

**Byers Gill Solar
EN010139**

8.8 Comments on Deadline 1 Submissions

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 8

Deadline 2 – August 2024

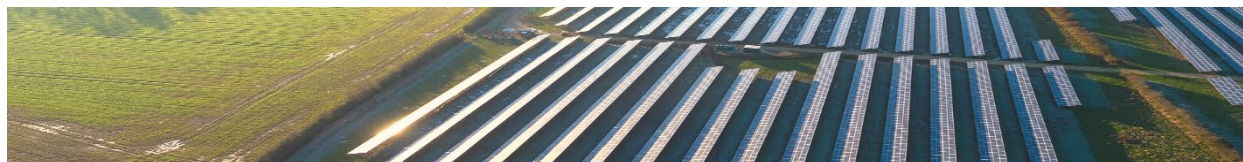


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1. Introduction

1.1. Purpose of this document

- 1.1.1. This document has been prepared by RWE (the Applicant) for submission to the Examining Authority (ExA) under Deadline 2 of the Examination of the Byers Gill Solar Development Consent Order (DCO) application.
- 1.1.2. This document provides the Applicant's comments on submissions made by Interested Parties at Deadline 1 (13 August 2024) of the Examination.
- 1.1.3. This document does not include comments on the Local Impact Reports (LIR) submitted by the host Local Planning Authorities (LPAs). These are commented on separately in the Comments on Local Impact Reports (Document Reference 8.7) submitted at Deadline 2.

1.2. Approach to this document

- 1.2.1. The Applicant has reviewed all of the third party submissions provided to the ExA at Deadline 1. The Applicant notes that a number of submissions are identified as being 'Post-hearing submissions, including written submissions of oral cases as heard on the ISH1, OFH1 and OFH2'. However, in some instances, these documents have been provided by Interested Parties who did not speak at the hearings held on 23 July 2024 and 24 July 2024.
- 1.2.2. In exchanges with the Planning Inspectorate (PINS) Case Team, the Applicant understands that these have been accepted as post-hearing submissions and therefore PINS invite comment from the Applicant at Deadline 2. The Applicant has therefore sought to provide a response to such submissions in this document, to the best of its ability within the Examination timetable.
- 1.2.3. Where a submission includes new information or detailed information that was not raised at the hearings or in previous Relevant Representations and was not envisaged under the Examination timetable, the Applicant has not been able to give that written submission its full consideration within the two weeks between the publication of the submission and Deadline 2 alongside the remainder of the documents that were listed for submission at Deadline 1, such as the relevant local authorities' Local Impact Reports. The Applicant would therefore propose to provide any further comments alongside those on the remainder of the Written Representations which are to be submitted by Interested Parties at Deadline 2, with comments to be provided at Deadline 3. Where the Applicant considers that approach is likely to be followed, it has indicated that in the table which follows in part 3 of this document below.

- 1.2.4. This document does not provide comment on submissions that were administrative in nature, such as requesting to register at further Open Floor Hearings or providing summaries of earlier submissions.

2. Comments on Deadline 1 Submissions

2.1. Applicant comments

2.1.1. The table below provides the Applicant's comments on the Deadline 1 submissions with reference to the Examination Library reference number. Where there is no specific comment to be made, this is identified in the table.

