Proposed Solar PV Development

Byers Gill Solar
EN010139

8.4.2 Statement of Common Ground with Darlington Borough Council

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 8

Deadline 3 – September 2024

Revision 1

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1. Introduction

1.1. Purpose of this document

1.1.1. This Statement of Common Ground (SoCG) has been prepared to support the Examination of the Development Consent Order (DCO) application for Byers Gill Solar (the Proposed Development).

1.1.2. This SoCG has been prepared jointly by **RWE (the Applicant)** and **Darlington Borough Council (DBC)** in order to clearly identify the current position of the respective parties on specific matters that are, or have been, under discussion. It seeks to confirm to the Examining Authority (ExA) where there are points of agreement between the parties and where agreement has not been reached to date. It therefore aids the ExA in identifying any specific issues that may need to be addressed during the Examination and provides a structure to any further discussions for the parties engaged in the SoCG.

1.1.3. This document has been prepared in response to a specific request from the ExA as per the Rule 6 Letter [PD-003] issued on 25 June 2024.

1.2. Terminology

1.2.1. Section 2 of this document sets out the relevant matters raised through discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:

- "Agreed" means that a matter has been resolved between the parties and is not anticipated to be subject to further discussion;
- "Under discussion" means that a matter remains in active dialogue between the parties and a final position has not been reached;
- "Not agreed" means that the parties have established a final position that they cannot resolve the matter and will remain a point of difference.

1.2.2. In accordance with the request from the ExA in the Rule 6 Letter [PD-003], a Low, Medium and High 'traffic light' system is applied to each matter to indicate the likelihood of their resolution during the Examination period.

1.3. Status of this document

1.3.1. This document is currently in draft form and is unsigned.

1.3.2. When a final position has been reached on all matters, the respective parties shall sign the SoCG and submit it into the Examination as final and signed.

2. Current position

2.1.1. The table below provides a summary of the current position of the Applicant and DBC in relation to specific matters that have been under discussion to date.

2.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has never required detailed discussion; or, (ii) not relevant to the discussion between the parties.

2.1.3. Appendix A of this document provides a record of engagement undertaken between the parties in relation to the Proposed Development. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

Table 1 Current position of matters relevant to the parties' discussions

Row ID	Topic	DBC Position	Applicant Position	Status
DBC001	Need for development	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.	The Applicant notes the recognition of the contribution towards renewable energy generation that the Proposed Development would provide. The Planning Statement [APP-163] sets out the planning balance in support of the Proposed Development.	Agreed
DBC002	Need for development	Whilst BGS by its very nature offers significant positive impacts in terms of the production of clean	The Planning Statement [APP-163] sets out the planning balance in support of the Proposed Development, including that there are only a limited	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
		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.	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	

