

## Byers Gill Solar EN010139

# 8.19 Responses to the Examining Authority's Second Written Questions (ExQ2)

Planning Act 2008

APFP Regulation 5(2)(q)

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

Deadline 5 - November 2024

Revision C01



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#### 1. Introduction

#### 1.1. Purpose of this document

1.1.1. The purpose of this document is to provide the responses of RWE (the Applicant) to the Examining Authority's second written questions (EXQ2) issued on 1 November 2024, relating to Byers Gill Solar (the Proposed Development).

- 1.1.2. The response to questions directed at the Applicant can be found in Table 2-1. Where the responses refer to other documentation, these are provided separately as part of the Deadline 5 submission, or as an appendix to this document. This is made clear in the written response.
- 1.1.3. This document also provides a response to the ExA's comments on the draft DCO [PD-010] published on 1 November 2024. This is provided in Section 3.

### 2. Responses to the Examining Authority's second written questions

Table 2-1 Applicant's response to the Examining Authority's second written questions

ExQ2	Question to	Question	Applicant's response				
1. Genera	General and Cross-topic Questions						
GCT2.1	IPs, APs, Applicant, Statutory Consultees, Statutory Undertakers and Other Parties	The ExA wishes to highlight that the questions below recognise the Applicant's submission of a request to make a change to the DCO application. However, the ExA also highlights that the change application has not been accepted yet as the Applicant will need to carry out further consultation of the change.	The Applicant notes the comment from the ExA. The Applicant confirms that notification to relevant parties regarding the change has been undertaken, in accordance with the timetable of the ExA's Procedural Decision on 1 November 2024 [PD-009].				
GCT2.3	Applicant	The Planning Inspectorate, in October 2024, as published new advice on Design <sup>1</sup> . Can the Applicant please set out how the Proposed Development matches the guidance, particularly in relation to the "Establishing Good Design" section of the Guidance.	The DCO application was submitted in February 2024 prior to the recent publication of the PINS guidance document. As such, the guidance followed in designing the Proposed Development was the Project Level Design Principles guidance from the National Infrastructure Commission Design Group. The Design Approach Document (DAD) (Document Reference 7.2, Revision 3) alongside the Applicant's answer to ExQ1 DES.1.7 [REP2-007], sets out the accordance of the Proposed Development with this guidance, including the good design principles of 'climate, people, places and value'. The October 2024 PINS guidance document 'Advice on Good Design' states that the government has adopted these four principles, and therefore, the Applicant considers that the Proposed Development is also substantively in accordance with the new guidance.  Under 'Establishing Good Design', the guidance also includes the steps expected to be shown for the design process. A short summary of how these steps have been complied with through the DCO application is provided in the table below:				

 $<sup>^{1}\</sup> https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-good-design$ 

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ExQ2	Question to	Question	Applicant's response			
			Assemble	The location and initial extent of the Proposed Development was identified using the following criteria: grid connection location and export capacity, irradiance, environmental and planning constraints, and land assembly (securing of voluntary agreement). With these considerations in mind, the Applicant developed the initial panel area layout and location of the on-site substation by introducing setbacks from communities and properties, and taking into account local topography and utility searches. Further detail can be found in ES Chapter 3 Alternatives and Design Iteration [APP-026]. The Applicant appointed specialist technical teams, led by Arup, to take the project forward through the design and consenting process.		
			Research	The design of the Proposed Development evolved in response to environmental assessment and stakeholder engagement work, including site surveys, co-design workshops, statutory consultation and Environmental Impact Assessment. This iteration process is illustrated in relation to panel areas within Tables 4-1 and 4-2 of the Energy Generation and Design Evolution Document [REP2-010].		
			Co-ordinate	As part of the analysis of the feedback received to the statutory consultation, the Applicant reviewed and discussed the suggested design changes. These design changes where considered feasible were incorporated into the Proposed Development between statutory consultation and the submission of the DCO application. They were communicated via the 'You Said, We Did' engagement exercise prior to submission, which included the preparation of a booklet and two community engagement events. Further information regarding this process can be found in Chapters 6 and 8 of the Consultation Report [APP-017].		
			Secure	To ensure the good design features of the Proposed Development as detailed in the submission documents are secured, a number of certified documents are included within the draft DCO, which the detailed design of the Proposed Development must accord with. This includes the Environmental Masterplans [CR1-006] which details the location of features of the Proposed Development; the DAD (Document Reference 7.2, Revision 3) which includes design principles and parameters; and management plans such as the outline Landscape Ecological Management Plan (oLEMP) (Document Reference 6.4.2.14, Revision 2).		