Table 2-1 Applicant comments on DL1 submissions

Examination Library Reference	Summary	RWE Response
REP1-020	Post-hearing submission by Bishopton Parish Council	<p>A representative of BPC spoke at ISH1. The Applicant acknowledges the written summary of oral case. The matters raised are considered to broadly reflect the positions provided by BPC in the draft SoCG with Bishopton Parish Council submitted at Deadline 1 [REP1-010]. As such, the Applicant will provide a detailed response to those matters, and any new matters as raised in the latest submission [REP1-020], in an updated SoCG to be shared with BPC and intended for submission at Deadline 3.</p> <p>The Applicant notes that the Interested Party has not submitted questions to the ExA at Deadline 1 in respect of biodiversity gain and design decisions relating to the Battery Energy Storage Systems, as envisaged by Hearing Action Points 3 and 5 of ISH1 [EV3-005]. The Applicant is therefore not able to respond to such questions at Deadline 2.</p>
REP1-027	Post-hearing submission by Alex Swainston	<p>This Interested Party did not speak at the hearings held on 23 July and 24 July 2024, however a Relevant Representation was submitted [RR-011] relating to points of noise, access, public rights of way (PRoW) and crime, which were responded to in sections 2.19, 2.24, 2.23 and 2.11 of the Applicant's Comments on Relevant Representations [REP1-004].</p> <p>The Applicant acknowledges the comment regarding PRoW in the Brafferton area. The effects of the Proposed Development on PRoW are assessed in ES Chapter 9 Land Use and Socioeconomics [APP-032] where it is identified that there would be no significant effects on PRoW. Additionally, it identifies that the Proposed Development would deliver a total of around 3600m of permissive paths, in order to create an enhanced and better-connected network in the local area.</p> <p>The Applicant acknowledges the query raised regarding soil samples. The soil sample methodology and results are reported in ES Appendix 9.1 Agricultural Land Classification and Soil Resources [APP-</p>

Examination Library Reference	Summary	RWE Response
		<p>150]. It confirms that 413 soil profiles were examined across the Order Limits using an auger at a density of approximately one per hectare. Four soil pits were also excavated.</p>
<p>REP1-029</p>	<p>Post-hearing submission by Christopher Wells</p>	<p>Mr Wells spoke at ISH1. In relation to the queries made by Mr Wells at ISH1 on design changes, the Applicant has prepared the Energy Generation and Design Evolution Document (Document Reference 8.9) at Deadline 2. The Applicant acknowledges the written summary of oral case provided by the Interested Party and whilst this summary does not reflect the specific points raised by the Interested Party orally, the Applicant provides clarification on the matter of risk assessments, as raised within REP1-029.</p> <p>In terms of Design Risk Assessment for the purposes of Construction Design and Management Regulations 2015, this would be carried out by the Principal Contractor on the basis of the detailed design, which would be produced if development consent were to be granted. Safety is embedded into the design as part of the following principles:</p> <ul style="list-style-type: none"> • Access: Access type, width, turning radius, visibility designed to be suitable for the anticipated size of vehicle for construction and also maintenance • Plant layout: Electrical equipment layout in line with manufacturer's guidelines for safe access for maintenance. Flood zone areas avoided to minimise risk of water damage • General clearances across site: Designed to allow safe access for O&M for activities such as grass cutting & panel cleaning • Terrain: Excluded areas of steep terrain that could make access difficult/dangerous <p>As part of the environmental assessment process, a Major Accidents and Disasters Assessment [APP-019] has been carried out to assess the potential for battery fire and damage to existing utilities. As stated in the Planning Statement [APP-163] paragraph 5.9.27 <i>“ES Appendix 2.13 Outline Battery Fire Safety Plan (APP-117) identifies the safety measures to be implemented to reduce risks related to battery and electrical safety is secured via requirement 11 of the draft DCO (APP-012). This has been developed in consultation with the local fire rescue service. Appendix 2.9 Outline Pollution and Spillage Response Plan (APP-113) is secured via requirement 7 of the draft DCO (APP-012) and sets out the measures to be implemented to prevent and control pollution during construction and operation of the Proposed Development.”</i></p>