Row ID	Topic	DBC Position	Applicant Position	Status
			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."	
DBC003	Assessment of alternatives and site selection	DBC consider that land availability has been a key influence on site selection.	The Applicant agrees with this position, as is set out within Section 3.6 of ES Chapter 3 Alternatives and Design Iteration [APP-026] and Energy Generation and Design Iteration [REP2-010].	Agreed
DBC004	Design Approach Document	DBC consider that the Applicant has not complied with relevant guidance in the preparation of the Design Approach Document.	The Applicant disagrees with this statement and wishes to note that the Design Approach Document was produced in collaboration with stakeholders on its content, including DBC, as evidenced in Table 1-1 of the Design Approach Document [AS-004].	Not agreed
DBC005	Biodiversity – impact on winter birds	DBC is in overall agreement with the changes made to the design of the Proposed Development to: ▪ Avoid areas of open water ▪ Avoid areas where wintering geese were recorded ▪ Allocate eight biodiversity enhancement areas ▪ Leave two large fields in Panel Area F 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.	The Applicant notes and agrees with DBC's position.	Agreed
DBC006	Biodiversity – ground nesting birds	DBC is 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	The Applicant notes and agrees with DBC's position.	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
		other ground nesting birds. This area will also provide foraging habitat for bats.		
DBC007	Revised layout enabling the retention of woodland and the majority of hedgerows and associated trees	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.	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 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.	Under discussion
DBC008	Boundary features	DBC agree that 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.	The agreement of DBC in relation to hedgerows and trees is noted.	Agreed
DBC009	Maintenance buffers	DBC agree with the proposed maintenance of 10 m buffers between Solar PV modules and riparian boundaries and watercourses.	The agreement of DBC in relation to proposed buffers is noted	Agreed
DBC010	Maintenance buffers	DBC agree with the proposed maintenance of 8m buffers (3m from hedgerows to security fencing and 5m from security fencing to Solar Cells) between	The agreement of DBC in relation to proposed buffers is noted.	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
		Solar PV modules and hedges to retain foraging and commuting corridors for bats.		
DBC011	Maintenance buffers	DBC agree with the proposed 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).	The agreement of DBC in relation to proposed buffers and tree protection is noted.	Agreed
DBC012	Natural England District Level Licence for GCN	DBC agree with the Applicants statement that 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 (DLL) 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.	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.	Agreed
DBC013	Perimeter fencing design	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	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	Under discussion

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		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. DBC 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.	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-meter 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.	
DBC014	Perimeter fencing	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.	Agreed
DBC015	Lighting	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	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	Under discussion

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		refer to the updated Bats and Artificial Lighting at Night Guidance Note 08/23 (ILP, 2023).	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).	
DBC016	Invasive non-native plant species (INNS) method statement	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 pre-decommissioning survey and method statement for INNS will be undertaken. This needs to be secured to ensure that surveys both pre-construction and pre-decommissioning 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.	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
DBC017	Ecological Clerk of Works (ECoW)	DBC are in agreement that an ECoW to be appointed to help oversee construction and decommissioning from an ecology perspective.	The agreement of DBC in relation to an ECoW is noted.	Agreed
DBC018	Pre-decommissioning surveys	In agreement that a preconstruction and predecommissioning suite of surveys are required in advance of work and will be undertaken by an ECoW.	The agreement of DBC in relation to further survey work is noted.	Agreed
DBC019	Species Protection Plan (SPP)	DBC agree that a SPP is to be to be implemented during the construction and decommissioning phases of the Proposed Development.	The agreement of DBC in relation to an SPP is noted.	Agreed
DBC020	Vegetation clearance	DBC is in agreement with the proposed vegetation clearance methods. ECoW should be available to check for nesting birds and to install buffer area where nesting birds are located, and to check for fledgings.	The agreement of DBC in relation to vegetation clearance is noted.	Agreed
DBC021	Tree felling in relation to bat roosts	A suitably qualified ecologist with appropriate licenses should be commissioned to undertake the bat roost check on trees to be felled. In addition, 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 preconstruction 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 [APP171] 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	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
			duration of the works in the phase of the authorised development to which the CEMP relates	
DBC022	Tree protection	DBC agree that, 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).	The agreement of DBC in relation to tree protection is noted.	Agreed
DBC023	Habitat clearance in relation to reptiles and amphibians	DBC agree that, 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 - i.e., avoid the period: October to March. The ECoW would supervise works and relocate any reptiles/amphibians found.	The agreement of DBC in relation to reptiles and amphibians is noted.	Agreed
DBC024	Badger setts	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.	Agreed
DBC025	Sediment control measures	DBC are 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.	Agreed
DBC026	Over-pumping of watercourses	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	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	Under discussion

