

**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 4 (ISH4) on Environmental Matters:**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Issue Specific Hearing 4 (ISH4) on Environmental Matters</b> <ul style="list-style-type: none"> <li>• <b>Landscape and Visual</b></li> <li>• <b>Development Consent Order</b></li> </ul>	<b>Wednesday 16 October 2024</b> Registration and seating available at venue from: <b>09:00</b> Virtual Registration Process from: <b>09:30</b> <b>Event starts: 10:00</b>	<b>Dolphin Centre Horse Market Darlington, DL1 5RP</b> and <b>By virtual means using Microsoft Teams</b> 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 ISH4 is to undertake an oral examination of Environmental Matters in relation to Landscape and Visual matters, and the Development Consent Order.

**3. Landscape and Visual**

The purpose of this item is to examine issues linked with Landscape and Visual matters, including Glint and Glare, focusing on how the Proposed Development mitigates significant adverse effects.

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:

- Environmental Statement Chapter 7 Landscape and Visual [APP-030];
- Environmental Statement Figure 7.3 Zone of Theoretical Visibility Study – Panel Areas [APP-064];
- Environmental Statement Figure 7.7 Visual Receptors [APP-069];
- Environmental Statement Figure 7.9 Visualisations 1-34 [APP-071 to 074];

- Environmental Statement Appendix 2.2 Solar Photovoltaic Glint and Glare Study [APP-106];
- Environmental Statement Appendix 7.4 Viewpoint Analysis [APP-135];
- Environmental Statement Appendix 7.6 Residential Visual Amenity Assessment [APP-137];
- Design Approach Document - Revision 2 [AS-004];
- Darlington Borough Council – Local Impact Report [REP1-023];
- (LIR) Darlington Borough Council – Landscape and Visual Amenity [REP1-021];
- RWE - Response to the ExA's ExQ1 [REP2-007];
- RWE - Comments on LIR(s) [REP2-008];
- Energy Generation and Design Evolution Document [REP2-010];
- Bishopton Villages Action Group - Written Representations (WRs) - [REP2-042];
- Bishopton Villages Action Group - Written Representations (WRs) - Landscape & Visual Review [REP2-044];
- Bishopton Villages Action Group - Summaries of all WRs exceeding 1500 words - Summary of Landscape & Visual Review [REP2-047];
- RWE – Comments on LIRs [REP2-008];
- RWE - Comments on Deadline 2 Submissions including Written Representations and Responses to ExQ1 [REP3-004];
- RWE - Comments on Written Representations REP2-042 (Bishopton Villages Action Group) and REP2-044 (Landscape & Visual Review) [REP3-005];
- RWE - Statement of Common Ground with Darlington Borough Council [REP3-010].

The ExA will ask the Applicant to set out, in broad terms how it has developed the design of the panel areas in order to mitigate significant effects during operation on residents and on users of Public Rights of Way, drawing heavily on the Design Approach Document - Revision 2 [AS-004] and Energy Generation and Design Evolution Document [REP2-010].

The ExA will then reference Appendix 7.4.1 Viewpoint Analysis [APP-135], where some panel areas are different to those on other maps. The ExA will ask the Applicant how this affects the validity of the viewpoint analysis study.

Referencing NPS EN-1, paragraph 5.10.26; *“Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project”*. The Applicant will be asked for its assessment of ‘... a small reduction in function (electricity generation) ...’ to achieve ‘... a very significant benefit (mitigation to reduce the landscape and/or visual effects) ...’.

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

The ExA will particularly be looking for comments from Darlington Borough Council (DBC) in line with their Local Impact Report [REP1-023]; and Landscape and Visual Amenity [REP1-021]. The ExA asks that DBC concentrates on the main outstanding areas of disagreement.

Regarding Glint and Glare and referencing DBC LIR [REP1-023], paragraph 5.10.4; DBC will be asked if it has specific concerns about the Pager Power guidance, and if so to detail what they are?