Examination Library Reference	Summary	RWE Response
		The Energy Generation and Design Evolution Document (Document Reference 8.9) sets out where design changes have responded to environmental assessment and consultation. These design changes were informed by development constraints or impacts highlighted during the development of the design, for example the decision to remove construction routes from Bishopton Village and move back panels from Mill Lane was informed by matters raised at consultation relating to safety.
REP1-030	Post-hearing submission by Colin Taylor	Mr Taylor spoke at OFH2. The Applicant acknowledges the written summary of oral case and has no further comment at this time., having responded to the oral submission at OFH1 as reported in the Summary of Applicant's Oral Submissions at ISH1, OFH1 and OFH2 [REP1-006] at Deadline 1. The Applicant is meeting with Mr Taylor as representative of Great Stainton Parish Council on 18 September 2024.
REP1-032	Post-hearing submission by David Clark	Mr Clark spoke at OFH1. The Applicant acknowledges the written summary of oral case and has no further comment at this time, having responded to the oral submission at OFH1 as reported in the Summary of Applicant's Oral Submissions at ISH1, OFH1 and OFH2 [REP1-006] at Deadline 1.
REP1-033	Post-hearing submission by David Mitchell	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024, however it is noted that they submitted a Relevant Representation raising similar points [RR-116]. The Applicant acknowledges concerns raised regarding flood risk (particularly affecting existing local roads); cumulative effects; and, human health. The Applicant has responded to the points raised by this Interested Party and others in the Comments on Relevant Representations [REP1-004] at Deadline 1, in sections 2.15, 2.11 and 2.14 respectively.
REP1-034	Post-hearing submission by Hugh Bence	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation raising similar points [RR-208]. The Applicant acknowledges concerns raised regarding flood risk (particularly affecting existing local roads) and agricultural land/food production. The Applicant has responded to the points raised by this Interested Party and others in the Comments on Relevant Representations [REP1-004] at Deadline 1, in sections 2.15 and 2.3 respectively..
REP1-035	Post-hearing submission by Leanne Carroll	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation [RR-293] regarding wildlife corridors, which was responded to in section 2.5 of the Comments on Relevant Representations [REP1-004] at Deadline 1. This provided a summary of the biodiversity assessment and the mitigation measures secured in the

Examination Library Reference	Summary	RWE Response
		<p>Proposed Development, such as buffers to enable deer to move between fields. The Applicant acknowledges that submission REP1-035 specifically queries why deer surveys have not been undertaken. The following reasons for this are provided:</p> <p>The presence of deer was confirmed during the undertaking of other ecological surveys and therefore specific survey was not required.</p> <ul style="list-style-type: none"> • Potential impacts on deer were mitigated through standard design practices, such as designing the security fence around individual Panel Areas and allowing a gap between the fencing and hedgerows, which will maintain green corridors allowing for the movement of deer through the landscape. • EIA biodiversity chapters focus on species and habitats that are of higher conservation concern, particularly those that are legally protected, rare, or especially sensitive to the type of development proposed. Deer are relatively common and adaptable in the UK, and their populations are not generally considered to be at risk from solar farm developments. • Deer management is often addressed outside of the EIA process. In the UK, deer populations are managed through specific plans and practices that focus on controlling numbers to prevent overgrazing, protect woodlands, and reduce road traffic accidents. These management strategies are typically implemented by landowners or through government initiatives rather than being directly tied to individual development projects. • Concerns about deer are often more related to public safety (e.g., deer-vehicle collisions) and land management (e.g., controlling deer numbers to protect agriculture or forestry) than to biodiversity.
REP1-036	Post-hearing submission by Mark Smith	Mr Smith spoke at ISH1. The Applicant acknowledges the written summary of oral case, which comprises of photographic evidence of local flooding issues. The Applicant acknowledges concerns raised regarding flood risk (particularly affecting existing local roads) and responded to this matter in section 2.15 of Comments on Relevant Representations [REP1-004] at Deadline 1. The Applicant has no further comment at this time.
REP1-038	Post-hearing submission by Mary Kemp	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation [RR-366] raising similar points. Concerns regarding flood risk were responded to in section 2.15 of Comments on Relevant Representations