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		proposed cable route corridor. At these watercourse crossings HDD will be used. DBC consider that 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.	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. 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).	
DBC027	Nighttime working	No nighttime work is to take place within 30 m of watercourses / waterbodies (the period when otters are most active).	The agreement of DBC in relation to nighttime work near watercourses is noted.	Agreed
DBC028	Mitigation for loss of ground nesting bird breeding and foraging habitat	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 agree with this statement, and consider that 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).	Agreed
DBC029	Biodiversity enhancement areas	Eight land parcels currently used for intensive agriculture across the Order Limits are 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	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).	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
		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. There must be a clear management and monitoring plan for the habitats created.		
DBC030	Ground nesting birds	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. 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).	Agreed
DBC031	Ongoing fence maintenance	DBC have requested clarification as to who would be responsible for the checks of fencing across the site, and how often is 'regular'? Additionally, DBC have sought clarification on how this would 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.	Under discussion
DBC032	New hedgerows and trees	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	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).	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
		suggest it is effective mitigation. Only native species will be planted along these hedgerows. DBC consider that the new hedgerows will be suitably buffered and managed appropriately, as detailed in sections 5.4 and 5.5 of the OLEMP. They are 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.		
DBC033	Flailing of hedgerows	DBC acknowledges that the reduced cutting (flailing) will enable improved growth, reinforcement of defunct hedgerows. However, they request that the Applicant considers 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. Additionally, DBC would 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.	Under discussion
DBC034	Field margins between hedgerows and fencing	DBC agree that the 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	The agreement of DBC in relation to the filed margin enhancement is noted.	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
		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.		
DBC035	Low maintenance grassland under solar PV panels	DBC agree with the Applicant's statement that the 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 would also 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).	Agreed
DBC036	Bat and barn owl boxes	DBC are satisfied with the provision of boxes for roosting bats and barn owls. DBC would expect that a plan for locations of boxes, type of box, and numbers of boxes be submitted. DBC further request that the Applicant ensures 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	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
			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.	
DBC037	Proposed hedgerow creation and enhancement	DBC agree with the proposed hedgerow creation and enhancement with a forecast length of approximately 12km and 29km, respectively.	The agreement of DBC in relation to hedgerows noted.	Agreed
DBC038	Temporary cable works impacts	DBC agree that 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.	Agreed
DBC039	Common Valerian (Valeriana officinale)	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. DBC are in agreement with this. However, if common valerian is encountered in areas where works will commence, then DBC consider that 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).	Agreed
DBC040	Trees	DBC acknowledge that the majority of trees identified as suitable bat roost trees will be protected	This comment is noted and agreed with.	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
		during development by establishing a Construction Exclusion Zone (CEZ) around their Root Protection Areas (RPA). 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.		
DBC041	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.	Agreed
DBC042	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 hazel dormice noted.	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
DBC043	Other wildlife	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. DBC 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.	The outline Construction Environmental Management Plan [APP-110] details how impacts to ecological features will be mitigated during construction. This would be secured via Requirement 4 of the DCO (Document Reference 3.1, Revision 2).	Agreed
DBC044	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	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	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
		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.	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.	
DBC045	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 water body. Whilst this is unlikely to occur in suboptimal habitat, it cannot be discounted as a possibility.	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.	Under discussion
DBC046	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	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
			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.	
DBC047	Landscape and visual – assessment to inform baseline	DBC maintains that the assessment work should have included additional analysis at a strategic/local level to identify the baseline landscape conditions and inform the design of the development layout and the mitigation strategy. It is the view of DBC that fieldwork analysis is lacking in the Application documents except for analysis of the character of the villages undertaken by the Applicant after a request from DBC for additional information on the setting of the villages. This was made for reasons set out in the LIR. Adequate baseline information, including fieldwork analysis is a key requirement for understanding the landscape, its character and the effect of changes. This is covered in GLVIA3 in paragraphs 3.15, 4.7, 5.1, 5.3, 5.4, Table 3.1 and Chapter 5 Summary. The value of the process is described in paragraphs 4.5 and 4.6 and in other parts of GLVIA.	The Applicant is of the view that the baseline information provided within the ES is "*that which is reasonably required to assess the likely significant effects*" (GLVIA3 para 3.16) and provides a "*description of the baseline conditions relevant to that topic*" (GLVIA 3 para 8.8). Detailed baseline studies have been undertaken and have informed the landscape and visual input to design and the assessment of effects as advised in GLVIA3, but none of the paragraphs referenced by DBC advise that detailed records of 'fieldwork analysis' should be provided in an LVIA.	Not agreed

