changed to allow Environmental Health to consider this matter further. No significant impacts are predicted on any of the remaining 240 dwellings within the assessment area, because where solar reflections are geometrically possible, there is significant existing and/or proposed screening such that reflections lasting more than 60 minutes on any given day and/or 3 months per year are not expected to be possible. Mitigation is not therefore required.	The glint and glare modelling for the PEIR version of the report was completed for a single-axis tracking panel layout. The solar panel layout was later changed to a fixed, south-facing configuration. The panel layout affects when, and where glare would be possible, and therefore affects the impact classification. The latest report reflects these changes. The latest analysis provided in ES Appendix 2.2 [APP-106] took into account the detail provided in the Environmental Masterplan [AS-016], whereas this was not available to be considered within the PEIR version of the report2. Proposed screening is considered within the analysis, and this affects the impact classification. It is mainly these two factors, either in isolation or as a combination, that explain why the level of impact has changed for these receptors.
5.10.18	**Adequacy of the Application/DCO** DBC requests clarification from the ExA regarding the status of the Pager Power Guidance 2022 and whether this should be considered the authoritative guidance to be used in assessing the submitted Glint and Glare Study, also prepared by Pager Power. Clarification is also sought as to how mitigation for those ten dwellings where a moderate impact is predicted is to be secured by requirement, as outlined in the previous paragraphs of the LIR, the reason for the reduction in the number of dwellings for assessment, and why the assessment of impact has changed between the PEIR and this assessment for some dwellings. Addresses of receptors is also required to allow further consideration to be given to the cumulative impact of the proposed development in terms of glint and glare.	These comments are noted and have been addressed in earlier sections of this document.

[2] https://byersgillsolarfarm.co.uk/wp-content/uploads/sites/15/2023/05/PEIR-Appendix-2.2-Solar-Photovoltaic-Glint-and-Glare-Study.pdf

Reference	Topic summary	RWE response
	Without such clarification, the proposed development is considered to have a negative impact on certain properties in respect of glint and glare, with the potential to have a neutral impact should these outstanding matters be satisfactorily resolved.	
Health and air quality		
5.11.1-5.11.2	Key Policies • DLP Policy DC3 – Health and Wellbeing • DLP Policy DC4 – Safeguarding Amenity DLP Policy DC3 requires that all new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to incorporate measures to prevent and reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the landscape. Major development requires the submission a Health Impact Assessment as part of the application to explain how health considerations have informed the design. Much of this is echoed in DLP Policy DC4 which requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies DC3 and DC4. Human health was scoped out of the EIA as set out in the Scoping Opinion [APP-121]
5.11.3-5.11.7	**Key Local Issues** It was agreed at the EIA Scoping stage that air quality could be scoped out as emissions are likely to be restricted to the construction and decommissioning phases with negligible exhaust emissions from construction road traffic and non-road mobile machinery. The low number of vehicle trips during the operational phase will not exceed the criteria set out in EPUK/IAQM's Land Use Planning and Development Control: Planning for Air Quality. The outline Construction Environmental Management Plan (oCEMP) includes a construction dust assessment using the IAQM's Guidance on the Assessment of Dust from Demolition and Construction. This would be secured by Requirement 4 (CEMP).	This comment is noted and agreed with.
	The issue of dangers of battery storage is raised for consideration, however DBC would suggest that the matter of safety (in this case fire risk) is not normally a material planning consideration and Environmental Health would not be in a position to provide further guidance on this aspect. It is noted that an outline Battery Safety	Requirement 11 of the draft DCO (Document Reference 3.1, Revision 2) does not require consultation with the HSE and CDDFRS in relation to the initial plan, as the outline BSMP [APP-117] was produced in consultation with CDDFRS and under Requirement 11, the detailed BSMP must accord with the

Reference	Topic summary	RWE response
	Management Plan (oBSMP) has been submitted with this application and it is assumed that the ExA will seek the views of the Health and Safety Executive and the County Durham and Darlington Fire and Rescue Service on this matter. Requirement 11 (Battery Safety Management) requires a battery fire safety management plan (BSMP) to be submitted to and approved by the relevant planning authority (11(1)) which should substantially accord with the outline BSMP. Requirement 11 (and Explanatory Memorandum) further sets out at 11(3) that should any BSMP be submitted which proposes changes to the outline BSMP this must not be approved by the relevant planning authority until it has consulted with the Health and Safety Executive (HSE) and relevant Fire and Rescue Service (being the County Durham and Darlington Fire and Rescue Service (CDDFRS)). Should the views of the HSE and CDDFRS not be sought on the outline BSMP at this stage, DBC would request they be identified as appropriate third parties with which they can consult in relation to any documents submitted under this requirement, as set out in the Explanatory Memorandum accompanying the DCO.	outline plan. The Health and Safety Executive (HSE) were consulted on the application as a statutory consultee at EIA Scoping stage and as part of statutory pre-application consultation. No comments were made relating to fire risk in the response to EIA Scoping as set out in ES Appendix 4.3 EIA Scoping Response Matrix [APP-122] and no response was received in relation to statutory consultation.
5.11.8	**Adequacy of the Application/DCO** As Air Quality was scoped out of the EIA and provided dust mitigation measures can be secured via requirements, the proposal is considered to have a neutral impact on air quality. The views of the HSE and CDDFRS should be sought on the adequacy of the outline BSMP and identified as appropriate third parties for consultation on the final BSMP to be submitted under requirement 11. DBC are not therefore in a position to advise on the impacts of the development in relation to battery storage safety.	These comments are noted and have been addressed in earlier sections of this document.
Noise and Vibration		
5.12.1	Key Policies • DLP Policy DC3 – Health and Wellbeing • DLP Policy DC4 – Safeguarding Amenity DLP Policy DC4 requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. New development will be supported where it is suitably located so as not to give rise to adverse impacts from noise and disturbance, including traffic movements and hours of operation from new development.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies DC3 and DC4.

Reference	Topic summary	RWE response
5.12.2-5.12.3	**Key Local Issues** Noise from the construction, operational and decommissioning phases of the development was scoped in to the Environmental Impact Assessment and is considered in Chapter 11 of the Environmental Statement (ES). Chapter 11 details the assessment methodology considering the impact in terms of the sensitivity of the receptor in determining the magnitude of change in operational noise, road traffic noise, construction and vibration. The Council's Environmental Health Manager is satisfied with the assessment methodology used. Background noise modelling was carried out by Wardell Armstrong over 24 hours to cover a full day and night at nine locations (ML1 – ML9) around the development site that are representative of the nearest noise sensitive receptors to establish the existing noise levels. The noise assessment identified 35 existing sensitive receptors (ESR) (ES Figure 11.1) within the assessment area, based on the agreement with the Council that 300 metres is sufficient to encompass where any noise sensitive receptors are potentially affected by the development. Where a receptor sits outside the 300m buffer, but is representative of receptors in a certain direction, it has been included for completeness and to ensure a robust assessment.	The agreement of DBC with the noise assessment methodology is acknowledged.
5.12.4-5.12.6	There is a lack of ESRs in the northern area of Panel F and West House Farm, as well as Downland Farm and Cobby Castle Forge (the latter has a predicted daytime noise level of 25dB but is situated within a contour showing levels in the region of 35-40 dB) would appear not to have been identified as an ESR subject to a BS4142 assessment. Section 11.6 of ES Chapter 11 makes reference for the purpose of the noise assessment that the study area consisted of the Order Limits and within a radius of up to 300m beyond the Order limits for robustness. These properties would look to be within 300m of the Order Limits and clarification is therefore sought as to why these properties have not been included as an ESR. It would also be helpful if a list of addresses for all ESRs subject to a BS4142 assessment could be provided. Noise modelling using software SoundPLAN 8.2 has been undertaken, taking into account the proposed development's layout, proposed equipment noise levels and traffic data (operational phase) to predict noise levels at receptors. The noise levels have been modelled to the worst-case scenario with all equipment operating at 100% capacity. A comparison has been undertaken of the existing and proposed noise levels during the operational phase to determine the magnitude of impact (change) and significant effects, according to the guidelines.	The Applicant acknowledges the points raised on this matter and will engage directly with DBC imminently to discuss further. This will be reflected in the SoCG with DBC expected to be submitted at Deadline 3.

Reference	Topic summary	RWE response
	Subject to clarification regarding the lack of ESRs in the northern area of Panel Area F and confirmation of the addresses for all ESRs the following comments are provided following a review of the information provided with the application.	
5.12.7-5.12.9	**Construction Noise** The application states that construction time would be 12 – 18 months for a single-phase construction or 18 – 24 months for phased construction. Construction of the proposed development will be transient in nature and the application states that best working practice will be implemented to ensure the effects associated with noise and vibration will be less significant. This will be managed by the Construction Environmental Management Plan (CEMP) and construction times (08.00 – 18.00 Monday to Friday and 08.00 – 14.00 Saturday with no working on a Sunday or Bank Holidays) which will be secured by the DCO (requirement 15). Measures to control noise as defined in Annex B of BS 5228:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites' will be adopted where reasonably necessary.	The Applicant notes the summary provided by DBC.
	Chapter 12 of the ES sets out that an average of six deliveries per day (12 movements per day) per Panel Area during construction will be expected. The draft requirements/outline CEMP do not however seek to control delivery times. The Council would request that consideration be given to including deliveries within those activities to be time limited to ensure such activities do not adversely impact on nearby sensitive receptors.	The outline Construction Traffic Management Plan [APP-112] details that deliveries will be scheduled to avoid morning and evening peak hours. This will be secured via Requirement 6 of the DCO (Document Reference 3.1, Revision 2). Requirement 6 ensures that No phase of the authorised development is to be commenced until a CTMP covering that phase and in accordance with the outline CTMP for that phase has been submitted to and approved by the relevant planning authority in consultation with the highway authority for the highway(s) to which the CTMP for that phase relates.
	Requirement 15(3) also seeks to allow certain permitted work to take place outside the construction hours which do not cause noise that is audible at the boundary of the Order limits. It would be preferable if reference could be made to such activities not being audible at any of the noise sensitive receptors as some of these receptors are within the Order Limits.	There are no sensitive receptors located within the Order Limits. The Applicant does not consider this amendment is necessary. Working hours and other noise control measures are secured via the outline CEMP [APP-110]. A change to construction practices which would have the potential to impact on noise sensitive receptors would be required to ensure it does not give rise to materially new or materially different environmental effects, as per requirement 19 of the DCO (Document Reference 3.1, Revision 2).
5.12.10-5.12.14	**Operational Noise** Noise modelling has been carried out to calculate the operational noise levels at the existing receptors. A comparison has been undertaken of the existing and proposed noise levels during the operational phase to determine the magnitude of impact (change) and significant effects, according to the guidelines.	The Applicant notes the summary provided by DBC and the agreement with the operational noise assessment.

Reference	Topic summary	RWE response
	The results of the initial BS4142 assessment of operational noise (Battery Energy Storage Systems (BESS), inverters, switchgear) indicates that predicted noise from the proposed development will not exceed the background sound levels at any ESRs during the daytime, indicative of a low impact. The existing residual levels are significantly higher than the specific levels during the day which will result in the Proposed Development not being distinctively audible at any receptor during the daytime. During the night time, however, it expected that the proposed development may exceed existing levels by 1 to 2dB at 4 of the 35 ESRs (15, 23 and 25) and up to 6dB at ESR 16, as the background noise levels at these locations are particularly low. A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context. The assessment then goes on to consider the context in further detail and points out that BS4142 states that "where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night". The background noise level at ESR 16 is 26dB, i.e. very low and the noise rating level of the proposed development at this location is 32dB. As the exceedance occurs at night, the noise would only be considered internally, as outdoor amenity space is not generally in use at this time of day. Any noise from the Proposed Development would likely be inaudible internally even with windows open and would not disturb sleep. While the relocation of the relevant BESS, inverters, switchgear etc impacting the rating level at ESR 16 could be requested, DBC agrees with the context explanation that the absolute sound levels are more relevant at night and as such it would be difficult to justify such a request if the impact on the noise sensitive receptor is likely to be negligible.	
5.12.13 (report says 5.12.13 but should be 5.12.15)	**Adequacy of the Application/DCO** Chapter 10 of the ES covers the principal issues in relation to noise and vibration that require consideration as part of the DCO application. Further clarification regarding the lack of ESRs in the northern area of Panel Area F and confirmation of the addresses for all ESRs is requested, to enable a clearer assessment of impacts on specific properties to be undertaken. Comments on these further matters will be provided at the appropriate time. DBC would also wish to seek clarification on the wording of requirements 4 and 15 as detailed above. Without further information and clarification on these various matters, the proposed development is considered to have a negative impact on noise and vibration, with the potential to have a neutral impact should these outstanding matters be satisfactorily resolved.	These comments are noted and have been addressed in earlier sections of this document.