Examination Library Reference	Summary	RWE Response
		<p>[REP1-004] at Deadline 1. The Applicant acknowledges the concern relating to the users of the redirected PRow near Panel Area F, however the behaviour of members of the public using PRow is not within the control of the Applicant.</p>
<p>REP1-039</p>	<p>Post-hearing submission by Melanie Turner</p>	<p>This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation raising similar points [RR-348]. The Relevant Representation raised a large number of points across a range of topics which were responded to in the Applicant’s Comments on Relevant Representations [REP1-004]. This included three specific responses to points raised by the Interested Party under the topics of biodiversity, hydrology and landscape/visual, as reported in Table 2-2, Table 2-4, and Section 2.17 of REP1-004 specifically.</p> <p>The Applicant acknowledges a new query regarding the size of the on-site substation. This is set out in ES Chapter 2 The Proposed Development [APP-024] in paragraph 2.3.30, which states: “<i>The substation compound would be 70m in length, 70m in width with a 30m x 70m parking and turning area. The equipment within would have a maximum height of 15m (which would only relate to a communications tower, with the highest electrical equipment being 8m)</i>”.</p> <p>A typical substation to illustrate this is provided in ES Figure 2.14 [APP-052].</p>
<p>REP1-040</p>	<p>Post-hearing submission by Norman Melaney</p>	<p>Mr Melaney spoke at ISH1. The Applicant acknowledges the written summary of oral case, and notes that the content of this summary extends beyond the specific matters raised by the Interested Party at the hearings. The Applicant also acknowledges that the Interested Party submitted a Relevant Representation [RR-381] raising similar points across many topics. The Applicant refers to the following section of its Comments on Relevant Representations [REP1-004] in responding to many of the points raised:</p> <ul style="list-style-type: none"> • Size and location of development (2.22) • Landscape and visual impacts (2.17) • Biodiversity (2.5) • Noise and vibration (2.19) • Socioeconomic and community impacts (2.23) • Cumulative effects (2.11) • Construction traffic (2.24)

Examination Library Reference	Summary	RWE Response
		<ul style="list-style-type: none"> • Battery safety (2.8) • Consultation (2.2) <p>The Applicant notes that the post-hearing submission makes several references to how the Proposed Development is in contradiction to Darlington Borough Council planning policy. The Applicant disagrees with this and refers to the Planning Statement [APP-163] and Policy Compliance Document [APP-164] which demonstrate how the Proposed Development is indeed in compliance with local planning policy. The Applicant also refers to the Comments on Local Impact Reports (Document Reference 8.7) submitted at Deadline 2 which provides the latest position on policy compliance as presented by DBC and as responded to by the Applicant.</p> <p>The Applicant further notes reference in REP1-040 to matters that are ‘common ground’ such as harm to the green belt and ‘inappropriate development in the rural area’. The Applicant refutes that these are agreed points of ‘common ground’ and does not have an SoCG with this Interested Party. For the avoidance of doubt, the Applicant confirms that the Proposed Development is not located in Green Belt, and it does not understand Mr Melaney’s reference to “definitional” harm to rural areas but notes that an assessment of the likely significant effects of the scheme on landscape and visual receptors is provided in ES Chapter 7 Landscape and Visual [APP-030].</p> <p>The Applicant further notes that section G ‘Consultation inadequacies’ of REP1-040 makes several references to consultation being held in 2020, during the Covid-19 pandemic. The Applicant did not undertake any consultation in 2020, with EIA Scoping not submitted until 27 October 2022, and the first non-statutory engagement through ‘Co-design’ commencing in October 2022. Statutory consultation was undertaken in May-June 2023. This is evidenced in the Consultation Report [APP-017].</p> <p>The Applicant notes that the Interested Party has not submitted specific questions to the ExA at Deadline 2, as requested under Hearing Action Points 4 and 6 of ISH1 [EV3-005] and is therefore not in a position to respond to any such questions at this deadline.</p>
REP1-041	Post-hearing submission by Penny Bence	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation raising similar points [RR-411]. The Applicant acknowledges concerns raised regarding flood risk (particularly affecting existing local roads); agricultural land; and, operational traffic. The Applicant has responded to the points raised by this