Row ID	Topic	DBC Position	Applicant Position	Status
DBC048	Landscape and visual – desktop baseline information	DBC agree that the desktop baseline information set out in the Application documents is adequate.	The Applicant notes the position of DBC.	Agreed
DBC049	Landscape and visual – village setting assessment:	DBC maintains that the assessment work needs to include the effects of the development on the setting of villages. Local Policy SH1 is concerned with the character of rural villages and the protection and enhancement of the setting of the villages. The Darlington Landscape Character Assessment specifically highlights the rural context of the villages and the setting of the villages as key sensitivities of the local character areas.	The assessment of effects on village character has been provided in response to DBC's request, as presented in the Applicant's Landscape Sensitivity Analysis [APP-135] despite not being required by standard methodologies. The Planning Statement [APP-163] provides details on how the Applicant has complied with national and local policy requirements, including Local Policy SH1.	Under discussion
DBC050	Landscape and visual - Viewpoints	Paragraph 4.3 in GLVIA3 states that it may be appropriate to consider the 'worst case' situation to identify adequate mitigation proposals. DBC is of the view that worst case should be illustrated where it is reasonable to do so. DBC considers this to be best practice, and it is a principle normally adopted for LVIA work. Notwithstanding this, DBC is concerned that the viewpoints presented around Great Stainton and the approach roads to the village are not representative views or typical views and cannot be relied upon to illustrate the nature of potential effects on these receptors. Further information is presented in the LIR. Following the appointment of landscape consultants to advise the Council, DBC expressed broad concern to the Applicant about the quality and representativeness of the viewpoint photographs presented in the Application documents. DBC provided limited examples of locations where additional/alternative photography would be helpful.	The Applicant notes that Paragraph 4.3 of GLVIA relates to 'Understanding the proposed development' and specifically to design flexibility and the need to consider 'worst case' in terms of development parameters – it does not relate to viewpoint selection. A full baseline analysis carried out in accordance with relevant guidance, such as the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) is provided in ES Chapter 7 Landscape and Visual [APP-030]. The Applicant considers that the 34 viewpoints considered in the ES adequately cover and provide a representative assessment of the Proposed Development. 'Worst case' viewpoints are not a concept which is recognised by GLVIA3 guidance, which advises that representative viewpoints should be selected to "*represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ*". Viewpoints do not need to be selected in locations where mitigation would be ineffective and in line with the	Not Agreed