Reference	Topic summary	RWE response
Geology and Soils (including Agricultural Land)		
5.13.1-5.13.2	**Key Policies** • DLP Policy IN9 – Renewable Energy Infrastructure (Strategic Policy) DLP Policy IN9 requires that proposed solar power development which involves agricultural land will be required to demonstrate that (1) the land has been shown to be poorer quality land in preference to higher quality agricultural land; and (2) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around solar arrays. Land, which is classified as Grades 1, 2 and 3a in the Agricultural Land Classification system is defined as best and most versatile (BMV) agricultural land. A Written Ministerial Statement (WMS) was published on 15th May 2024 which prioritises protection of high value agricultural land for food production over solar projects and encourages more use of brownfield land and rooftops. This statement sets out that due weight needs to be given to the proposed use of BMV land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus of developers to show that the use of higher quality land is necessary. Applicants for Nationally Significant Infrastructure Projects should avoid the use of BMV agricultural land where possible.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy IN9. The 15 May 2024 WMS reiterates the importance of balancing the dual needs of maintaining Best and Most Versatile (BMV) agricultural land for food security and achieving net zero through solar energy development. It did not make any policy changes, including to any policy in the January 2024 designated Energy NPSs. The Planning Statement [APP-163] demonstrates that the Proposed Development is in accordance with the Energy NPS in relation to matters of agricultural land. The new SoS has also since made a statement on 18 July 20242 which set out that solar energy is not a significant threat to food security in comparison to climate change, and reiterated the urgent need for clean energy: "*Credible external estimates suggest that ground-mounted solar used just 0.1% of our land in 2022. The biggest threat to nature and food security and to our rural communities is not solar panels or onshore wind; it is the climate crisis, which threatens our best farmland, food production and the livelihoods of farmers*." This statement in full is provided as Appendix A1 to the Comments on Relevant Representations [REP1-004] submitted at Deadline 1. Whilst the application for the Proposed Development was submitted prior to the WMS of 15 May 2024, the Applicant considers that it does not change the position of the Proposed Development in relation to agricultural land, or the manner in which this matter should evaluated by the SoS in determining the case for development consent.
5.13.3-5.13.12	**Key Local Issues** An Agricultural Land Classification and Soil Resources report (APP-150) and an Agricultural Land Assessment Criteria report (APP-151) prepared by a competent professional have been submitted with the application. The loss of agricultural land and impact on soil resources is considered in Chapter 9 (Land Use and Socioeconomics) of the Environmental Statement (APP-032). The report concludes that overall BMV would account for 30 hectares (6.1% of the overall site area) of land within the Order Limits (2.4 ha or 0.5% of Grade 2 land and 27.6 ha or 5.6% of Grade 3a land), with 427.1 ha (87.1%) of land being Grade 3b land (not BMV) and 33.1ha (6.8%) being non-agricultural land (Norton substation and highways). It is noted that the off-road cable route has not been fully surveyed (21.2ha	This comment is noted. As set out in the Planning Statement [APP-163], only 6.1% of the total site area for the Proposed Development includes land considered BMV. It was not feasible to avoid agricultural land altogether and that the overall low proportion of BMV land within the Order Limits is justified within the context of the overall benefits presented by the Proposed Development, and its clearly established national need. This approach is compliant with the NPS, and furthermore aligns with more recent statements and DCO decisions made by the current SoS.

Reference	Topic summary	RWE response
	out of 35ha was not accessible for surveying) as part of the ALC report which makes assumptions about the quality of land within this area. The Grade 2 land is located within Panel Area F on land to the east of Bishopton and Redmarshall Primary School and also on the proposed on-road cable route between Bishopton and Redmarshall. Areas of Grade 3a land are located around Brafferton in Panel Area A, and to the north east and south west of Great Stainton within Panel Areas D and E. There is also an area of Grade 3a land at the northern most end of Panel Area F to the north west of West House Farm, Bishopton. There is a small area of Grade 3a land to the north of Redmarshall forming part of the cable route although this land falls within Stockton Borough Council's administrative boundary. A small amount of this higher-grade land is to be used as biodiversity off-set land, including land to the south of Town End Farm, Brafferton (Panel Area A) and to the north west of West House Farm, Bishopton (Panel Area F). The ES at Chapter 9 sets out that "during construction, agricultural uses will cease within each of the panel areas and for the laying of underground cables. Subject to demand, agricultural uses including sheep grazing may resume within the panel areas once construction is complete, other than in the areas proposed for the on-site substation, operational access tracks and other infrastructure such as BESS, inverters, switchgear and spare containers". Overall, the assessment concludes that proposed development would require the temporary loss of approximately 457ha of agricultural land within the six panel areas and the underground cables, in addition to approximately 33ha of non-agricultural land. The vast majority (93%) of the agricultural land is Subgrade 3b quality, and areas of BMV (Grades 2 and 3a) total 30ha or 6.6% of the agricultural land. The ES considers the loss of agricultural land during the construction period would have a moderate adverse, significant effect, however impact on agricultural land during the operational period has been scoped out and is not assessed further within the ES. At decommissioning stage and beyond, the land would be returned to agricultural production, which is considered to have a moderate beneficial, significant effect.	
	It is acknowledged that the proposed development would not result in a significant loss of BMV, that some of the higher-grade land would be used for ecological offsetting purposes, and that land between and beneath the panels in each of the panel areas would technically be available for sheep grazing. While grazing is identified as a potential means of managing the grassland habitat surrounding the panels (either grazing or light cutting), the application provides no certainty or commitment that this would take place.	The management of the grassland habitat surrounding the panels would be agreed with the relevant landowners. The outline LEMP [APP118] recognises that it is not guaranteed and includes for scenarios in which grazing does not take place, for example by referring to 'cutting or grazing' (paragraph 5.8.4) or 'if grazing is not an option for management…'.

Reference	Topic summary	RWE response
	In the absence of any such information however it cannot be demonstrated that the proposal fully meets the requirements of DLP Policy IN9 in regard to the use of agricultural land. Furthermore, the Council does not agree that the assessment of impacts relating to the loss of agricultural land during the operational period should be scoped out and requires further consideration, particularly as the ES in both Chapters 6 (Land Use and Socioeconomics) (APP-032) and 13 (Cumulative Effects) (APP-036) acknowledges that there would be a significant cumulative effect relating to the temporary loss of agricultural land. The potential loss of 457ha of agricultural land for the operational lifetime of the development (40 years) has the potential to have a negative impact in terms of food security, particularly when considered in conjunction with the loss of agricultural land in the near vicinity for other consented solar farm development. It is also noted that little or no justification has been provided for the use of BMV land within the development proposals as required by the recent WMS. The Council has not assessed the impact of the proposed development on soil resources, although notes that Natural England has provided detailed comments on this matter as part of their relevant representation. It is assumed that they will continue to contribute to the examination process and will be required to comment both on this matter and be satisfied that there is no significant loss of BMV having regard to national policy.	The position of the Applicant in relation to policy compliance and the need to use a small proportion (6.1%) of BMV is set out above in response to paragraphs 5.13.1-5.13.2 of the DBC LIR. The scope of the agricultural land assessment, including scoping out the loss of agricultural land during the operational period, was agreed with the Planning Inspectorate and other consultees, including DBC. Natural England was regularly engaged with throughout the pre-application period and at the time of DCO application, reflected in the Relevant Representation from NE [RR-373] which concludes that NE is 'satisfied with the proposals and considers that there are no significant matters to resolve'.
5.13.13	**Adequacy of the Application/DCO** The relatively low level of BMV within the scheme is acknowledged (30ha or 6.1% of overall sit area), however in the absence of any justification for the use of BMV within the proposed development and the limited details of any potential grazing activity as part of the management of the grassland habitat surrounding the panels, the scheme does not fully meet the requirements of either DLP Policy IN9 or the WMS. The Council would wish to see further information submitted and be given the opportunity to comment further, but the scheme is considered to have a negative impact in terms of loss of agricultural land, particular the in-combination effects with other consented schemes.	These comments are noted and have been addressed in earlier sections of this document.
Socio-economic		
5.14.1 – 5.14.3	**Key Local Issues** Socio-Economic impacts are considered in Chapter 9 of the Environmental Statement 'Land Use and Socioeconomics' (APP-032). This Chapter makes reference to a Community Benefit fund of approximately £1.5m over the lifetime of the	The Applicant has provided further information on the community benefit fund in the Community Benefit Fund document submitted at Deadline 2 (Document Reference 8.10). It is recognised, as set out in the Planning Statement [APP-

Reference	Topic summary	RWE response
	development being provided by the applicant during the operational period of the development. No further details are provided of the proposed fund, how the figure has been arrived at, how it is to be administered and allocated, and the type of schemes likely to be eligible for funding. At Issue Specific Hearing 1 (ISH1) held on 23rd July 2024 the ExA requested that the applicant 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. This information is to be submitted by Deadline 2 (29thAugust 2024) and it is anticipated that this will be the subject of further comment and discussion by all parties during the examination. It is considered appropriate for the applicant to provide a community benefits package in order to secure some wider benefits for the local community who will be most impacted by this national infrastructure project, as well as a community benefits offer across the whole of the wider area, given the piecemeal geographic spread and strategic size of the infrastructure project.	163], that the Community Benefit Fund cannot be taken into account as part of the overall planning balance to be considered by the decision-maker.
5.14.4 - 5.14.7	Darlington Borough Council is a relatively small authority of 76 sq. miles and offers most of its 107,800 residents a good quality of life. 86% of the Borough's population live in the urban area of Darlington itself, meaning the remaining areas is of a rural nature, green fields, rich biodiversity and characterful villages. This area is already impacted by a number of renewable energy scheme. The proposed development would compound that impact, particularly by the broad geographic spread of the scheme design, running across the rural landscape in a swathe from Darlington through to the point of connection in Norton in neighbouring Stockton Borough Council. The proposed development would have a detrimental impact on the Borough's economy, significantly change the landscape in this part of the Borough, and negatively impact the health and wellbeing of communities, particularly those closest to the proposed infrastructure, including the residents of the villages and numerous settlements across the 590 hectares the solar farm covers. Should the ExA decide that the national benefits outweigh the harm to these communities, it will be essential to have a full robust package of community interventions to offset the damage. To this end, we would expect a substantial index linked offer from the developer to cover an annual programme of interventions for the lifetime of the solar farm, and its decommissioning. We would expect this programme to be based around the following themes: 1. Renewable energy and energy efficiency 2. Biodiversity net gain	The Applicant has provided further information on the community benefit fund in the Community Benefit Fund document submitted at Deadline 2 (Document Reference 8.10). As outlined in the Community Benefit Fund document (Document Reference 8.10), the yearly contribution is index linked, meaning it will therefore increase from the stated figure dependent on inflation. It is recognised, as set out in the Planning Statement [APP-163], that the Community Benefit Fund cannot be taken into account as part of the overall planning balance to be considered by the decision-maker.