Examination Library Reference	Summary	RWE Response
		<p>Interested Party and others in the Comments on Relevant Representations [REP1-004] at Deadline 1, in sections 2.15, 2.3 and 2.24 respectively.</p> <p>Point 4 of REP1-041, in which the Interested Party specifically queries why proposed planting is not located on all on sides of the panels with offsets to minimise shade. The Applicant can clarify that such an approach is not normally deployed on solar developments, as 40 years of growth (i.e. the operational life) would result in tall trees which would require notable offsets to avoid shading. For instance, in the north of England on flat ground the shadow cast at ground level by a 10 metre tree (about 20 years of growth) varies between 6 metres at noon in midsummer (best case), to 150 metres at 3pm in mid-winter (worst case) ¹. Given the panels are taller than ground level and the ground is not always flat, the shadows cast onto the panels would typically be shorter, but may be longer where trees are planted on higher ground than the panels. However, these figures illustrate that for much of the year, for at least half of the life of the solar farm, tree planting to south, east or west would reduce the energy generated unless offsets were greater than the 15-20m suggested. By contrast, hedgerows provide good if not always complete screening, without notably reducing energy generation.</p>
REP1-042	Post-hearing submission by Peter and Ann Galvin	<p>Mr Galvin spoke at OFH1. The Applicant acknowledges the written summary of oral case. The Applicant has contacted these Interested Parties directly via email to discuss the impact of the Proposed Development on their property, following the response provided to their Relevant Representation [RR-362] as set out in Table 2-2 of Comments on Relevant Representations [REP1-004].</p> <p>Outside of concerns relating to their property, the Applicant notes the specific query regarding a potential inconsistency in the consultation booklet at statutory consultation and the 'You Said, We Did' document published prior to submission of the DCO application. The Applicant can confirm that there were panels depicted in the area highlighted by Mr and Mrs Galvin in the Consultation Booklet, however this was shown in the diagram for Panel Area C, as they formed part of that Panel Area. Please refer to page 15 of the Consultation Booklet (JBM-Solar-Byers-Gill-Solar-Farm-Consultation-</p>

¹ Trees in Focus: [d13a81b7-f8f5-4af3-891a-b86ec5b1a507.pdf](https://www.trees.org.uk/d13a81b7-f8f5-4af3-891a-b86ec5b1a507.pdf) (trees.org.uk)

Examination Library Reference	Summary	RWE Response
		Booklet.pdf (byersgillsolarfarm.co.uk) which shows these panel areas, that were subsequently removed from the Proposed Development as described in the You Said, We Did document.
REP1-043	Post-hearing submission by Philip Watson	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation raising similar points [RR-423]. The Applicant acknowledges concerns raised regarding agricultural land; Bishopton Conservation Area and Scheduled Monument; protected species; local amenity; and traffic. The Applicant has responded to the points raised by this Interested Party and others in the Comments on Relevant Representations [REP1-004] at Deadline 1, in sections 2.3, 2.10, 2.5, 2.23 and 2.24 (including Table 2-6) respectively.,
REP1-044	Request to be heard at subsequent OFH by Philip Watson	This document is erroneously categorised as a request to be heard at a future OFH. This is in fact a road condition survey prepared by Bishopton Parish Council, as also provided by Darlington Borough Council in their LIR. The Applicant has therefore provided comment in the Comments on Local Impact Reports (Document Reference 8.7) submitted at Deadline 2.
REP1-045	Evidence review of the impact of solar farms on birds, bats, and general ecology - CPRE and Durham Bird Club (Richard Cowen)	The Applicant acknowledges that Durham Bird Club raised concern regarding solar panel impacts of solar panels on birds in their Relevant Representation [RR-143]. This point was responded to specifically in Table 2-2 of Comments on Relevant Representations [REP1-004] at Deadline 1, in which it was confirmed that the Applicant's biodiversity specialists have not found evidence that birds mistake solar arrays for water, and that the design of the Proposed Development should minimise the potential for such an effect. The submission under REP1-045 is new evidence submitted by the Interested Party. The Applicant will review the submission and may respond further at Deadline 3.
REP1-046	Post-hearing submission by CPRE (Richard Cowen)	<p>The representative of CPRE attended and spoke at the Preliminary Meeting. The Applicant acknowledges the written summary of oral case, and notes that CPRE submitted a Relevant Representation [RR-101] which raised similar matters.</p> <p>The Applicant acknowledges concerns raised regarding agricultural land; cumulative effects; and PRoW. The Applicant has responded to the points raised by this Interested Party and others in the Comments on Relevant Representations [REP1-004] at Deadline 1, in sections 2.3, and 2.23 respectively. With regard to queries raised in REP1-046 relating to energy generation, the Applicant has provided further detail on energy calculations underpinning the Proposed Development in Energy Generation and Design Evolution Document (Document Reference 8.9) submitted at Deadline 2.</p>