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		The Applicant subsequently presented a limited number of additional viewpoints but did not undertake a comprehensive review of the photography. DBC maintains the position that the viewpoints presented in the ES do not reflect a reasonable worst case for all receptors and/or are not representative of views from all receptors and do not represent an acceptable range of lighting conditions which would affect the appearance of the solar farms. This is further expanded upon in the LIR. DBC is of the opinion that there was sufficient time to retake the photography presented in the ES to address these concerns.	need to be representative of the effects a range of viewpoints have been selected including some where hedges would grow to screen views (of the solar panels and/or wider landscape), and others where this would not be the case. These were selected based on DBC's response to the scoping request, and subsequent correspondence with DBC officers at which point it was the Applicant's understanding that matters raised by DBC in relation to viewpoints had been addressed. The discussion was re-opened by DBC in August 2023, 3 months after the PEIR was published. At that stage some additional viewpoints were agreed and some moved to reach the 34 representative viewpoints which inform the assessment provided in the ES. The Applicant has agreed to accommodate any supplementary viewpoints in an additional viewpoint analysis which can be provided to DBC, once DBC have identified which viewpoints they consider need adding based on the detailed landscape design. That viewpoint analysis could be submitted to PINS if requested. The Applicant does not consider that additional viewpoint analysis is necessary to assess the likely significant environmental effects of the scheme, which are adequately assessed through the ES.	
DBC051	Landscape and Visual Assessment (LVIA)	DBC consider that the LVIA study area of 3km is adequate to identify all significant effects.	The Applicant notes the agreement of DBC in relation to the LVIA study area.	Agreed
DBC052	LVIA - guidance	All relevant guidance has been identified in the LVIA.	The Applicant notes the agreement of DBC in relation to the identification of relevant guidance within the LVIA.	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
DBC053	LVIA - guidance	The LVIA and accompanying figures have been undertaken and prepared to the relevant guidance.	The Applicant notes the agreement of DBC in relation to the compliance of the LVIA and accompanying figures (see point DBC055) below with relevant guidance.	Agreed
DBC054	LVIA – methodology	It is agreed that the Methodology set out in Appendix 7.1 is broadly acceptable.	The Applicant notes the position of DBC.	Agreed
DBC055	LVIA - photomontages	DBC does have concerns about the appearance of the solar panels as presented in the photomontage views. 'Appearance' is addressed throughout Technical Guidance Note 06/.19; Visual Representation of Development Proposals and highlighted in Table 2 of TGN 06/19 in relation to Type 3 and 4 visualizations. DBC is of the opinion that the appearance of the solar farms presented in the ES visualisations is not representative of the varied visual effects of solar panels normally observed in undulating topography in different light conditions. The LIR presents a number of photographs of a solar farm under construction to illustrate this point. DBC has raised concerns that the majority of the visualisations are presented as separate wireframe and photographs which are difficult to interpret and therefore of limited use. It would be more helpful to present these visualisations as photowire images with wireframe computer modelling overlaid on to the base photographs.	The Applicant notes that 'appearance' is mentioned at several points within TGN 06/19, but in each case simply in order to mention the purpose of visualisations in showing the appearance of a development. There is no mention in TGN 06/19 or GLVIA3 of depicting development in varied weather conditions. DBC has not expressed concern relating to the use of wirelines in the LIR (or appendix DBC2 to the LIR), and has not requested photowires prior to this point being added to this SoCG on 18/09/2024. As wirelines were used at the PEIR Stage, making this concern clear earlier may have enabled it to be addressed. Photowire formats were considered by the Applicant, but initial reviews indicated that the density of the lines within solar panel areas made the images hard to 'read' and tended to obscure the landscape shown in the photographs. The Applicant considers that the wirelines are adequate to inform understanding of the position and scale of the Proposed Development to inform judgements of effects. The photomontages supplement the wirelines by illustrating appearance - in the weather and lighting conditions of the photograph.	Not Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
DBC056	LVIA – identification of receptors	Effects on all relevant landscape and visual receptors have been considered in the LVIA.	The Applicant notes the agreement of DBC in relation to the identification of effects on all relevant landscape and visual receptors.	Agreed
DBC057	LVIA – villages settings assessment	DBC consider that effects on villages and their settings should be considered as effects on separate receptors.	The Applicant notes the position of DBC, however considers, as is presented in ES Chapter 7 Landscape and Visual [APP-130] the effects on villages and their settings together.	Under discussion
DBC058	LVIA – operational effects	Where the ES identifies effects on receptors as being significant during operation, it is agreed that those effects would be significant.	The Applicant notes the agreement of DBC in relation to the operational effects of the Proposed Development in relation to landscape and visual.	Agreed
DBC059	LVIA – significance of effects	It is agreed that the following receptors would experience significant effects: ▪ Landscape effects on the setting of Great Stainton; ▪ Landscape effects on the setting of Bishopton; ▪ Visual effects on all Public Rights of Way within 1km of the Development	The Applicant notes the agreement of DBC.	Agreed
DBC060	LVIA – significance of operational effects	In each case DBC consider that effects on these receptors would be significant whereas the Applicant's LVIA identifies the effects as not significant: ▪ LCA7 Bishopton Vale; ▪ Character and setting of Brafferton; ▪ Views from Brafferton; ▪ The local road route connecting Brafferton to Bishopton (Lime Lane, Lodge Lane and the unnamed road between Great Stainton and Bishopton.	As identified and assessed in Table 7-13 of ES Chapter 7 Landscape and Visual [APP-130], the Applicant considers the effects on the receptors in turn below: ▪ LCA7 Bishopton Vale – Moderate/minor, Adverse, not ▪ significant; ▪ Character and setting of Brafferton - Moderate/minor, Adverse, not significant; ▪ Views from Brafferton – Moderate/minor, Adverse, not significant; ▪ The local road route connecting Brafferton to Bishopton (Lime Lane, Lodge Lane and the unnamed road between Great Station and Bishopton) - Moderate, Adverse, not significant.	Under discussion
DBC061	LVIA	DBC make no comment on the following matters; the absence of comment does not indicate either	The Applicant notes the position of DBC.	Agreed