<table>
<tr><th>Reference</th><th>Topic summary</th><th>RWE response</th></tr>
<tr><td></td><td>3. Reducing waste and increasing recycling
4. Rural business and agriculture/farming support
5. Community health and wellbeing support
6. Employment and skills development in renewables and supply chains
7. Active travel and public transport support
8. Highways mitigations and improvements
9. Visitor economy
10. Education and young people
The Council would also expect the applicant to fund the provision of a community liaison post throughout the life of the development in order to help address any concerns from residents especially during the construction and decommissioning phases of development.</td><td></td></tr>
<tr><td>5.14.8-
5.14.11</td><td>National Non-Domestic Rates
It should also be noted, that while economic benefit might be perceived as being delivered through National Non-Domestic Rates (NNDR) i.e. Business Rates contributions from the development, the point of connection is Norton Substation within the adjoining Stockton Borough Council. Additionally, while Central Government have agreed NNDR from renewables can be retained locally there is no such guarantee such a policy will be continued into the long term. Therefore, in the case of this development, no economic benefit can be assumed from NNDR to those communities most impacted by the development.
It is estimated that the amount of NNDR payable on the proposed development would be in the order of £200,000 annually (see Figure 5.14 below). Over the lifetime of the development (40 years) this would equate to upwards of £8 million in lost revenue to DBC as host authority. This would be in addition to lost revenue from other consented solar developments within the Borough, most of which are in the close vicinity of Byers Gill, and which also connect into Norton substation.
Figure 5.14
<table><tr><th>Details</th><th>Units</th><th>Byers Gill Solar</th></tr><tr><td>Scheme size</td><td>MWp</td><td>180</td></tr><tr><td>Schedule of Values</td><td>£/MW</td><td>2,040</td></tr><tr><td>Rateable Value</td><td>£</td><td>£367,200</td></tr><tr><td>Universal Business Rate Multiplier</td><td>£</td><td>0.546</td></tr><tr><td>Annual rates payable</td><td>£</td><td>£200,491</td></tr></table>
DBC would welcome the ExA and MHCLG noting that consideration needs to be given to the policy of retention of business rates from renewables, due to rates being</td><td>The administration of National Non-Domestic Rates (NNDR) is not within the control of the Applicant, and it is therefore unable to comment on this matter specifically. ES Chapter 9 Land Use and Socioeconomics [APP-032] considers the socioeconomic effects of the Proposed Development and concludes and minor beneficial effect in relation to employment and supply chain opportunities during construction and decommissioning.</td></tr>
</table>

Reference	Topic summary	RWE response
	applicable at the geographic point of connection, rather than across the geographic impact of the solar panels themselves.	
5.14.11	**Adequacy of the Application/DCO** Further details of the applicant's proposed community benefit fund are anticipated, and the Council would welcome the opportunity to consider and comment further on these details at the appropriate time. While acknowledging that the ExA is unlikely to be able to influence the policy of the retention of business rates from renewables as part of the consideration of this application, the loss of business rates from a scheme of this size to Darlington Borough Council where the greatest impacts of the proposal will be felt is considered to have a negative impact, particularly when considered in conjunction with other lost revenue from other solar development within the Borough.	These comments are noted and have been addressed in earlier sections of this document.
Cumulative effects		
5.15.1	**Key Policies** • Numerous, as set out in other sections of this LIR **Key Local Issues** Chapter 13 (Cumulative Effects) (APP-036) of the ES relates to cumulative effects. Comments have been made in relation to individual impacts elsewhere in this Local Impact Report.	This comment is noted and the Applicant has responded on cumulative matters in relation to other topics as appropriate in earlier sections of this document.

3. Stockton-on-Tees Borough Council (SBC)

Table 3-1 Applicant response to Stockton-on-Tees Borough Council's LIR

Reference	Topic summary	RWE response
Principle of Development		
6.1-6.4	**Relevant Local Planning Polices** The relevant local planning policies are: ▪ Policy SD1 Presumption in favour of Sustainable Development ▪ Policy SD2 Strategic Development Needs ▪ Policy SD5 Natural, Built and Historic Environment ▪ Policy ENV2 Renewable and Low Carbon Energy Generation ▪ Policy ENV6 Green Infrastructure, Open Space, Green Wedges and Agricultural Land Policy SD1 (1) of the local plan in accordance with Paragraph 11 of the National Planning policy Framework seeks to take a positive approach in the assumption in favour of sustainable development, particularly when such a development would improve the economic, social and environmental conditions in the area. With Policy SD2(7) seeking to secure new development within the most sustainable locations, with regards to the relevant policies. Local Plan Policy SD5 (2) (h) supports the principle of development which would provide for renewable and low carbon energy including the generation and supply of decentralised energy. However, this is not to be of the detriment of the Borough's rich natural and historic environment, it must be demonstrated and is considered in the latter stages of this report whoever the proposed development would conserve and or enhance the natural built and historic environment. The Council does not have a renewable energy strategy which allocates areas for renewal energy production. However, Policy ENV2 (3) sets out that where applications received for energy generation other than wind energy generation will have to be considered against Policy SD8 the proposed development has been considered against the requirement of Policy SD8 throughout the latter stages of this report.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies SD5, ENV2 and ENV6. The Planning Statement [APP-163] outlines the need for the Proposed Development and identifies how the principle of development is established though national policy, as nationally significant low carbon energy development that is considered of Critical National Priority (CNP).
6.5-6.10	**Agricultural Land Classification**	The support in principle of SBC in relation to agricultural land is noted.

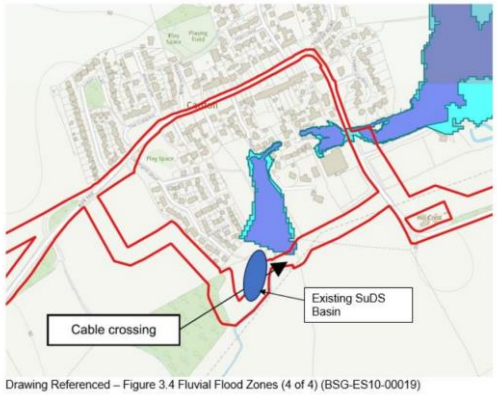
Reference	Topic summary	RWE response
	Local Policy, National Planning Policy Guidance and National Planning Practise Guidance advises that local planning authorities should encourage the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land provided that it is not of high environmental value. Planning Practice Guidance advises in considering solar farms located on greenfield sites, local planning authorities should consider whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to high quality land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around the arrays. Policy SD5 requires that development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality. An Agricultural Land Classification Assessment (document reference APP-150) has been undertaken with desktop study and fieldwork analysis. The report concludes that should the cabling within the Borough of Stockton go through third party land, this would predominantly be either confirmed subgrade 3b land or predicted to be 3b subgrade land. No further details of how the predicted land classification was concluded. Notwithstanding this, given the nature of the laying of cabling it is not considered to result in a loss of agricultural land, contrary to local or national planning policy. It is of note that a small section of the cabling, north of the settlement boundary of Redmarshall would go through subgrade 3a. However, as per the aforementioned the laying of underground cabling is not considered to result in the loss of agricultural land. Local planning policies are therefore considered to support the proposed development in principle.	ES Chapter 3 Alternatives and Design Iteration [AP-026], the Design Approach Document [AS-004] and the Energy Generation and Design Evolution Document (Document Reference 8.9) further set out the approach to site selection that the Applicant undertook in developing the design for the Proposed Development. ES Chapter 9 Land Use and Socioeconomics [APP-032] demonstrates that 93% of the agricultural land that would be used for the Proposed Development comprises land that is classified as Subgrade 3b, which is not amongst the category of best and most versatile land. As set out in Appendix 9.1 of the ES [APP-150], the areas where the ALC was predicted are confined to six separate lengths of the cable route where access was not available. These areas amount to 21.1ha or 4% of the total area assessed. The classification of these areas was based on the detailed findings of nearby survey results on the same geology and mapped soil type.
6.11-6.12	**Adequacy of Application/DCO** The application identifies the relevant local planning policies within the Development Plan against which the application is to be assessed.	The support in principle of the development by SBC is welcomed.

Reference	Topic summary	RWE response
	The Authority is in agreement that the principle of the proposed development is supported by the relevant local planning policies within the Development Plan.	
Design, Landscape and Visual Impact		
7.1-7.9	The relevant local planning policies are: • Policy SD5 - Natural, Built and Historic Environment • Policy SD8 – Sustainable Design Principles • Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity • Policy ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land The proposed development comprises a large solar farm within the rural landscape between Darlington, Stockton and Newton Aycliffe. The area is characterised by undulating farmland crossed by a network of footpaths and local roads, with scattered settlements and farms. Whilst none of the proposed panel areas are located within Stockton Borough, the development extends close to the borough boundary near Old Stillington and Whitton. The land set aside for Biodiversity Enhancement lies closest to Old Stillington, with Panel area F beyond. An underground cable will connect the Solar Farm with Norton Substation to the east. A large part of the cable route passes through Stockton. Two cable routes are currently proposed, an on-road route following Redmarshall Road, Kirk Hill and Letch Lane, and a second off-road option following a largely parallel route through the adjacent farmland.	This comment is noted. The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies SD5, SD8 and ENV6.
	There are a number of receptors within the Stockton area who may view the proposed development in isolation and cumulatively with other consented solar farm developments locally. A site visit was undertaken on the 22 July 2024 with the Landscape Officer and Principal Planning Officer to review the findings of the submitted Landscape and Visual Impact Assessment for the proposed development, and the three fixed viewpoint locations within Stockton Borough, 25, 27, and 28 were visited, in clear and sunny conditions. The scale of effects is assessed 'major/moderate adverse' for some sensitive receptors (footpath users) within the local area during construction, which is a significant effect. However, this will reduce to 'moderate adverse' during operation. Road users will experience a scale of	The agreement of SBC with the findings of the ES in relation to landscape and visual receptors in Stockton-on-Tees is noted.

Reference	Topic summary	RWE response
	effect assessed to be non-significant, and similarly, the scale of effects from the fixed viewpoints is assessed to be 'medium/small adverse' from viewpoint 25 (the worst within the Stockton area), but this location along with viewpoints 27 and 28 will see a reduction in the scale of effects to negligible on maturity of mitigation planting. The findings were accepted by the officers.	
	The cumulative effects of the proposal in conjunction with other existing and recently consented developments has also been fully considered. No concerns are raised regarding the LVIA conclusion for receptors within the Stockton boundary. Only one receptor group will experience significant effects during the life of the solar farm, users of PRoW 'east of Bleach House Bank, between Stillington, Redmarshall and Stoney Flatt Farm', whilst this is not desirable, it is not considered that on balance the impact would be so adverse as to generate an objection to the proposed development	The agreement of SBC that cumulative landscape and visuals effects have been fully considered in the ES is noted.
	As the cable route through Stockton has not yet been finalised, the impacts of this element of the proposals are unclear. Greater certainty for protection and retention of existing vegetation, the agreement of final routing options within the Grid Connection Corridor to actively protect vegetation, and a landscape framework capable of minimising potential vegetation loss and actively providing and supporting green infrastructure within the Grid Connection Corridor is required. This is to minimise damage to the established mature green infrastructure - particularly field boundaries, and secure replacement and/or mitigation for any damage as a result of installing the cable in accordance with Policy ENV5.	The Applicant acknowledges this comment and would engage further with SBC on the detailed design of cable routes through the discharge of requirement 3 of the DCO (Document Reference 3.1, Revision 2). Environmental Statement Appendix 2.14 Outline Landscape and Ecology Management Plan [APP-118] sets out provision for the successful protection of existing, establishment and future management of biodiversity and landscaping mitigation works. 2.5 Environmental Masterplan [AS-016] outlines the proposed environmental masterplan for the Proposed Development, including for the cable route through Stockton. As per DCO requirement 12, no phase of the Proposed Development is to be commenced until a LEMP covering that phase which accords with the outline LEMP has been submitted to and approved by the relevant planning authority. In addition, as per DCO requirement 3, no phase of the authorised development may commence until details of the programme for landscaping works have been submitted to and approved in writing by the relevant planning authority. The details must accord with the environmental masterplan and the authorised development must be carried out in accordance with the approved details.
7.10	**Adequacy of Application/DCO** Subject to the further clarification sought, the Authority is in agreement that the proposed development is would not have a demonstrable adverse	The agreement of SBC in relation to the overall landscape and visual effects of the Proposed Development is noted.