Examination Library Reference	Summary	RWE Response
		<p>In relation to the specific point raised in REP1-046 relating to Article 8 of the draft DCO, paragraphs 3.2.1 and 3.2.2 of the Explanatory Memorandum [APP-013] explain the genesis of the proposed Article 8 relating to statutory nuisance. Justification for the inclusion of the provision is provided at length in the Statement of Statutory Nuisance [APP-167] to which the Interested Party is directed, That document provides a detailed explanation of the need for the Article in question.</p>
REP1-047	<p>Post-hearing submission by Durham Bird Club (Richard Cowen)</p>	<p>The representative of Durham Bird Club attended and spoke at the Preliminary Meeting. The Applicant acknowledges the written summary of oral case, and notes that the content of this summary extends beyond the specific matters raised by the Interested Party at the PM and in their Relevant Representation [RR-143].</p> <p>The Applicant responded to points raised by Durham Bird Club in their Relevant Representation, regarding biodiversity effects in general and the potential impacts of solar panels on birds, in Section 2.5 and Table 2-2 of Comments on Relevant Representations [REP1-004] at Deadline 1. Regarding point 2 of REP1-047, the Applicant acknowledges the information on the Brightwater Project. The Proposed Development would deliver a biodiversity net gain and enhancement to bird species, such as a large area of Panel Area F which would remain free of solar panels and would be managed for ground-nesting birds such as lapwing and curlew, with an expected positive impact on bird species within the Order Limits. Regarding point 8 of REP1-047, the Applicant has identified and assessed effects of the Proposed Development on watercourses in ES Chapter 10 Hydrology and Flood Risk [APP-033].</p>
REP1-048	<p>Post-hearing submission by Sean Anderson</p>	<p>Mr Anderson spoke at ISH1 and OFH2. The Applicant acknowledges the written summary of oral case and has no further comment at this time having responded to the oral submission at OFH2 as reported in the Summary of Applicant's Oral Submissions at ISH1, OFH1 and OFH2 [REP1-006] at Deadline 1. The Applicant is meeting with BVAG on 17 September 2024.</p>
REP1-049	<p>Response to Hearing Action Points by Sean Anderson</p>	<p>In accordance with the request made via Hearing Action Points 2, 7 and 9 of ISH1 [EV3-005], Mr Anderson has submitted three questions. The Applicant provides a response to these in Section 2.2 of this document.</p>
REP1-050	<p>Post-hearing submission by Suzanne and Paul Springett</p>	<p>This Interested Party did not speak at the hearings held on 23 July and 24 July 2024, however it is noted that they submitted a Relevant Representation raising similar points [RR-510] and [RR-394]</p>