Row ID	Topic	DBC Position	Applicant Position	Status
		agreement or disagreement with the relevant aspects of the LVIA: ▪ The scale of visual effects at viewpoints. ▪ The technical accuracy of the visualisations and ZTV studies. ▪ Effects during construction and decommissioning. ▪ Effects due to underground cabling and substation connections. ▪ Effects due to the proposed sub-station and transmission mast. ▪ The findings in relation to visual effects on residential properties that are considered within the residential visual amenity assessment (RVAA) provided in Appendix 7.5 to the ES [APP-137].		
DBC062	Cultural Heritage and Archaeology – significance of effects	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.	The Applicant notes the agreement of DBC in relation to the findings of the assessment on Cultural Heritage and Archaeology.	Agreed
DBC063	Archaeological Management Strategy	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).	The Applicant notes the agreement of DBC in relation to the AMS.	Agreed
DBC064	Archaeological Management Strategy	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	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. An update will be provided at a future deadline.	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
		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"		
DBC065	Agricultural Land – operational assessment	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 Planning Statement [APP-163] and the Policy Compliance Document [APP164] 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 2024 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	Under discussion

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			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.	
DBC066	Agricultural Land – use of BMV	DBC considers 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 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'.	Under discussion
DBC067	Public Rights of Way (PRoW)	Subject to not all the affected routes being legally diverted, the PRoW management plan must also include detail of: a) The creation of the permissive routes to meet the legislation and standard of the respective PROW designation. b) The removal of the current definitive lines, including all related PROW infrastructure	Regarding points a), b) and c), the Applicant has produced an Outline PRoW Management Plan [APP-119] as part of the DCO submission, which includes the timescales for diversions and provisions of permissive paths, the nature of temporary closures and user safeguarding during construction. The routes that the Applicant is proposing to permanently divert are being legally diverted. There are some which will be managed and maintained during construction, all of	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
		c) Routes that are being legally diverted and updates to related infrastructure. d) Maintenance of the permissive routes for the lifetime of the project, however long that may be, to the legislation and standard of the respective PROW designation (including to any updates to them). e) Termination of the project: the removal of the permissive routes and the re-opening of the definitive lines as defined prior to the project to the legislation and standard at the time of re-opening.	which will be secured via requirement 14 of the DCO and are detailed within the Outline Public Rights of Way Management Plan [APP-119] and the DCO (Schedule 4). Should development consent be granted, an updated Public Rights of Way Management Plan will be produced by the contractor, as secured via requirement 14 of the DCO and will be subject to consultation with DBC and the relevant landowners. With regards to point d) specifically, the maintenance of the proposed permissive routes will be subject to an updated Public Rights of Way Management Plan, to be produced by the appointed contractor should development consent be granted. With regards to point e) specifically, a separate Decommissioning Public Rights of Way Management Plan will be produced by the appointed contractor at that time, as secured via requirement 5 of the DCO, which will be done so in consultation with the relevant landowners and DBC.	
DBC068	Permissive paths	The provision of ~3,600m of permissive paths in principle is a welcome addition to the path network for the lifetime of the development.	The Applicant notes the agreement of DBC in relation to the provision of permissive paths.	Agreed
DBC069	Minerals Safeguarding	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). Given the 'temporary' nature of the proposed development this would not sterilise resources and they would remain capable of extraction in the future.	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	Agreed