Reference	Topic summary	RWE response
	impact on the administrative boundary of Stockton on Tees with regards to landscape and visual.	
Transportation and Highways		
8.1-8.3	The Outline Construction Traffic Management Plan (CTMP) identifies that all the panel areas are located within the Borough of Darlington and, during the construction period, will be accessed from the highway network within Darlington as shown in ES Figure 12.1 (Document Reference 6.3.12.1). As the project progresses and should this be amended Stockton Borough Council as Local Highway Authority expects to be involved in this process allowing the authority to comment on all aspects of the project when considering its impact on the highway. The only site that will be accessed from within Stockton administrative boundary is the grid connection on Letch Lane and the works at this location will be minimal. Therefore, other than the potential on-road cable route within Stockton which can be controlled through the street works process, the construction activities associated with the proposed development will have a minimal impact on the road network within Stockton. Taking account of the above and subject to compliance with the CTMP being secured by condition there are no highways objections to the proposals.	It is acknowledged that SBC has no objections to the Proposed Development on highways grounds. The provisions of the CTMP are secured via the Requirement 6 of the DCO (Document Reference 3.1, Revision 2). Requirement 6 ensures that no phase of the authorised development is to be commenced until a CTMP covering that phase and in accordance with the outline CTMP for that phase has been submitted to and approved by the relevant planning authority in consultation with the highway authority for the highway(s) to which the CTMP for that phase relates.
8.4-8.6	**PROW and Countryside Access** The Authorities PROW officer has advised that the impacts on Public Footpath 4 (shown below) would have to be considered as it connects to Number 7 so would need to be given due consideration. The remainder of the footpaths have been adequately considered.	It is not clear from the Figure provided by Stockton-Borough-Council which PRoW is considered Public Footpath 4, nor is there a definitive map publicly available to alternatively refer to. ES Chapter 9 Land Use and Socioeconomics [APP-032] assesses the impact on the PRoW which interact with the Proposed Development, including resulting from works resulting from the installation of underground cables. Furthermore, the Outline Public Rights of Way Management Plan [APP-199] provides an account of the PRoW which will be subject to temporary management during the construction of the Proposed Development, as will be detailed fully in the PRoW MP. These are illustrated on the Street Works, Rights of Way and Access Plans [AS-014]. In response to the need to obtain permission from Stockton-Borough-Council prior to undertaking works adjacent to or on a PRoW, the Applicant wishes to clarify that the necessary permissions to carry out relevant works to or on PRoW is

Reference	Topic summary	RWE response
	 Figure 1 Footpath 4 The Applicant will be aware that it is an offence to disturb or obstruct a public right of way; if any works undertaken adjacent to, or on a PRoW, will disturb the surface or create an obstruction, either permanent or temporary, permission needs to be obtained from Stockton Borough Council prior to these works been undertaken. If as a result of the works public access cannot be maintained an application for a temporary closure order would need to be made. Likewise, if there is any potential health and safety risks to the public using a route while works are being undertaken an application to temporary close the footpath would need to be made. It is advisable for the Applicant to take photographs of the routes before works commence and again after the works are completed, such that they hold evidence that any route is in at least as good a condition after the works, as it was before.	provided by the DCO, should consent be granted. As secured via Requirement 14 of the DCO, the Applicant will provide an updated PRoW Management Plan upon the appointment of a principal contractor, and any works to PRoW will be implemented in accordance with said Management Plan. The Applicant will continue to engage with Stockton-Borough-Council on this matter to seek clarity on the alignment of Public Footpath 4 and, if considered appropriate, provide an update to ES Chapter 9 Land Use and Socioeconomics [APP-032] during the Examination.
8.7	**Adequacy of Application/DCO** Subject to the additional assessment being made on Footpath 4, the Authority is in agreement that the proposed development is would not have a demonstrable adverse impact either the highway network or the PRoW within the administrative boundary of Stockton on Tees.	This comment is noted, and reference to Public Footpath 4 is covered in the Applicant's response above.
Flood risk and drainage		
	The authority considers that the relevant local plan policies are; • Policy ENV4 - Reducing and Mitigating Flood Risk The NPPF, Section 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' sets out the policy context for assessing the proposals with respect to the impacts to/from flooding. Local Plan Policy ENV4 (Reducing and Mitigating Flood Risk with respect to this matter.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy ENV4 and Section 10 of the NPPF.

Reference	Topic summary	RWE response
9.1-9.6	Stockton Borough Council as Lead Local Flood Authority have reviewed the information submitted to support the above application and have the following comments to make; The applicant should be mindful of how the proposed cable route will impact existing surface water infrastructure. A full survey of the cable route should be carried out to identify any impacts on existing surface water infrastructure (ordinary watercourses/drainage ditches/land drainage/highway drainage/existing SuDS features). Any works within 8 metres of an ordinary watercourse will require Land Drainage Consent. Land Drainage Consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the Lead Local Flood Authority. Upon review of the submitted Flood Risk Assessment and Drainage Strategy it is noted the proposed cable route around Carlton Village conflicts with an existing SuDS basin. The location of the existing basin is highlighted on the plan below. This location should be reviewed by the applicant as the cable route must not impact upon an existing SuDS feature.  Drawing Referenced – Figure 3.4 Fluvial Flood Zones (4 of 4) (BSG-ES10-00019) *Figure 2 SuDS Basin*	The requirement for Land Drainage Consent is disapplied through article 7 of the DCO (Document Reference 3.1, Revision 2). The Protective Provisions provided in Schedule 11 Part 3 then detail the provisions for the protection of the drainage authorities. SBC will be consulted as part of the discharge of Requirement 3 of the DCO pertaining to detailed design of the underground cable route. The Applicant will update the outline CEMP [APP-110] to provide a clear commitment to avoiding the existing SuDS feature at detailed design, and implementing appropriate mitigation measures if it is unavoidable, which would ensure the functionality of the SuDS feature is maintained. This is reflected in the ES Errata and Management Plans Proposed Updates (Document Reference 8.11) submitted at Deadline 2.
9.7	**Adequacy of Application/DCO** Further work is required to establish whether there are any conflicts with existing infrastructure along the proposed cable route.	These comments are noted and have been addressed in earlier sections of this document.

Reference	Topic summary	RWE response
Heritage Assets		
10.1-10.3	Relevant Local Planning Policies The authority considers that the relevant local plan policies are; • Policy SD5 - Natural, Built and Historic Environment • Policy HE2 – Conserving and Enhancing Stockton's Heritage Assets	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies SD5 and HE2.
	Tees Archaeology have advised that they have worked with the applicant's archaeological consultant, and have agreed upon the submitted Archaeological Management Strategy (Environmental Statement Appendix 8.5). They are satisfied with the approach which sets out the procedure for archaeological remains, proposed mitigation, and anticipate further discussions with the archaeological consultant as the project progresses. The Council Historic Buildings Officer is satisfied that the relevant Listed Buildings, Scheduled Monuments, Conservation Areas and non-designated Heritage Assets have been identified and the search area is considered to be satisfactory. It is considered that there will be negligible impact on any built heritage within the Borough.	This comment is noted and agreed with.
10.4	**Adequacy of Application/DCO** The Authority is in agreement that the proposed development would have a negligible impact on any built heritage within the administrative boundary of Stockton on Tees.	This comment is noted and agreed with.
Ecology		
11.1-11.2	**Relevant Local Planning Policies** The authority considers that the relevant local plan policies are; • Policy SD5 – Natural, Built and Historic Environment • Policy ENV5 – Preserve, protect and Enhance Ecological Networks, Biodiversity and Geodiversity. The authority defers to Natural England with regards to the conclusions of the Habitat Regulations Assessment (HRA) and the proposed mitigation measures set out within the HRA (6.4.6.5) and the Framework Landscape and Ecological Management Plan (LEMP) (6.4.2.14).	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies SD5 and ENV5. Natural England was regularly engaged with throughout the pre-application period and at the time of DCO application, reflected in the Relevant Representation from NE [RR-373] which concludes that NE is 'satisfied with the proposals and considers that there are no significant matters to resolve'.
11.3-11.5	**Key Local Issues**	The presence and location of Himalayan Balsam is reported in ES Appendix 6.1 Preliminary Ecological Appraisal Report [APP-126] and depicted in Figure 6.1.4

Reference	Topic summary	RWE response
	The cable route for connection to the Norton Sub Station lies within the administrative boundary of Stockton. The habitats located within Stockton are predominantly agricultural and urban. Arable farmland and pasture with drainage ditches, water courses and some hedgerows. The main impacts associated with the grid connection works involve the temporary loss/disturbance of habitats during construction and the disturbance of species during installation and reinstatement of the grid connection corridor. There are proposals in place to minimise these impacts through good design and inclusion of measures within the Construction Environmental Management Plan (CEMP). A Framework CEMP has been submitted (APP-110) (6.4.2.6). However, further information is required regarding the location and treatment of Himalayan Balsam which was recorded within the study area along the course of the Bishopton Beck, within the LEMP (6.1.6.).	within that document. As set out in the Mitigation Route Map [APP-171] under reference BD13, the production of an Invasive Non-Native Plant Species (INNS) method statement is secured during construction and decommissioning through the outline CEMP [APP-110] and outline DEMP [APP-111] in order to minimise the risk of Himalayan Balsam spreading along Bishopton Beck.
Biodiversity Net Gain (BNG)		
12.1-12.3	The application presents a BNG assessment (ref 6.4.6.6) which demonstrates that the project, based on the current plans, is likely to result in an anticipated net gain of 88% for area-based habitat units and a net gain of 108% for hedgerow units. The Framework Landscape and Ecological Management Plan (LEMP) (ref 6.4.2.14) is provided to demonstrate the proposed habitat creation and reinstatement and proposals for the management and monitoring across the scheme. It is anticipated that the following would be secured as a DCO requirement: • Landscape and Ecological Management Plan • Biodiversity Net Gain • Construction Environmental Management Plan (CEMP)	This comment is noted. The production and implementation of a detailed LEMP and CEMP are secured via requirements 4 and 12 of the DCO (Document Reference 3.1, Revision 2). The delivery of BNG is secured through implementation of the Environmental Masterplan [AS-016] and the maintenance measures as secured in the aforementioned LEMP.
12.4	**Adequacy of Application/DCO** It is considered that the above requirements are sufficient to secure the biodiversity avoidance and mitigation measures set out within the ES Chapter 6 in relation to habitat and species protection and biodiversity net gain for the aspects of work that fall within the administrative boundary of Stockton.	The agreement of SBC regarding BNG is noted.

Reference	Topic summary	RWE response
Environmental Health		
13.1	Relevant Local Planning Policies The authority considers that the relevant local plan policies are; • Policy SD5 – Natural, Built and Historic Environment • Policy ENV5 – Preserve, protect and Enhance Ecological Networks, Biodiversity and Geodiversity.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies SD5 and ENV5.
13.2-13.3	**Air Quality** The main Air Quality effects for Stockton are likely to be experienced during the construction phase of the grid connection/cable corridor, and to a lesser extent panel area F. Overall, the mitigation measures are considered to be proportionate and, while there may be some dust effects experienced during the construction phase. The proposed mitigation measures are adequate and proportionate for example, routine dust monitoring, stockpile management, suppression/dampening down etc. It is however requested that that the mitigation measures detailed in section 7 of 6.4.2.4 Environmental Statement Appendix 2.4 Construction Dust Assessment are implemented when undertaking works within Stockton-on-Tees to minimise dust emissions.	The agreement of SBC in relation to air quality and dust is noted. In addition, the proposed mitigation measures detailed in ES Appendix 2.4 Construction Dust Assessment [APP-108] in in relation to construction will be applied across the Proposed Development, including for works undertaken within the Stockton-on-Tees Borough Council administrative boundary.
13.4-13.5	**Noise** Unfortunately, the noise impact assessment has not obtained background levels or considered the impact of noise at any sensitive receptor within Stockton-on-Tees, as the nearest existing sensitive receptor assessed is ESR35 which is outside of Stockton. As such no assessment has been made in relation to construction noise, vibration, noise from road or operational noise within the administrative boundary of Stockton. Whilst it is appreciated that Stockton is only subject to cabling and not necessarily the operational phase of the development, as residents within the Borough are within the vicinity where works are taking place i.e. Redmarshall and Carlton and may be within the range of audible low frequency noises from panel zone F. It is therefore considered that appropriate assessments should be made to protect the residents within Stockton-on-Tees.	The properties within Stockton are greater than 300m from the Order Limits and therefore are not included with the ES as the impact is not expected to be significant from operational noise, specifically panel area F. Requirement 15(3) in the draft DCO (Document Reference 3.1, Revision 2) states that construction works are not permitted outside the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 on Saturday. Construction works as part of the installation of the cables have the potential to cause significant effects at receptors with in Stockon-on-Tees, however, the proposed hours restriction for working, the measures proposed in the oCEMP [APP-110] and oDEMP [APP-111] added together with the temporary nature of the works control and reduce the impact so that it is not significant.