Examination Library Reference	Summary	RWE Response
		<p>In its Comments on Relevant Representations [REP1-004] at Deadline 1, the Applicant specifically responded to points raised by RR-510 in Table 2-2 (biodiversity); Table 2-3 (cable routes) and section 2.17 (landscape and visual). Concerns raised under RR-394 relating to noise and traffic were responded to in sections 2.19 and 2.24 of Comments on Relevant Representations [REP1-004].</p> <p>It is noted that in REP1-050, clarification is sought on the access route to the proposed on-site substation. This is as depicted in ES Figure 2.5 General Arrangement Panel Area C (Document Reference 6.3.2.5, Revision 2). The location of the proposed access track is not influenced by the potential use of compulsory acquisition as all land within the panel area is already secured via voluntary agreement and compulsory acquisition is not being sought. The location of cable routes is shown in ES Figure 2.13, Underground Cable Routes (Document Reference 6.32.13, Revision 3).</p>
REP1-051	Post-hearing submission by CPRE and Durham Bird Club	The representative of Durham Bird Club / CPRE attended and spoke at the Preliminary Meeting and has submitted post-hearing submissions under REP1-045, REP1-047 and REP1-046 which raise the same points. Please refer to the response to those points in this table, as above.
REP1-052	Post-hearing submission by Durham Bird Club	The representative of Durham Bird Club attended and spoke at the Preliminary Meeting and has submitted post-hearing submissions under REP1-045 and REP1-047 which raise the same point relating to the potential for solar arrays to be mistaken for water by birds. Please refer to the response to those points in this table, as above.
REP1-053	Post-hearing submissions by Martin Philpott (1)	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation raising similar points [RR-333]. The Applicant has no comment to make on this submission, which is a record of emails between the Applicant's communications team and the Interested Party.
REP1-054	Post-hearing submissions by Martin Philpott (2)	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation raising similar points [RR-333]. The Applicant acknowledges concerns raised regarding cumulative impacts and the proposal for an alternative project. The Applicant has provided comment on these points in sections 2.11 and 2.4 of Comments on Relevant Representations [REP1-004] at Deadline 1, respectively.
REP1-055	Post-hearing submissions by Martin Philpott (3)	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation [RR-333] which did not specifically relate to planning policy compliance as raised in REP1-055. The Applicant has set out a detailed assessment of

Examination Library Reference	Summary	RWE Response
		the Proposed Development in relation to the designated National Policy Statements (NPSs) in the Planning Statement [APP-163].
REP1-056	Post-hearing submissions by Martin Philpott (4)	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024. This document is erroneously categorised as a post-hearing submission, however it is a request relating to the accompanied site visit. The Applicant has no comments to make on this.
REP1-057	Post-hearing submissions by Martin Philpott (5)	This Interested Party did not speak at the hearings held on 23 July and 24 July 2024 however it is noted that they submitted a Relevant Representation [RR-333] which did not specifically relate to the design iteration of the Proposed Development. The Applicant considers that the points made in REP1-057 are addressed in Energy Generation and Design Evolution Document (Document Reference 8.9), which explains why some panel areas were removed from the design of the Proposed Development.

2.2. Response to Questions Raised under Hearing Action Points 2, 7 and 9 [EV3-005]

2.2.1. Mr Sean Anderson on behalf of BVAG, responding to the relevant Hearing Action Points [EV3-005] has raised the following questions, to which the Applicant provides a response in accordance with Hearing Action Point 8.

Hearing Action Point 2

2.2.2. The question raised by Mr Anderson is:

“Can the Applicant (RWE) confirm the following details/dates in relation to the proposed development:

- a) Construction Start on Site Date*
- b) Construction Completion*
- c) Any Phasing Dates (eg: Site E, Construction Start/Finish)*
- d) Commencement/Completion Dates of Testing & Commissioning*
- e) Grid Connection Date*
- f) Operational Commencement Date.”*

2.2.3. In response to point a regarding the Construction Start on Site: should consent be granted, the Applicant would seek to start construction as soon as practicable subject to discharging Requirements of the DCO as made and the confirmation of the Grid Connection Date. A broad working assumption is that this would commence in 2026; however this is subject to the factors set out.

2.2.4. In response to point b regarding the Construction Completion Date: this has been assessed to be up to 2 years following commencement of construction. A detailed construction programme would be produced by the Principal Contractor following the consent of the project.

2.2.5. In response to point c regarding potential phasing dates: this will form part of the programme to be produced by the Principal Contractor. The proposed phases of the construction will be approved by the Local Authority under Requirement 2 of the draft DCO (Document Reference 3.1, Revision 2).

2.2.6. In response to point d regarding commencement and completion dates of testing and commissioning: this is not known at this time and is subject to the factors explained above.