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			the resource; however it would remain in situ and could be extracted following decommissioning of the Proposed Development.	
DBC070	Sequential Test	The comments of the Environment Agency in their relevant representation dated 17 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. This was also shared with DBC, inviting comment, on 14 August 2024.	Under discussion
DBC071	Noise and Vibration	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.	The agreement of DBC with regards to the noise assessment methodology is acknowledged.	Agreed
DBC072	Noise and Vibration – identification of ESRs	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	The Applicant acknowledges the points raised on this matter and will engage directly with DBC imminently to discuss further. This will be reflected	Under discussion

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		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.	in the SoCG with DBC expected to be submitted at Deadline 3.	
DBC073	Noise and vibration – operational impacts	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.	The Applicant notes the summary provided by DBC and the agreement with the operational noise assessment.	Agreed
DBC074	Traffic and transport – construction deliveries	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.	Under discussion
DBC075	Traffic and transport – construction working hours	Requirement 15(3) also seeks to allow certain permitted work to take place outside the construction hours which do not cause noise that is	There are no sensitive receptors located within the Order Limits. The Applicant does not consider this amendment is necessary. Working hours and other	Under discussion

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		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.	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).	
DBC076	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).	Under discussion
DBC077	Traffic and transport	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	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	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
		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	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	

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		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 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	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): ▪ 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.	

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		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		
DBC078	Traffic and transport – operational assessment	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	Agreed
DBC079	Traffic and transport – access safety	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	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	Under discussion

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		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	commencement and would require approval 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.	
DBC080	Traffic and transport – section 59 agreement	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 precommencement 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].	Under discussion
DBC081	Traffic and transport – underground cable routes	The LHA's preferred option is therefore that cable routing should not be within the highway where	The Applicant is in agreement with DBC that the preferred option is off-road cable routes. The	Agreed

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		practicable. Significant reconstruction and resurfacing of the highway is also likely to be needed within rural roads owing to unknown construction makeup.	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).	
DBC082	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.	Under discussion
DBC083	Glint and Glare – number of dwellings assessed	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 to Figure 11 in 5.1.3 in ES Appendix 2.2 [APP-106].	Under discussion

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	Glint and Glare – securing proposed mitigation	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.	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).	Under discussion

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DBC084	Glint and Glare	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 continues to engage directly with DBC to discuss any concerns relating to particular dwellings.	Under discussion
DBC085	Glint and Glare – change of significance of effect	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.	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 report. 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.	Under discussion

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DBC086	Air quality	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.	Agreed
DBC087	Battery Fire Safety Management Plan (BSMP)	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	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 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.	Under discussion

Row ID	Topic	DBC Position	Applicant Position	Status
		Explanatory Memorandum accompanying the DCO.		
DBC088	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). 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".	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.	Under discussion
DBC089	Contaminated Land	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.	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).	Under discussion

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DBC090	Contaminated Land	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.	Agreed
DBC091	Materials Management Plan	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 which they can consult in relation to any documents submitted under this requirement, as set out in the Explanatory Memorandum accompanying the DCO	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.	Agreed