Reference	Topic summary	RWE response
	Within the Environmental Statement Construction Environmental Management Plan, it states that work will take place until 14:00hrs on a Saturday. It is standard practice within Stockton that construction works on a Saturday finish by 13:00hrs, it is requested that this is reduced in line with other developments which may be taking place within the administrative Borough of Stockton.	The Applicant agrees to this request. The DCO (Document Reference 3.1, Revision 2) has been amended at Deadline 2 to reflect these working hours.
13.6	**Glint and Glare** Environmental Health Officers are accepting of the findings of moderate impact detailed within 6.4.2.2 Environmental Statement Appendix 2.2 Solar Photovoltaic Glint and Glare Study Volume 6 February 2024 Revision C01 (App 106). Further clarification is sought on the identified impacted dwellings 254, 256 and 267 and road receptors 208 to 211 (Figure 10 Whitton Road) if necessary a planting/landscaping scheme should be provided to ensure that the height of proposed hedgerow/tree planting should be managed so that relevant reflecting areas are obscured from view. This should be supported by a validation report to demonstrate what has said will be achieved is	There is no impact predicted on dwellings 254 and 256 in ES Appendix 2.2 Solar Photovoltaic Glint and Glare Study [APP1-06]. There is no such dwelling 267; the Applicant will seek to engage with SBC to clarify which dwellings the Council are referring to here. Road receptors 208 to 211 have no solar reflections geometrically possible. As such, the proposed mitigation or future validation report by SBC is not required. An outline Landscape and Ecology Management Plan [APP-118] has been submitted as part of this application, which provides details regarding the management of mitigation planting for the lifetime of the Proposed Development at Appendix 1 – Management and Maintenance Schedule. This would be secured via Requirement 12 of the DCO (Document Reference 3.1, Revision 2). Further detail is provided in the Environmental Masterplan, which will inform the detailed design of the Proposed Development as secured via Requirement 3.
13.7	**Lighting** In general, it is anticipated that the proposed development would not be lit, however, infrared security lighting would be required around key electrical infrastructure. This lighting would be sensor triggered. Given the separation distance to sensitive receptors with the administrative boundary of Stockton it is not considered that the presence of sensor triggered lighting would have an adverse impact on residents.	This comment is noted and agreed with.
13.8-13.9	**Radon** Section 6.4 of the Groundsure report which is ES Appendix 2.1 Phase I Geoenvironmental and Geotechnical Desk Study sets out	The Applicant has committed to further ground investigations prior to commencement of development and as per the proposed update to the outline CEMP [APP-110] detailed in ES Errata and Management Plans Proposed Updates (Document Reference 8.11), this will include specific consideration of the risk of radon gas. The Applicant can engage further with SBC on this matter as part of the discharge of the detailed CEMP under requirement 4 of the DCO (Document Reference 3.1, Revision 2). Requirement 4 ensures that no phase of the authorised development is to be commenced until a CEMP covering that phase and in accordance with the outline CEMP for that phase has been submitted to and approved by the relevant planning authority.

Reference	Topic summary	RWE response
	6.4.1. The BRE 'Guidance on Protective Measures for New Dwellings' (BR 211) has been consulted to review the geological radon potential of the Order Limits as outlined by the BGS. *6.4.2. The relevant radon data collated within the Groundsure Report estimates the percentage of dwellings exceeding the Radon Action Level as less than 1% for most of the Order Limits. There are areas within the Panel Areas A, B and F which estimated the percentage as 1% to 3%, and a limited area within the south-east and north-east which estimates the percentage as between 10% and 30%.* Whilst Gen 11 identifies further ground investigation this is considered to be too broad, and we would recommend a more specific approach to the radon gas. We require written confirmation that there are no structures which could lead to entrapment of gas within the administrative boundary of Stockton, for the avoidance of doubt.	
13.10	**Adequacy of Application/DCO** There are a number of outstanding issues and further clarification required in relation to the impact of the DCO on a number of sensitive receptors.	These comments are noted and have been addressed in earlier sections of this document.

4. Durham County Council

Table 4-1 Applicant response to Durham County Council's LIR

Reference	Topic summary	RWE response
Principle of development		
	Relevant CDP policies CDP Policy 10 – Development in the Countryside CDP CDP Policy 33 – Renewable and Low Carbon Energy	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies 10 and 33.
5.2-5.11	**Commentary / Key Local issues** It is noted that the Examining Authority has identified the principal of the proposed development in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008. The Applicant has engaged in a statutory and non-statutory consultation process with Council has sought to address queries and comments raised by DCC. The site within County Durham is within open countryside. CDP Policy 10 (Development in the Countryside) is therefore of relevance. CDP Policy 10 is permissive to development in accordance with specific CDP plan policies and development which meets specific policy criteria within the policy relating to economic development, infrastructure development and development of existing buildings. In addition, there are general design principles for all development in the countryside. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or	This comment is noted. The Planning Statement [APP-163] sets out the needs case for the Proposed Development at section 3, including the support for low carbon energy infrastructure such as solar in national legislation and policy, alongside the identification of low carbon energy generation as a critical national priority in NPS EN-1. Detailed consideration of both national and local policy is set out in the Policy Compliance Document [APP-164]. Furthermore, the social, environmental and economic benefits of the Proposed Development are considered throughout the Application documents, including but not limited to, the Planning Statement [APP-163], the Design Approach Document [AS-004] and ES Chapter 9 Land Use and Socioeconomics [APP-032]. The Applicant and DCC are in agreement that there is local and national support in principle for the Proposed Development.

Reference	Topic summary	RWE response
	compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value. CDP Policy 33 supports renewable and low carbon energy development in appropriate locations. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition. The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar. The UK Government published their policy paper 'Powering Up Britain: Energy Security Plan' in April 2023. This document outlines the steps to be taken to ensure that the UK is more energy independent, secure and resilient. Within this document it is stated that to provide certainty to investors in the solar industry, in line with the 'Independent Review of Net	

Reference	Topic summary	RWE response
	Zero' recommendation the government will publish a solar roadmap in 2024, setting out a clear step by step deployment trajectory to achieve the five-fold increase (up to 70 gigawatts) of solar by 2035. The new Government may introduce documentation in relation to renewable energy during the course of the examination that would be required to be taken into account by the Examining Authority. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal need to be considered along with applicable policies within the CDP and NPPF. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.	
5.12	**Adequacy of Application / DCO** DCC acknowledges that there would be adverse impacts during the construction and operational phases, but these would be time limited albeit for the duration of the proposed development, and for which could be suitability mitigated for land within County Durham.	The Applicant acknowledges this comment and further detail on the mitigation for these adverse impacts is detailed in the Mitigation Route Map [APP-171].
Traffic and Transport		
5.13	**Traffic and Transport Relevant** CDP Policy 21 – Delivering Sustainable Transport	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 21.
5.14-5.15	**Commentary** Traffic and Transport is a specific chapter in the ES. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration. It is noted that the Examining Authority has identified Traffic and Transport in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008 with reference to the effects on community uses including PROW.	The Applicant acknowledges DCC's comments regarding ES Chapter 12 Traffic and Transport [APP-035].
5.16-5.17	**Key Local Issues**	An outline Construction Traffic Management Plan [APP-112] has been submitted as part of this application. This will be secured via Requirement 6 of the DCO

Reference	Topic summary	RWE response
	It is not considered that the proposed development would have any impact on DCC controlled roads once operational. All proposed points of access to the proposal solar farm are also located on roads outside of the jurisdiction of DCC. The main impact would potentially be during the construction phase, where construction traffic may be required to travel on DCC controlled roads. Construction traffic could be controlled, and information about vehicle numbers, frequency, routing etc, be provided through a Construction Management Plan.	(Document Reference 3.1, Revision 2). Should development consent be granted, an updated Construction Traffic Management Plan will be provided, which will detail any potential impact on DCC during the construction phase. It is agreed that the Proposed Development would not have any impact on DCC controlled roads, once operational.
5.18	Adequacy of Application / DCO Although no adverse issues are identified, there is a need for the Applicant to liaise with DCC, the other local authorities and National Highways regarding details of the construction traffic and how that would be controlled. DCC does not envisage any impacts on highways that cannot adequately be controlled through appropriate design and mitigation. While no works have specifically been proposed to roads under the control of DCC, should it subsequently transpire that works are required to DCC roads, the applicant would need to seek the relevant permissions from DCC as Local Highway Authority	This comment is noted. An outline Construction Traffic Management Plan [APP-112] has been submitted as part of this application. This will be secured via Requirement 6 of the DCO (Document Reference 3.1, Revision 2).
Access and Rights of Way		
5.19-21	**Relevant CDP policies** CDP Policy 26 – Green Infrastructure **Commentary** Chapter 9 of the ES relates to Landuse and Socioeconomics and considers access and public rights of way. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration. It is noted that the Examining Authority has identified Land Use and Socioeconomics in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008 with reference to the effects on community uses including PROW.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 26. The comments on ES Chapter 9 Land Use and Socioeconomics [APP-032] are noted.
5.22	**Key Local Issues** There are no DCC rights of way directly impacted by the planned development. However, it is important to note that Bridleway No. 17 (Mordon Parish) provides a link to Footpath No. 8 (Brafferton Parish).	This comment is noted. In accordance with the Outline Public Rights of Way Management Plan [APP-119], the Applicant will make every reasonable effort to minimise disruption along the PRoW network during the construction, operation and decommissioning of the Proposed Development.

Reference	Topic summary	RWE response
	Bridleway No. 11 (Mordon Parish) and Mordon bridleway link to Lodge Lane which in turns links with Bridleway No. 11 (Brafferton Parish). Ensuring these links are maintained and easily accessible is important to the wider rights of way network and especially the bridleway network in the area.	
5.23	**Adequacy of Application/DCO** DCC does not envisage any direct impacts on DCC access and rights of way, but it is important that links to rights of way outside of the County boundary are maintained and accessible.	This comment is noted and agreed with. In accordance with the Outline Public Rights of Way Management Plan [APP-119], the Applicant will make every reasonable effort to minimise disruption along the PRoW network during the construction, operation and decommissioning of the Proposed Development.
Cultural Heritage and Archaeology		
5.24-26	**Relevant CDP policies** CDP Policy 44 – Historic Environment **Commentary** Chapter 8 of the ES relates to Cultural Heritage and Archaeology. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration. It is noted that the Examining Authority has identified Historic Environment in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 44. The comments on ES Chapter 8 Cultural Heritage and Archaeology [APP-031] are noted.
5.27-5.32	**Key Local Issues** Within 2km of the Study Area there are five Scheduled Monuments, two Grade I listed buildings, one Grade II* Listed building, three conservation areas and sixty six Grade II listed buildings. In terms of heritage assets within County Durham, Aycliffe Village Conservation Area is over 1km to the west of the site and contains several listed buildings. The Grade II listed Preston Lodge Farmhouse and Outbuilding is directly to the north of the site, and Grade II listed Railway Bridge is over 1.5km to north. There are no designated heritage assets within the site boundary in the DCC area. In terms of setting, there are a number of heritage assets within a 2km radius of the site, as identified above. However, the vast majority of these are not within the boundary of DCC. There is a small offset from the Grade II listed Preston Lodge Farmhouse, with only a very slight impact on its setting through the introduction of the solar PV to the southeast, albeit	Confirmation of no archaeological objection is noted. ES Chapter 8 Cultural Heritage and Archaeology [APP-031] confirms that the Applicant has sought to consult and engage with the Historic Environment Record (HER) throughout the pre-application stages, as recorded in Table 8-1.

Reference	Topic summary	RWE response
	mitigated to a notable extent by the solar panels being located a field away from the site. The other designated heritage assets within the DCC boundary are at a notable distance from the proposed developments. The closest of these include Aycliffe Conservation Area and listed buildings within which are c.1.2km from the solar developments around Brafferton. These heritage assets are additionally separated visually by the local topography and built features including the A1(M) and east coast mainline. As a result, it would not be considered that the proposal would result in a detrimental impact or harm to the setting of these or any other designated heritage assets within the boundary of DCC. Solar development has potential to impact on archaeology through ground disturbance from ground levelling, trenching, foundations, and fencing. The design and layout of development should be informed by consultation with the Historic Environment Record (HER). Where relevant, archaeological desk-based assessments and geophysical survey reports will be required. Such assessments should demonstrate the use of appropriately qualified professional expertise. Identified archaeology can be protected from impacts, either by exclusion or protection from ground impacts. With regard to archaeology, there is no archaeological objection to the part of this scheme within DCC's jurisdiction.	
5.33	**Adequacy of Application/DCO** DCC envisages none to a very slight impact upon the setting of designated heritage assets within County Durham. In addition, DCC does not envisage any direct impacts on archaeology within its administrative boundary.	This comment is noted and agreed with.
Landscape & Visual Impact		
5.34-36	**Relevant CDP Policies** CDP Policy 39 – Landscape CDP Policy 40 – Trees, Woodlands, and Hedges Commentary Chapter 7 of the ES relates to landscape and visual effects. The methodology used in the Landscape and Visual Assessment is appropriate	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies 39 and 40. The comments on ES Chapter 7 Landscape and Visual [APP-030] are noted and agreed with.

