

Application by RWE Renewables UK Solar and Storage Limited for an Order Granting Development Consent for the Byers Gill Solar Project

Agenda for Issue Specific Hearing 3 (ISH3) on Environmental Matters:

Hearing	Date and Time	Location
Issue Specific Hearing 3 (ISH3) on Environmental Matters <ul style="list-style-type: none"> • Traffic and Transport • Water Environment and Flood Risk 	Tuesday 15 October 2024 Registration and seating available at venue from: 13:30 Virtual Registration Process from: 13:30 Event starts: 14:00	Dolphin Centre Horse Market Darlington, DL1 5RP and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the Issue Specific Hearing

The main purpose of the ISH3 is to undertake an oral examination of Environmental Matters in relation to traffic and transport, water environment and flood risk together with compliance with relevant planning policies.

3. Traffic and Transport

The purpose of this item is to examine issues linked with **Traffic and Transport**, principally Transport Statement [REP2-004] with particular focus on construction staff travel plan for the development and associated implications, including highway safety and car parking. The possibility of improving local bus provision to assist staff travel, and suitability of certain road sections within the construction traffic routing for heavy goods vehicles (HGV), especially Mill Lane Bishopton, will also be discussed.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- ES Chapter 12 Traffic and Transport [APP-035];
- ES Appendix 12.1 Transport Statement [REP2-004];

- ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110];
- ES Appendix 2.8 Outline Construction Traffic Management Plan [APP-112];
- Community Benefit Fund [REP2-011];
- Darlington Borough Council (DBC) Local Impact Report [REP1-023];
- Durham County Council (DCC) Local Impact Report [REP1-025];
- Stockton-on-Tees Borough Council (SBC) Local Impact Report [REP1-026]
- Bishopton Villages Action Group (BVAG) Written Representations [REP2-042];
- Applicant's response to ExQ1 [REP2-007];
- Applicant's response to DBC, DCC and SBC Local Impact Reports [REP2-008];
- Applicant's Statement of Common Ground with DBC [REP3-010];
- DBC response to ExQ1 [REP2-031];
- SBC response to ExQ1 [REP2-058];
- Post-hearing submissions from several IPs;
- Written Representations submitted at Deadline 2 by several IPs and APs.

The ExA will ask the Applicant to set out, in broad terms, the travel plan for the development and how the proposed travel arrangement would minimise traffic impact and car parking needs and at the same time ensure highway safety in the vicinity of the Proposed Development.

The ExA will then ask the Applicant to describe the current travel routes of the identified Tees Flex bus in relation to the assumed origins of the prospective construction workers of the Proposed Development, the suitability of this bus service for the staff travel needs of this Proposed Development, scope for alternative bus provision for staff and whether any negotiations with Tees Flex bus operator or any other bus provider have taken place.

The ExA will then ask the Applicant to set out its approach to the Community Benefit Fund [REP2-011], explaining whether it has taken into consideration deficiencies in the road and transport infrastructure in the local area alongside comments previously made in relation to its adequacy and describe any level of flexibility in the amount of contribution.

The ExA will then ask DBC for clarification about plan for the Tees Flex bus following its initial funding period ending March 2025 and whether any source of funding had been identified including potential for other developer contribution in this area to enable this bus service to continue to operate beyond March 2025.

The ExA will then ask the Applicant if it has carried out any condition survey of the proposed construction traffic routes and explain the results of the survey and confirm if all the road sections therein are presently in a state that would withstand the weight of heavy goods vehicles (HGVs) serving the Proposed Development and if not, what measures would be put into place to ensure that these roads will continue to be safe for all road users.

The ExA will then finally ask the Applicant to explain the suitability of Mill Lane Bishopton for construction traffic given that, as confirmed by Schedule 9 of DBC's Moving Traffic Order 2019, it is not built for vehicles with weights exceeding 7.5 tonnes

and, as it appears that it is inevitable that this road would form part of the construction traffic route of the Proposed Development, what plan has the Applicant got to make it safe for HGVs and vulnerable road users comprising pedestrians, cyclists and equestrians.

The ExA will give the Local Host Authorities (LHAs) the opportunity to comment. The ExA will particularly be looking for comments from DBC, DCC and SBC.

The ExA will then give an opportunity for other IPs to comments on any issues raised under this point of the Agenda.

4. Water Environment and Flood Risk

The purpose of this item is to examine outstanding issues from the **Flood Risk Assessment** that was submitted by the Applicant particularly evaluation of the impact of climate change on flood levels using hydraulic modelling, sequential test approach to flood risk assessment and concerns with flooding along Mill Lane and towards Bishopton Mill.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- ES Chapter 5 Climate Change [APP-028];
- ES Chapter 10 Hydrology and Flood Risk [APP-033];
- ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001];
- ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110];
- ES Appendix 2.8 Outline Construction Traffic Management Plan [APP-112];
- Darlington Borough Council (DBC) Local Impact Report [REP1-023];
- Durham County Council (DCC) Local Impact Report [REP1-025];
- Stockton-on-Tees Borough Council (SBC) Local Impact Report [REP1-026]
- Bishopton Villages Action Group (BVAG) Written Representations [REP2-042];
- Applicant's response to ExQ1 [REP2-007];
- Applicant's response to DBC, DCC and SBC Local Impact Reports [REP2-008];
- Applicant's Statement of Common Ground with DBC [REP3-010];
- DBC response to ExQ1 [REP2-031];
- Environment Agency (EA) responses to ExQ1 [REP2-048];
- EA comments on any further information/submissions received by Deadline 2 [REP3-013];
- EA comments on responses to ExQ1 [REP3-014];
- SBC response to ExQ1 [REP2-058];
- Post-hearing submissions from several IPs;
- Written Representations submitted at Deadline 2 by several IPs and APs.

The ExA will ask the Applicant to describe the hydraulic modelling for the watercourses that cross the Order Limits as required by the EA, the conclusions reached and any progress regarding EA response on this issue apart from those received at D3.

The ExA will then ask the Applicant to demonstrate what the sequential test approach to flood risk assessment that was carried out in respect of parts of the Order Limits that are being located within Flood Zones 2 and 3, as instructed by EA, has shown and, confirm if the EA is now content with the outcome.

The ExA will then ask the Applicant to illustrate how the flood risk assessment undertaken would allay the local fears about existing flooding along Mill Lane and the potential for the Proposed Development to exacerbate this problem including any necessary mitigation measures.

The ExA will give the Local Host Authorities (LHAs) the opportunity to comment.

The ExA will particularly be looking for comments from DBC and EA.

The ExA will then give an opportunity for other IPs to comments on any issues raised under this point of the Agenda.

6. Review of issues and actions arising

7. Any other business

8. Closure of the Hearing

Attendees

The ExA would find it helpful if the following parties could attend this Hearing:

- the Applicant;
- Darlington Borough Council (DBC);
- Durham County Council (DCC);
- Stockton-on-Tees Borough Council (SBC);
- Bishopton Villages Action Group (BVAG);
- Environment Agency (EA);
- IPs who submitted comments on any of the topics proposed to be covered at this Hearing.

All IPs are invited to attend the ISH and make oral representations. However, this is subject to the ExA's power to control the Hearing. Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing who has not already advised in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Arrangements Conference

Parties who have registered to attend virtually, and Invitees, will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: byersgillsolar@planninginspectorate.gov.uk

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