The ExA will then give the Bishopton Villages Action Group (BVAG) the opportunity to comment with particular reference to the Landscape & Visual Review [REP2-044]. The ExA asks that the BVAG concentrates on the main outstanding areas of disagreement.

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

#### **4. Development Consent Order (DCO)**

The purpose of this item is to examine the draft DCO (dDCO) articles and schedules.

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:

- Statement of Reasons [APP-014];
- ES non-Technical Summary [APP-022];
- ES Chapter 2 The Proposed Development [APP-025];
- Draft Development Consent Order (dDCO) [REP2-029];
- Updated Explanatory Memorandum [REP2-028];
- Status of Negotiations with Statutory Undertakers [REP1-018];
- Darlington Borough Council's Local Impact Report (LIR) [REP1-023];
- Stockton-on-Tees Borough Council LIR [REP1-026];
- RWE's Response to the ExA's ExQ1 [REP2-007];
- Comments on LIRs [REP2-008];
- Comments on any further information/submissions received at D1 [REP2-009];
- Fig. 2.13 Underground Cable Routes [REP2-022];
- Darlington Borough Council's response to ExA's ExQ1 [REP2-031];
- BVAG Written Representation (WR) [REP2-042];
- RWE's comments on D2 Submissions [REP3-004];
- RWE's comments on BVAG WR and REP2-044 [REP3-005]
- Statement of Commonality [REP3-006];
- National Highways comments on responses to ExQ1 [REP3-015];

The ExA will ask the Applicant to briefly provide an overview of each part of the DCO but with a particular emphasis on how Part 2 - Principal Powers, Part 3 - Streets, Part 4 - Supplemental Powers and Part 5 - Powers of Acquisition. The ExA will ask the Applicant about the scope of Schedule 1 (Authorised Development), the "work" as set out in Sch.1.

Considering the Proposed Development includes an element of optionality, the ExA will then ask the Applicant to explain how this element has been addressed, or is proposed to be addressed, within the dDCO and if terms such as "on-road cabling"

should be integrated within Art 2 Interpretation. The ExA may rely on Fig. 2.13 Underground Cable Routes [REP2 -022] and ask the Applicant to explain it further.

The ExA will then ask the Applicant to explain its approach to Art. 6 - Consent to transfer benefits of Order and Art. 7 - Disapplication and modification of legislative provisions.

The ExA will ask the Applicant to explain Part 3 - Streets, particularly in light of its approach to CA and the on-street cabling option. The ExA will then ask specifically for comments from the highway authorities on the section of the dDCO.

The ExA will then ask the Applicant to clarify the need and applicability of supplemental powers under Part 4.

The ExA will then ask the Applicant to clarify its position in relation to Part 5 - Powers of Acquisition and will also explore the Applicant's response to ExQ1 DCO.1.1 and DCO.1.2.

The ExA will ask the Applicant questions in relation to Interpretation particularly the application of Art. 28 - Rights under or over streets and Art. 29 - Temporary use of land for carrying out the authorised development.

The ExA will ask questions and justification for Schedules included in the dDCO, including Schedule 3 - Streets subject to Street Works, Schedule 4 - Alteration of Streets, Schedule 2A Counter-notice requiring purchase of land.

The ExA may ask questions in relation to the applicability of specific Articles and why these have been included in the dDCO and also how issues and concerns raised in the ES have been included and considered as part of the dDCO.

The ExA will then give opportunity for any relevant Statutory Consultees, Statutory Undertakers or other IPs to comment on any issues raised so far under this point of the Agenda.

The ExA will then ask for an update from the Applicant in relation to Schedule 11 Protective Provisions and will ask for comments from any Statutory Undertakers.

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

## **5. Review of issues and actions arising**

## **6. Any other business**

## **7. 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);
- Bishopton Villages Action Group;
- National Highways;
- Statutory Undertakers;
- 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](mailto:byersgillsolar@planninginspectorate.gov.uk)

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