Reference	Topic summary	RWE response
	and it accurately identifies and evaluates potential landscape and visual effects falling within County Durham. It is noted that the Examining Authority has identified Landscape and Visual in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.	
5.37-5.47	**Key Local Issues** CDP Policy 39 (Landscape) is relevant to consideration of the Scheme within County Durham. Proposals are not permitted under the Policy which would cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The supporting text (5.414) explains that whether harm is considered unacceptable will depend partly on the significance of the effects of development on those attributes, and partly on the extent to which the benefits of the development outweigh that harm in the balance of considerations.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 39.
	DCC agrees with the findings of Chapter 7 of the ES in respect of the significance of the landscape and visual effects of the proposals which are summarised here. In the Sedgefield, Windlestone and Aycliffe character area there would be localised moderate/minor Adverse effects arising from a sense of proximity to the solar farm as a result of close views of Panel Area B above the roadside hedges and beyond the buildings and vegetation at Preston Lodge and Stainton Hill House. As new tree planting matured and hedges grew taller these effects would reduce to Minor/negligible and Adverse. Within the Butterwick and Shotton character area there would be Minor/negligible Adverse effects arising as a result of glimpsed views of Panel Area F through trees and hedges within the area to the west of Old Stillington at the southern end of the character area. There would be some localised effects on visual amenity for road users on Lime Lane and Lodge Lane, typically of a small or medium scale reducing over time with mitigation (hedgerow management and planting) to negligible or small scale. There would be some very localised effects of a large scale near Stainton Hill House on Lodge Lane reducing over time to a small scale. Effects would range from Moderate, Adverse and not significant to Small/negligible, Negligible and not significant once mitigation planting matures.	The agreement of DCC with the findings of the ES in relation to landscape and visual effects on receptors in County Durham is noted. The Environmental Statement Appendix 2.14 Outline Landscape and Ecology Management Plan (LEMP) [APP-118] sets of the proposed management and maintenance regime, which is committed to under DCO requirement 12 of the Draft Development Consent Order [APP-12]. No phase of the Proposed Development would be commenced until a LEMP covering that phase which accords with the outline LEMP has been submitted to and approved by the relevant planning authority, as outlined in DCO requirement 12 [APP-012]. As such, specific measures such as the flailing regime of hedgerows would be captured through the approvals process of the detailed LEMP.

Reference	Topic summary	RWE response
	There would be very limited visibility of the development from public rights of way within County Durham and effects would generally be Negligible and not significant. There would be very localised effects (large falling to small as mitigation planting matures) on users of Grindon Lane Bridleway but effects on the route would be negligible elsewhere. DCC agrees that these effects are not significant. It will be for the Examining Authority to determine whether any harm arising from the proposals would be offset by the benefits of the development.	
	An area immediately to the north the site (Elstob) is identified as an Area of Higher Landscape Value (AHLV) as defined on Map H of the CDP. Developments affecting AHLV are only permitted under Policy 39 where they conserve and, where appropriate enhance, the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. DCC agrees with the findings of the ES on the effects on the designated landscape (7.10.175). There would be some very localised effect on its character and scenic value where it borders onto the site in the south-west. These are assessed as being Moderate Adverse and not significant reducing to Moderate/minor, Adverse and not significant once hedges and trees mature. Effects within the wider AHLV would be negligible due to the shallow nature of views and the screening effects of topography and vegetation. Taken in the round DCC considers that the proposals would conserve the special qualities of the AHLV. Policy 39 states that proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. DCC considers the mitigation measures proposed to be appropriate. Policy 39 also states that proposals should have regard to the County Durham Landscape Character Assessment (CDLCA) and County Durham Landscape Strategy (CDLS) and contribute, where possible, to the conservation or enhancement of the local landscape. DCC considers that the proposals have been informed by the background information in the CDLCA and are consistent with the objectives of the CDLS.	The agreement of DCC with the findings of the ES in relation to landscape and visual effects on receptors in County Durham is noted. The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 39.

Reference	Topic summary	RWE response
5.48	**Adequacy of Application/DCO** DCC considers that the landscape and visual effects of the proposals insofar as they affect receptors in County Durham have been appropriately assessed in the ES.	This comment is noted and agreed with.
Drainage and Coastal Protection		
5.49-5.51	**Relevant CDP policies** CDP Policy 35 – Water Management Commentary Chapter 10 of the ES relates to Hydrology and Flood Risk. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration. It is noted that the Examining Authority has identified Water Environment and Flood Risk in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008 with reference to the effects on community uses including PROW.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 35. The comments on ES Chapter 10 Hydrology and Flood Risk [APP-033] are noted and agreed with.
5.52-5.53	**Key Local Issues** Within County Durham, Bishopton Beck is located long a part of the site boundary. Land either side of the Beck is located within Flood Zones 2 and 3 and within a Groundwater Vulnerability Area as defined by the Environment Agency. Development should apply the practices and methods of control as identified within DCC's General Guidance (included in Appendix 1) from research sources relating to drainage considerations for the construction and maintenance of varying types of Solar / Wind Farms.	An updated Flood Risk Assessment including the Sequential and Exception Tests has been submitted as part of Deadline 2 (Document Reference 6.4.10.1, Revision 3). The detailed design of the Proposed Development will be secured by Requirement 3 of the DCO (Document Reference 3.1, Revision 2); which states that no phase of the development may commence until there is written approval from the relevant planning authority on the details listed in the requirement.
5.54	**Adequacy of Application/DCO** DCC does not envisage any impacts on drainage that cannot adequately be controlled through appropriate design and mitigation.	This comment is noted and agreed with. Further detail on the mitigation for these adverse impacts is detailed in ES Chapter 10 Hydrology and Flood Risk [APP-033] and the Mitigation Route Map [APP-171].
Biodiversity		
5.55 – 5.57	**Relevant CDP policies** CDP Policy 41 – Biodiversity and Geodiversity CDP Policy 42 – Internationally Designated Sites	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies 41 and 42. The comments on ES Chapter 6 Biodiversity [APP-029] are noted and agreed with.

Reference	Topic summary	RWE response
	CDP Policy 43 – Protected Species and Nationally and Locally Protected Sites Commentary Chapter 6 of the ES relates to Biodiversity. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration It is noted that the Examining Authority has identified Biodiversity, Ecology and the Natural Environment in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.	
5.58-5.62	**Key Local Issues** The site is in proximity to Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Local Nature Reserves, a Ramsar Site and proposed Ramsar Site. In terms of designated sites within County Durham, the Railway Stell West SSSI is within the 10km buffer zone of the proposal. The site lies within the Nutrient Neutrality Catchment area of the Teesmouth and Cleveland Coast Special Protection Area as defined by Natural England for the protection of sensitive Habitat Regulation sites. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. It is expected that Natural England will comment upon this matter.	Issues pertaining to nutrient neutrality are not considered to be relevant for the Proposed Development. Natural England was regularly engaged with throughout the pre-application period and at the time of DCO application, reflected in the Relevant Representation from NE (NE) which concludes that NE is 'satisfied with the proposals and considers that there are no significant matters to resolve'. The Applicant acknowledges the Railway Stell West SSSI being within the 10km buffer zone of the proposal, as demonstrated on ES Figure 6.1 Designated Sites [APP-061].
	Given the number and nature of the ecological designations in the vicinity the impact of the Scheme upon these requires careful consideration. CDP Policies 41 (Biodiversity and Geodiversity), 42 (Internationally Designated Sites) and 43 (Protected Species and Nationally and Locally Protected Sites) are therefore of relevance. CDP Policy 41 states that proposals for new development will not be permitted if significant harm to biodiversity	ES Chapter 6 Biodiversity [APP-029] provides an assessment of effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. It concludes that there would be no significant effects arising from the Proposed Development.

Reference	Topic summary	RWE response
	or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.	
	CDP Policy 42 states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.	ES Chapter 6 Biodiversity [APP-029] provides an assessment of effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. It concludes that there would be no significant effects arising from the Proposed Development.
5.63-5.66	**Adequacy of Application/DCO** DCC does not see any significant issues with regards to biodiversity. In terms of the baseline data to inform the assessment of impacts, this appears sound with appropriate receptors accounted for and appropriate survey methods employed. The mitigation and compensation seem appropriate, maintenance of bird assemblages on solar farms can be an	This comment is noted and agreed with. Further detail on the mitigation for these adverse impacts is detailed in ES Chapter 6 Biodiversity [APP-029] and the Mitigation Route Map [APP-171].

Reference	Topic summary	RWE response
	issue, notably for ground nesting birds but in this case the land set aside for ground nesting birds appears suitable given the numbers of breeding pairs recorded. The RSPB may have comments on the bird mitigation, especially in relation to waders. Impacts on other faunal groups are accounted for with avoidance in place (e.g., tree bat roosts, riparian mammals) or habitat enhancements should improve opportunities for species. The reports indicate that a significant BNG can be delivered, and there is certainly enough headroom in the figures to be confident that a BNG as calculated via the metric can be achieved once updated 'as built'. The assessment of impacts on designated sites (especially European) looks sound with no impacts expected. DCC does not envisage any biodiversity impacts that cannot adequately be controlled through appropriate mitigation.	
Contaminated Land		
5.67 -5.68	**Relevant CDP policies** CDP Policy 32 –Despoiled, Degraded, Derelict, Contaminated and Unstable Land. Commentary Contaminated land is not a specific chapter in the ES but a Phase 1 Geoenvironmental and Geotechnical Desk Study has been submitted (Examination Document APP-105).	Compliance with Policy 32 is not specifically considered in the Policy Compliance Document [APP-164], as it is considered this matter is not of particular relevance to DCC given the small amount of the authority's administrative area within the Order Limits. The three host authorities were consulted on the scope of the policies included in the PCD and this was not identified as one to include. However, the Planning Statement [APP-163] and Policy Compliance Document [APP-164] do consider, and demonstrate compliance with, other national and local policy on contaminated land.
5.69-5.70	**Key Local Issues** Given the nature of the land that would be developed by the Scheme, contamination is unlikely to be a major issue within County Durham. Having assessed the available information and historical maps with respect to land contamination DCC is satisfied with the information contained in the Phase 1 Geoenvironmental and Geotechnical Desk Study (2023) (Examination Document APP105). The Phase 1 has identified the need for further site investigation as detailed in section 10 of the report. Given this, the following contaminated land condition should apply. **Contaminated Land (Phase 2-3)** No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning	The Applicant has committed to further ground investigations, as set out in reference GEN11 of the Mitigation Route Map [APP-171]. However, recognising that this is then not specified in the outline CEMP [APP-110] and subsequently secured in the DCO, the Applicant has committed to updating the outline CEMP during Examination to make this specific commitment and secure it as a requirement under the DCO. This is set out in the ES Errata and Management Plans Proposed Updates submitted at Deadline 2 (Document Reference 8.11). It is therefore considered that the proposed conditions, suggested by DCC, are not required.

Reference	Topic summary	RWE response
	Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification. Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely. **Contaminated Land (Phase 4)** Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. The following should be added as an informative: If unforeseen contamination is encountered, the Local Planning Authority shall be notified in writing immediately. Operations on the affected part of the site shall cease until an investigation and risk assessment, and if necessary a remediation strategy is carried out in accordance with the YALPAG guidance and agreed with the Local Planning Authority. The development shall be completed in accordance with any amended specification of works. Note: Following the submission of a preliminary ground gas risk assessment, for some developments the Local Planning Authority may agree in writing to the installation of Gas Protection Measures as a precautionary measure without first carrying out ground gas monitoring.	
5.71	**Adequacy of Application/DCO** DCC does not envisage any impacts relating to contaminated land that cannot be addressed by suitable mitigation.	This comment is noted and agreed with.
Population and Human Health		

Reference	Topic summary	RWE response
5.72 – 5.74	**Relevant CDP policies** CDP Policy 31 – Amenity and Pollution **Commentary** Population and Health is not a specific chapter in the ES. It is noted that ES Chapter 4 Approach to EIA states that a standalone chapter assessing effects of the Proposed Development on human health was scoped out of the ES, as it is anticipated that there would be limited impacts on human health during the construction and operation of the Proposed Development. Aspects of human health are considered in the ES within the context of other topics, namely: Landscape and Visual (Chapter 10 of the ES), Land Use and Socioeconomics (Chapter 9 of the ES) and Noise and Vibration (Chapter 11 of the ES). It is noted that the Examining Authority has identified Health and Air Quality in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 31. The comments in relation to where human health has been considered in the Applicants assessment are noted and agreed with.
5.75	**Key Local Issues** The closest properties within County Durham are at Whinfield House, Preston Lodge and Stainton Hill House which are located to the immediately to the north of the western part of the application site. Other properties within County Durham are more distant. Whinfield House is closest to the proposed route of the cable. Preston Lodge and Stainton Hill House are located to the north of Panel Area B: Hauxley Farm (Examination Document APP-042) and separated from the proposed site by the road Lodge Lane. During the construction phase there is potential for disturbance to these residential properties. During the operational phase there is potential for visual impacts from Preston Lodge and Stainton Hill House. CDP Policy 31 is therefore of relevance.	This comment is noted and agreed with. The Applicant has provided ES Appendix 7.6 Residential Visual Amenity Assessment [APP-137] which considers the change in views that residential receptors may experience as a result of the Proposed Development. Furthermore, CDP Policy 31, and the Proposed Development's accordance with this policy, is addressed in the Planning Statement [APP-163] and the Policy Compliance Document [APP-164].
5.76-5.77	**Adequacy of Application/DCO** It is recognised that the scheme has potential to impact upon population and human health receptors especially during the construction phase. Although there is no specific chapter on human health comments on Air Quality and Noise and Vibration are made below. DCC does not envisage any impacts that cannot adequately be controlled through appropriate mitigation, but this would need to be implemented, their effectiveness and monitored/reviewed, and that any identified issues are addressed as required. It is noted however, that only a very small	This comment is noted and agreed with. Impacts on human health receptors and the Applicant's assessment and consideration of these is addressed elsewhere in this document.