2.2.7. In response to point e regarding grid connection date: as set out in response to Written Question CU 1.1 in the Response to the Examining Authority’s First Written

Questions (ExQ1) (Document Reference 8.6), the grid connection date is currently 2031. The Applicant assumes this will be capable of coming forward based on reforms to the grid queuing system (first come first served) that are ongoing and the expected date of receiving development consent if it is granted. The Applicant is working toward a grid connection date of 2028, but would continue to deliver the Proposed Development to the longstop 2031 connection date if that cannot be brought forward.

- 2.2.8. In response to point f regarding operational commencement date: The project becomes operational upon connection to the grid, which is referred to above.

Hearing Action Point 7

- 2.2.9. The question raised by Mr Anderson is:

“Can the Applicant (RWE) provide demonstrable evidence that it conducted a genuine and legitimate review of alternative sites for the Proposed Development which would have resulted in the sites proposed being further away from residential receptors.

In addition, can the Applicant (RWE) also provide substantive evidence/justification to support the chosen location of the sites adjacent residential receptors being the most appropriate and best locations.

Can the Applicant (RWE) demonstrate that there has been community engagement and a subsequent and direct correlation with site selection?”

- 2.2.10. The Applicant has provided an account of the site selection process in ES Chapter 3 Alternatives and Design Iteration [APP-026] which sets out the factors considered in siting and iterative design of the Proposed Development. This includes engagement at appropriate stages of the process to seek feedback and take that into account in developing the design. Furthermore, the Applicant has prepared the document Energy Generation and Design Evolution (Document Reference 8.11) as part of the Deadline 2 submission, which provides further information on the design process, the need for the Proposed Development and how the consideration of alternatives has been undertaken within the context of national policy setting out the critical national priority (CNP) for low carbon energy generation.

Hearing Action Point 9

- 2.2.11. The question raised by Mr Anderson is:

“In relation to ‘Community Benefits’ can the Applicant (RWE) confirm:

- a) how it determined what would be a benefit to the community*
- b) who would benefit from each specific benefit*
- c) who made the assessment of the specific benefits and*
- d) how the benefits have been measured*
- e) when identifying benefits, has the Applicant (RWE) made a net assessment of the benefits, ie; have these been calculated after the negative effects of the development have*

been taken into account

In relation to Biodiversity benefits, can the Applicant (RVWE) quantify/measure the benefits and demonstrate that the net benefit has been calculated after the offset of the development on circa 739 Acres of natural land/habitat?

Can the Applicant (RVWE) confirm which residents or resident groups were engaged with or consulted to obtain local knowledge prior to the assessment of Community and/or Biodiversity benefits?"

- 2.2.12. In relation to parts a) – e) of the question, regarding community benefits, the Applicant believes that this is referring to the benefits discussed at Issue Specific Hearing 1 (ISH1) as summarised in Section 3.3 and paragraphs 6.1.6 to 6.18 of the Planning Statement [APP-163]
- 2.2.13. These benefits are described as ‘additional benefits’ or ‘enhancements’ of the Proposed Development. They are determined based on the environmental impact assessment (EIA) carried out for the Proposed Development, and relate to effects that would be beneficial, after taking into account any the embedded and essential mitigation proposed (i.e. they are residual effects). ES Chapter 4 Approach to EIA sets out how the EIA has been undertaken to determine the likely significant effects, both beneficial and adverse. The specific methodology and assumptions for each topic assessed is set out in the relevant ES Chapter for that topic.
- 2.2.14. The Biodiversity Net Gain (BNG) calculations as reported in ES Appendix 6.6 BNG Report [APP-131] has been carried out in accordance with the Defra Metric and takes into account the biodiversity value of the land within the Order Limits prior to construction, to quantify the losses and gains of biodiversity as a result of the Proposed Development. Section 6.3 of ES Chapter 6 Biodiversity [APP-029] sets out the consultation undertaken in relation to the biodiversity assessment and mitigation/enhancement design, including with local authorities and Natural England.
- 2.2.15. In relation to the last part of the question the Applicant directs the Interested Party and the ExA to the Community Benefits Fund (Document Reference 8.10) document provided at Deadline 2 which provides further information on the nature of the community benefit fund and the consultation carried out in relation to it.