A.1 Record of Engagement

Date	Method of engagement	Purpose / Description
04/08/2022	Meeting (virtual) with DBC planning officer	Introduction to project
18/08/2022	Email to DBC ecology officer	Introductory email
21/09/2022	Meeting (virtual) with DCC, SBC, DBC planning officers	Introductory meeting on approach to consultation
31/10/2022	Briefing to elected members	Project briefing
24/11/2022	Codesign workshops	Officers from DBC attended codesign workshops
16/01/2023	Meeting with DBC planning officer	Discussion of LVIA scope
14/02/2023	Meeting with DBC PROW officer (and related emails)	Discussion on proposals for PROW
02/2023 – 04/2023	Emails and meetings (virtual)	Engagement and consultation on the Statement of Community Consultation (SoCC).
6/04/2023	Project newsletter	Newsletter issued to co-design workshop invitees to provide update on application.
05/2023 – 6/2023	Statutory consultation	DCC notified of statutory consultation
04/08/2023	Email to DBC planning officer	Issued project programme, as part of Early Adopter's Programme (EAP) trial
23/08/2023	Email to DBC planning officer	Draft Policy Compliance Document (PCD) and Design Approach Document (DAD) shared with DBC as part of EAP.
24/08/2023	Email from DBC planning officer	DBC provided comments on the LVIA from their landscape consultant
11/09/2023	Meeting (hybrid)with DBC planning and landscape officers	Meeting to discuss DBC position on LVIA
14/09/2023	Meeting with DBC Deputy Leader	Briefing on project, upcoming engagement activities, and community fund.
09/2023 – 10/2023	Various emails and one meeting (virtual) with DBC PROW officer	Discussions and clarifications around PROW proposals and the mechanisms of the DCO in rerouting footpaths.
11/10/2023	Email to DBC planning officer	Draft of outline control documents for comment, as part of EAP
06/11/2023	Email to DBC planning officer	Issue of updated PADS
27/11/2023	Meeting (virtual) with DBC planning officer	Update meeting followed by written minutes of discussion
12/12/2023	Meeting (virtual) with DBC planning officer	Update meeting followed by written minutes of discussion

Date	Method of engagement	Purpose / Description
22/01/2024	Meeting (virtual) with DBC planning officer	Update meeting followed by written minutes of discussion and updated PADS
24/01/2024	Email from DBC flood risk officer	Confirmed no concerns with the use of concrete pad foundations and content with protective provisions regarding land drainage.
06/02/2024	Email from DBC planning officer	DBC provided updated PADS
29/02/2024	Meeting (virtual) with various DBC councillors	Project update and councillor briefing
26/03/2024	Email to DBC planning officer	Invitation to meet regarding project and discuss outstanding PADS matters
08/04/2024	Email to DBC planning officer	Follow up on invitation to meet regarding project and discuss outstanding PADS matters
16/04/2024	Email to DBC planning officer	Follow up on invitation to meet regarding project and discuss outstanding PADS matters
29/04/2024	Email from DBC planning officer	Written update on PADS matters and request to meet with PROW officer and have wider Examination briefing.
30/04/2024	Email to DBC planning officer	Response to matters raised regarding PROW
14/05/2024	Email to DBC planning officer	Request for update regarding PROW and landscape matters
17/06/2024	Email to DBC planning officer	Request for update regarding PROW and landscape matters
03/07/2024	Email to DBC planning officer	Request feedback on proposed response to the Examination timetable in the Rule 6 Letter
08/07/2024	Email from DBC planning officer	Response from DBC planning officer on suggested amends to the proposed Examination timetable in the Rule 6 Letter
13/08/2024	DBC to ExA	DBC submitted their Local Impact Report and Appendices at Deadline 1
19/08/2024	Meeting (face to face) with DBC planning officer and landscape consultant	The Applicant and DBC met to discuss DBC's Local Impact Report and landscape appendix
20/08/2024	Email to DBC planning officer	The Applicant provided DBC with a summary of notes and actions from the meeting above, and an updated draft SoCG for review and comment
04/09/2024	Email to DBC planning officer	The Applicant provided DBC with an updated SoCG following its submission of comments on Local Impact Report(s), to include the Applicant's position and response on matters raised by DBC