Reference	Topic summary	RWE response
	section of the overall project would be within the boundaries of County Durham.	
Air Quality		
5.78	Relevant CDP policies CDP Policy 31 – Amenity and Pollution	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 31.
5.79-5.81	Commentary Air Quality is not a specific chapter in the ES having been scoped out the ES. It is noted that a Construction Dust Assessment has been submitted with the application. It is noted that ES Chapter 4 Approach to EIA states that a standalone chapter assessing effects of the Proposed Development on human health was scoped out of the ES, as it is anticipated that there would be limited impacts on human health during the construction and operation of the Proposed Development. Aspects of human health are considered in the ES within the context of other topics, namely: Landscape and Visual (Chapter 10 of the ES), Land Use and Socioeconomics (Chapter 9 of the ES) and Noise and Vibration (Chapter 11 of the ES). It is noted that the Examining Authority has identified Health and Air Quality in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.	ES Appendix 4.1 EIA Scoping Report [APP-120] provides the scoping report which explains the traffic flows due to construction, operational and decommissioning are predicted to be below the IAQM/ EPUK thresholds. It is anticipated that there would be limited impacts on air quality associated with the Proposed Development. Therefore, air quality had been scoped out the ES and only a construction dust assessment would be provided. Any potential effects and mitigation have been provided in the ES and CEMP. In addition, Appendix 4.2 details the scoping opinion in responding to air quality, and the Inspectorate agreed with the approach of scoping out air quality out of the ES. As identified within the Scoping Opinion [APP-121], a dedicated assessment on Human Health has not been scoped into the DCO Application for the Proposed Development. However, potential impacts on Human Health are assessed, where relevant, in individual topic chapters and supporting appendices, such as the Public Rights of Way Management Plan [APP-119] and the Outline Landscape and Ecology Management Plan (LEMP) [APP-118].
5.82-5.83	**Key Local Issues** The closest properties within County Durham are at Whinfield House, Preston Lodge and Stainton Hill House which are located to the immediately to the north of the western part of the application site. Other properties within County Durham are more distant. Whinfield House is closest to the proposed route of the cable. Preston Lodge and Stainton Hill House are located to the north of Panel Area B: Hauxley Farm (Examination Document APP-042) and separated from the proposed site by the road Lodge Lane. During the construction phase there is potential for disturbance to these residential properties. CDP Policy 31 is therefore of relevance. At the Scoping stage DCC agreed that it was acceptable to scope out Air Quality from the ES with the information available at the time, on the basis that: a construction dust assessment and associated mitigation measures	This comment is noted and agreed with. The Applicant has provided ES Appendix 7.6 Residential Visual Amenity Assessment [APP-137] which considers the change in views that residential receptors may experience as a result of the Proposed Development. Furthermore, CDP Policy 31, and the Proposed Development's accordance with this policy, is addressed in the Planning Statement [APP-163] and the Policy Compliance Document [APP-164].

Reference	Topic summary	RWE response
	would be included in an Outline Environmental Management Plan; the Outline EMP was noted to need to make reference to Durham Council's Construction/Demolition Management Plan Guidance in addition to the IAQM guidance; and operational vehicle trips would be below the EPUK guidance screening threshold; and that there will be no, or very low, on-site emissions sources.	
5.84	It is understood that a realistic worst case has been assessed by the assessments in the ES.	This comment is noted, it is confirmed a realistic worst case approach has been followed.
5.85	DCC has the following comments following a review relating to local air quality: • Section 5.5 of The Planning Statement summarises the air quality position. Air quality is noted to have been scoped out of the EIA due to the limited emissions anticipated during construction, operation and decommissioning of the Proposed Development. Reference is made to Environmental Statement Chapter 4 Approach to EIA for further information. This document states that Air Quality is scoped out except for a Construction Dust Assessment. No further information, to include confirmation of items which informed the air quality assessment being scoped out at scoping stage, is provided. • The site is located approximately 20 km south of the Durham City AQMA in a rural location on DCC's southern boundary. Paragraph 5.4.3 the Environmental Statement Appendix 2.4 Construction Dust Assessment states that the effects of the proposed development upon the AQMA are unlikely to occur due to the distance to the AQMA. • Baseline air quality is summarised in Section 5 of the Environmental Statement Appendix 2.4 Construction Dust Assessment. A desk based review of DCC's Annual Air Quality Status Report has been undertaken. No DCC air quality monitoring is nearby the proposed site. Defra air quality background maps pollutant concentrations are reported, noted to be below air quality objectives, representative of a rural environment.	ES Appendix 4.1 [APP-120] provides the scoping report which explains the traffic flows due to construction, operational and decommissioning are predicted to be below the IAQM/ EPUK thresholds. It is anticipated that there would be limited impacts on air quality associated with the Proposed Development. Therefore, air quality was scoped out the ES and a standalone construction dust assessment was agreed to be provided. Any potential effects and mitigation have been provided in the ES and secured via the outline CEMP [APP-110] and outline DEMP [APP-111]. In addition, ES Appendix 4.2 [APP-121] details the scoping opinion in responding to air quality, and the Inspectorate agreed with the approach of scoping out air quality out of the ES.
5.85	Construction phase • The impact to human receptors has been included in the construction dust assessment in Environmental Statement Appendix 2.4 Construction Dust Assessment; screening out the requirement to further consider ecological receptors; considered reasonable as it is reported there are no designated ecological sites within 250 m of the site. This seems consistent	A revised figure for the construction dust buffer will be provided with the incorporation of relevant receptors within DCC will be provided directly to DCC and submitted at the next deadline.

Reference	Topic summary	RWE response
	with the information on Defra's MAGIC map . A construction dust assessment has been undertaken utilising the most up to date IAQM guidance available at the time of writing; this document has since been updated however this is not considered a material planning consideration. It is understood that a realistic worst-case assessment has been undertaken for the Construction Dust Assessment, as distances to receptors have been considered from the full Order Limits rather than exact locations of works which could result in a conservative estimate. No reference is made to Durham Council's Construction/Demolition Management Plan Guidance3. • In the absence of a clear figure, following a review of aerial imagery, it would initially appear that only a handful of dwellings within DCC would be impacted by the proposals during the construction phase, in terms of construction dust however this is requested to be confirmed. A clear figure is requested, presenting the locations of receptors sensitive to air quality to be able to understand which receptors lie within DCC boundary. Whilst not in DCC's boundary, it is noted that Bishopton Redmarshall Primary School is within 20m of the order limits. As per the IAQM guidance, schools are recommended to be allocated as within the >100 receptor category. The sensitivity of the area to dust soiling is determined by the assessment as 'High' and to human health as 'Low', based on between 10 and 100 receptors within 20m of the proposed development. It is understood that the sensitivity of the area to human health would instead be determined to be medium risk should this have been considered. This is not expected to be a material planning consideration for DCC due to the Applicant's recommendation of the full suite of IAQM mitigation measures (with one exception as per below), but may be relevant to Darlington BC. • No demolition is understood to be proposed. Information is provided to explain the assigning of large potential dust emission magnitude to earthworks and medium to construction and trackout in Table 6-1. It is understood that the assessment has been made on the project as a whole and measures assigned based on a high dust risk.	
	• Although there are a couple of references to decommissioning in the Appendix 2.4 Construction Dust Assessment document, RWE response for 5.85 (figure for construction Following review of Section 2.9 of Appendix 2.7 Outline Decommissioning Environmental Management Plan, it is understood that current proposals do not include the same dust	At the time of writing, dust mitigation measures in relation to decommissioning would be anticipated to align with the high risk measures from the IAQM's Guidance on the assessment of dust from demolition and construction. However, the timescales for decommissioning mean that the detail of the dust mitigation cannot be

Reference	Topic summary	RWE response
	mitigation measures for decommissioning as for the construction phase, as would be expected. This should be clarified.	defined at this time and may not be exactly the same as at construction; they will reflect the best practice at the time. Accordingly, the outline DEMP [APP-111] secured under requirement 5 of the DCO (Document Reference 3.1, Revision 2) details that 'Demolition impacts from dust generating activities will be minimised through the use of best practice guidance and measures relevant at the time of decommissioning'. As such, the overall dust related effects would be not significant with the implementation of the best practice measures.
5.85	• Mitigation measures have been recommended in the air quality assessment for the construction phase; these mostly appear to be in line with IAQM guidance with the exception of no air quality monitoring being proposed, as would be recommended by the guidance for high risk sites. Where the guidance is not followed, reasons for not following are requested to be provided. Following production of a clear figure showing the receptors sensitive to air quality within DCC, this will be considered as to whether this is considered material for DCC. • Following review of the Environmental Statement Appendix 2.6 Outline Construction Environmental Management Plan (OCEMP), the document references the measures recommended by the air quality assessment at Paragraph 2.3.18. It is therefore understood that all of the measures recommended by Appendix 2.4 will be implemented.	Requirement 4 of the DCO (Document Reference 3.1, Revision 2) states that the CEMP must be produced in accordance with the Outline CEMP [APP-110]. It should be noted that with the implementation of suitable measures for construction dust, the residual effects would be considered to be not significant.
5.85	• A section titled Emissions, Dust and Dirt within the Outline Construction Traffic Management Plan (OCTMP) references the IAQM dust guidance suggesting dust mitigation measures will be followed. This document is recommended to also reference the measures contained within Appendix 2.4 relevant to construction traffic and dust. There is no reference to road traffic related air quality impacts from the construction phase. • Following review of Environmental Statement Figure 2.21 Construction Compounds and Access Route, it is understood that the construction access route traces along DCC's boundary to the A167 and then to the A1(M). It is understood that a realistic worst case assessment has been undertaken within the Construction Traffic Management Plan; to do this, a shorter programme has been considered for construction traffic, condensing the trips into a shorter period of 12 – 18 months. The CTMP reports a maximum of 18 daily HGV trips using this method, however	It is confirmed that construction vehicles will not travel through the Durham City AQMA. To provide comfort to DCC on this matter, the Applicant has committed to updating the outline CTMP [APP-112] during Examination to make this specific commitment and secure it under the DCO. This is set out in the ES is and Management Plans Proposed Updates submitted at Deadline 2 (Document Reference 8.11).

Reference	Topic summary	RWE response
	following review of the Traffic and Transport Chapter, it is understood that this is only an average, and therefore not a worst case. Following review of Table 0-5 in Chapter 12 Traffic and Transport and the supporting text, a worst case is understood to be 24 daily HGV trips, and 48 two-way flows. Construction phase road traffic exhaust emissions do not appear to have been discussed in relation to air quality impacts; it is noted that it is predicted to be below the EPUK IAQM guidance4 screening criteria for roads outside of an AQMA. With reference to Paragraph 12.10.13, it is understood that as many as 90 light vehicle movements could be expected from construction worker trips which also does not exceed the light vehicles screening criteria of the EPUK guidance; it is however not understood if this is a reasonable worst case, which is requested to be confirmed. It is not clear in a worst-case scenario, how many daily two way light and heavy movements may be expected to travel through the Durham City AQMA via the northbound A1(M) however the information is considered to likely be available by the documents reviewed. The Applicant is therefore requested to confirm whether the EPUK IAQM screening criteria for roads within an AQMA will be exceeded (100 annual average daily traffic (AADT) light vehicles, 25 AADT heavy vehicles). If this is not known, a suggestion to resolve this would be to add into the CTMP that no construction traffic routing will travel through the Durham City AQMA. • There are a number of mitigation measures provided in Table 4.1 of the OCEMP for climate change. Implementing a Travel Plan to reduce the volume of construction staff and employee trips to the Proposed Development and switching vehicles and plant off when not in use and ensuring construction vehicles conform to current EU emissions standards will have co-benefits to air quality. Operation phase • Operational road traffic exhaust emissions were scoped out of the assessment as per Chapter 4 Table 4-1. Following review of Chapter 12 Traffic and Transport, operational visits are understood to be 0.8 movements per day with an expected 73 operational trips per year, related to maintenance. Although not stated in the chapter, it is understood that the impact on Durham and the AQMA will not be significant as the EPUK planning guidance screening criteria is not likely to be exceeded.	
5.85	• It is noted that the UK Health Security Agency has requested the Applicant to give consideration to the impact to human health as a result	It should be noted that the operational air quality impacts has been scoped out and this approach had been agreed at the scoping opinion stage and therefore battery fire

Reference	Topic summary	RWE response
	of emissions from an emergency fire. No air quality assessment to include dispersion modelling is understood to have been undertaken to support the response to this request; it is understood that the Applicant intended Appendix 2.5 Major Accidents and Disasters Assessment to satisfy this point. The proposed location of BESS at each panel area is not yet clear by the absence of BESS locations on the plans however as per the current proposed development description in Chapter 2 with reference to the centre of each panel area, it could be that one of these BESS may be located nearby DCC area. Whilst Table 3-1 Hazard identification record – battery fire in Appendix 2.5 does provide some consideration of the impacts from battery fires, it is currently unclear whether this is sufficient to determine no significant effects to air quality within Durham's boundary.	is not required to be assessed as part of the EIA. Furthermore, a battery fire safety management plan has been secured under requirement 11 of the DCO (Document Reference 3.1, Revision 2) and therefore this will facilitate to minimise the overall impacts associated with battery fire. The UKHSA has confirmed in its Relevant Representation [RR-526] that: *"We are reassured that earlier comments raised by us on 09 June 2023 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health. UKHSA/OHID is satisfied with the methodology used to undertake the environmental assessment. Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion."* It is therefore considered that the information in the application is sufficient.
5.86	**Adequacy of Application/DCO** DCC has queries regarding the proposed development in relation to air quality and it is requested that these are addressed by the applicant. Should these queries be satisfactorily addressed then DCC does not envisage any air quality impacts that cannot adequately be controlled through appropriate mitigation.	These comments are noted and have been addressed in earlier sections of this document.
Noise, Vibration and Glint and Glare		
5.87 -5.89	**Relevant CDP policies** CDP Policy 31 – Amenity and Pollution Commentary Chapter 11 of the ES relates to Noise and Vibration. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration. It is noted that the Examining Authority has identified Noise and Vibration in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 31.
5.90-5.92	Key Local Issues The closest properties within County Durham are at Whinfield House, Preston Lodge and Stainton Hill House which are located to the	This comment is noted and agreed with.

Reference	Topic summary	RWE response
	immediately to the north of the western part of the application site. Other properties within County Durham are more distant. Whinfield House is closest to the proposed route of the cable. Preston Lodge and Stainton Hill House are located to the north of Panel Area B: Hauxley Farm (Examination Document APP-042) and separated from the proposed site by the road Lodge Lane. During the construction phase there is potential for disturbance to these residential properties. CDP Policy 31 is therefore of relevance. Sensitive receptors in proximity to the site within County Durham include Whinfield House and Preston Lodge. In the case of solar development impacts from noise, dust and vibrations are predominantly likely to be during construction, although associated transformers and inverters can emit noise when operational. DCC has undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant Durham County Council Technical Advice Notes (TANS). The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development would not lead to an adverse impact. In addition, following previous comments made to the Applicant by DCC that more specific information should submitted to identify dwellings in County Durham and the likely impact from glint and glare, this has been done and DCC is satisfied potential impact would be minimal based on the information provided.	
5.93-5.94	Adequacy of Application/DCO Within County Durham sensitive receptors may be impacted upon during the construction phase to some degree but to a lesser degree during the operational phase given the nature of the development. DCC does not envisage any noise and vibration, or glint and glare, impacts that cannot adequately be controlled through appropriate mitigation.	This comment is noted and agreed with.
Climate Change		
5.95 -5.96	**Relevant CDP policies** CDP Policy 29 – Sustainable Design CDP Policy 31 – Amenity and Pollution Commentary	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policies 29 and 31.

Reference	Topic summary	RWE response
	Chapter 5 of the ES relates to Climate Change.	
5.97	**Key Local Issues** In 2019 Durham County Council declared a climate emergency. A Climate Emergency Response Plan (CERP) was approved by the Council on 12 February 2020, and this was updated in June 2022 when the Council published its second Climate Emergency Response Plan (CERP2). The Council's third Climate Emergency Action Plan 2024- 2027 (CERP3) was adopted in July 2024. CERP3 aims to ensure that by 2027 renewable generation and resilient infrastructure is in place for a carbon neutral electricity grid. We have committed to reaching Net Zero by 2030 with an 80% real carbon reduction to our emissions. DCC has also committed to working with partners and communities to achieve a carbon neutral County Durham by 2045.	This comment is noted and agreed with.
5.98	**Adequacy of Application/DCO** DCC does not envisage any climate impacts that cannot adequately be controlled through appropriate mitigation	This comment is noted and agreed with.
Geology and Soils		
5.99 – 5.100	Relevant CDP policies CDP Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources CDP Policy 56 – Safeguarding Mineral Resources Commentary Chapter 9 of the ES relates to Land Use and Socioeconomics and considers land and soil resources.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 14. Compliance with Policy 56 is not specifically considered in the Policy Compliance Document [APP-164], as it is considered this matter is not of particular relevant to DCC given the small amount of the authority's administrative area within the Order Limits. The three host authorities were consulted on the scope of the policies included in the PCD and this was not identified as one to include. Comments regarding safeguarded minerals are considered in detail below.
5.101-5.103	**Key Local Issues** The Scheme as a whole is located on agricultural land and agricultural land and soil resources will be an important consideration in determining this application. The land within the County Durham that forms part of the Scheme is a road and a small area of river bank. This land appears to Grade 3b under the Agricultural Land Classification and shown on Examination Document APP-083 (6.3.9.5 Environmental Statement Figure 9.5 Agricultural Land Classification).	Consideration of the Darlington Borough Council Mineral Safeguarding Area (MSA) within the Order Limits is set out in ES Chapter 9 Land Use and Socioeconomics [APP-032] and is discussed in this document, in relation to the DBC LIR. DBC and the Applicant are in agreement in relation to this matter. It is acknowledged that Durham County Council (DCC) have identified the proximity of the Proposed Development to its own MSA for river sand and gravel, adjacent to Bishopton Beck. This has not been assessed in ES Chapter 9, as it is not within the Order Limits of the Proposed Development. However, recognising the comment raised by DCC, the Applicant is in agreement that the Proposed

Reference	Topic summary	RWE response
	It is noted that the Scheme is partially located within Darlington Borough Council's Mineral Safeguarding Areas for limestone. Cabling appears to bound a Mineral Safeguarding Area for Magnesian Limestone within County Durham. The solar arrays are temporary in nature and this site is not identified as being required to meet a need in the County Durham Minerals and Waste Policies and Allocations Document (July 2024). However, Darlington Borough Council would need to take a view as to whether a minerals assessment is required in respect of their area. Mineral safeguarding, specifically in relation to CDP Policy 56 which safeguards mineral resources of local and national importance, specifically in the area near Bishopton Beck in County Durham is a Mineral Safeguarding Area for River sand and gravel. CDP Policy 56 is therefore relevant. This does not appear to be referred to in Chapter 9 of the ES. The proposal may sterilise safeguarded mineral resources in this location. Notwithstanding this it is It is recognised that whilst temporary, the proposed solar farm is of a long duration (40 years), it would not permanently sterilise the mineral it would overlie. While there is a forecast shortfall of sand and gravel over the Plan period to 2035, as outlined in the Council's Local Aggregate Assessment (2022 Permitted Reserves and Sales) (December 2023), the small area of sand and gravel which would be sterilised is considered to not be likely to be attractive to future mineral working due to both its size and its isolated nature from other deposits and its location near to the High Pressure Gas Pipeline (FM 07 Bishop Auckland/Sutton Howgrave). The Scheme when viewed as a whole may outweigh the need to safeguard mineral in this particular location.	Development would not permanently sterilise the mineral resource and given the limitations to use of this resource, as outlined by DCC, the effects of the Proposed Development on the MSA, absent of any specific development proposals, are unlikely during the operational life of the Proposed Development. The Critical National Priority (CNP) for low carbon energy generation, and the benefits of the Proposed Development, would outweigh any such need to safeguard the mineral in this location. The Applicant would be willing to engage in any further commentary with DCC on this point, noting it has not previously been raised.
5.104	**Adequacy of Application/DCO** DCC does not envisage any impacts upon geology and soil resources that cannot adequately be controlled through appropriate mitigation.	This comment is noted and agreed with.
Cumulative Effects		
5.105 – 5.106	**Relevant CDP policies** CDP Policy 31 – Amenity and Pollution Commentary Chapter 13 of the ES relates to Cumulative Effects.	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 31.
5.107	**Key Local Issues**	This comment is noted.

Reference	Topic summary	RWE response
	Comments have been made in relation to individual impacts. Details of developments in the vicinity of the site in County Durham are referred to in Section 3.0 above.	
5.108	**Adequacy of Application/DCO** Given the proposed timescale for the DCO works there is the potential for cumulative impacts with permitted developments within County Durham and outside of the County boundary. DCC does not envisage cumulative impacts that cannot adequately be controlled through appropriate mitigation.	This comment is noted and agreed with.
Other Matters		
5.109 – 5.110	**Relevant CDP policies** CDP Policy 28 – Safeguarded Areas **Commentary** 5.110 Safeguarded Areas in respect of Tees Valley International Airport and the High Pressure Gas Pipeline are matters which should be considered.	Compliance with Policy 28 is not specifically considered in the Policy Compliance Document [APP-164], as it is considered this matter is not of particular relevance to DCC given the small amount of the authority's administrative area within the Order Limits. The three host authorities were consulted on the scope of the policies included in the PCD and this was not identified as one to include. Comments regarding the identified safeguarded areas under Policy 28 are considered in detail below.
5.111-5112	**Key Local Issues** The site lies within the 15km Birdstrike Safeguarding Circle, the 13km Protected Surfaces Safeguarding Circle and the 30km Wind Farm Consultation Zone for Tees Valley International Airport. The views of Tees Valley International Airport should be sought. A High Pressure Gas Pipeline (FM 07 Bishop Auckland/Sutton Howgrave) runs north south through the proposed site. The area within County Durham near Bishopton Beck is adjacent to the middle consultation zone.	The effects of the Proposed Development on Tees Valley International Airport are considered in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study [APP-106] and it is concluded that there are no impacts requiring mitigation for aviation activity associated with the airport. The intersection of the Proposed Development with major utilities, including the Bishop Auckland/ Sutton Howgrave pipeline is considered in ES Appendix 2.5 Major Accidents and Disasters Assessment [APP-109]. It identifies that risks associated with these are acceptably reduced through implementation of mitigation, including engagement with utilities (as provided in the Statutory Undertakers Position Statement [REP1-018] and the use of offsets in the design to locate solar farm infrastructure 20m away from major gas pipelines.
5.113	**Adequacy of Application/DCO** This would be for Tees Valley International Airport and National Gas Transmission to comment upon	This is noted and addressed above.
5.114	**Restoration** Consistent with CDP Policy 33 (Renewable and Low Carbon Energy) a condition will need to be applied to secure, in so far as the land crosses	The Planning Statement [APP-163] and the Policy Compliance Document [APP-164] sets out the Proposed Development's accordance with Policy 33. Timely decommissioning and restoration is secured by Requirement 5 of the DCO

Reference	Topic summary	RWE response
	into the boundary of County Durham, the timely restoration of the land to its previous use at the end of the operational life of the solar panels. Restoration means that all development, including ancillary infrastructure, footings and access tracks should be removed from the site and any soils and vegetation restored, to ensure the land is as a minimum returned to the condition it was in before the development.	(Document Reference 3.1, Revision 2), which also requires the submission of a decommissioning environmental management plan (DEMP) in accordance with the outline DEMP [APP-111] submitted as part of this application.
5.115	**Police and Fire Services** The views of Durham Constabulary Crime Prevention Unit should be sought in respe1ct of designing out crime/crime prevention. The views of County Durham and Darlington Fire and Rescue Service should be sought in respect of the application with regard to the design of the proposed facility and potential fire risks.	In accordance with Section 42 of the Planning Act 2008, the Durham Police and Crime Commissioner and the Cleveland Police and Crime Commissioner, and County Durham and Darlington Fire and Rescue Service, were consulted with regarding the Proposed Development at statutory consultation. Whilst no response was received from the Police and Crime Commissioners, the Applicant subsequently has engaged with the CDDFRS on the production of the ES Appendix 2.13 Outline Battery Fire Safety Management Plan (oBFSMP) [APP-117], secured under Requirement 11 of the draft DCO (Document Reference 3.1, Revision 2).