ExQ2	Question to	Question	Applicant's response
			The DAD (Document Reference 7.1, Revision 3) includes:
			details on the vision for Byers Gill Solar (section 3)
			• the design principles it has been designed in accordance with (paragraph 6.1.2)
			the iterative nature of the design process and stakeholder engagement undertaken to inform it (section 6.2)
			a narrative explanation of the design choices made (section 7)
			Furthermore, the DAD contains a set of design parameters (or principles) that will be secured through the DCO, as the DAD is a certified document through Requirement 3, and so, should the Proposed Development gain consent, the detailed design will be in accordance with the high-quality design set out in the application documents. The design parameters provide for some flexibility in the final design, and have been informed by the assessment undertaken and reported in the Environmental Statement. Monitoring and management measures are secured through the Outline Landscape and Ecology Management Plan (oLEMP) (Document Reference 6.4.2.14, Revision 2) for the duration of the operational lifetime of the Proposed Development, to ensure that the design intention is achieved and maintained.
			In summary, the Applicant considers that the DAD is substantively in accordance with the new guidance.
GCT2.4	Applicant	Can the Applicant please clarify how the proposed fencing, any security system that the Applicant might be proposing including lighting, around the different proposed panel areas, will affect biodiversity (for example deer and birds which has been raised as a concern by some IPs). Please also see [REP1-045].	Any security lighting will be infra-red and on demand, and would therefore be outside the visible spectrum for wildlife with no direct effects envisaged. In relation to fencing, small mammals such as badgers and hare will simply pass under the fence at natural low points and no direct impacts are envisaged. In addition, as set out and secured in paragraph 5.2.3 of the oLEMP (Document Reference 6.4.2.14, Revision 2), fencing will have gates or similar at intervals to allow larger mammals such as badgers and brown hare access to forage under panels. Large mammals

ExQ2	Question to	Question	Applicant's response
			such as deer will also not be directly affected. Fencing would be of a height suitable to exclude deer from solar panel area, with suitable mesh size to prevent deer being harmed or becoming trapped. The fencing is in cells – i.e. the middle of each field with a significant buffer between - that would enable deer to move between the security fence and field boundaries such as hedgerows. As such, large mammals can still move through the wider landscape and the solar farm is not a barrier to this movement. All woodland areas (which is the favoured habitat for deer) will remain unfenced. Fencing is not considered to have a significant effect on bird species.
GCT2.5	Applicant	The Outline LEMP [APP-118] states, in section 7, that the management will be revisited after the end of the initial five-year aftercare period and then at 10-year intervals until the end of the operational life of the Proposed Development. Can the Applicant please confirm why it believe that the proposed periods of five-year aftercare and then 10-year intervals are appropriate?	The majority of aftercare for landscape planting and habitat creation is focused on the early years (1-5), which is a critical period to ensure that the landscape and habitat features are likely to be well established. They can then be managed on a regular programme, which is reviewed every 10 years thereafter to ensure that management is still appropriate and identify any issues or concerns that may require remediation. This approach is standard across the development industry where landscape or mitigation planting is proposed.
GCT2.6	Applicant	The ExA acknowledges the submission of [REP1-004] and notes the Applicant's strategy to respond to all the RRs received, namely as set in paragraph 1.2.2 of [REP1-004] that the "Applicant has identified and categorised general themes of matters that have been commonly raised. In Chapter 2 of this document, the Applicant summarises these themes and provides a collective comment on the matters raised". Although this approach could be acceptable, the Applicant must make sure that any IP who has submitted a RR can easily find where the Applicant's response to their individual RR is. Considering the Applicant's strategy of responding to RRs, the Applicant is asked to then provide, for each one of the themes identified, a full list of the RRs that	The Applicant's approach to analysing and responding to Relevant Representations at Deadline 1 [REP1-004] was to categorise the comments made into themes and provide a response to that theme. In doing so, all Relevant Representations were reviewed and individual points raised were tabulated under themes to ensure that the summary of matters raised was an accurate representation of the various points made on that topic. In addition, where a specific point had been made (i.e. one that referred to a specific element or potential impact of the Proposed Development, or had not been raised by other Representations), this was identified and responded to specifically in the document [REP1-004] with specific reference to the Relevant Representation by its unique RR number.

ExQ2	Question to	Question	Applicant's response
		the Applicant believes it is answering to. Each IP who has submitted a RR should be able to easily identify, via their unique RR number, where the Applicant has responded to all the issues raised by them in their RR.	The Applicant's approach sought to reduce the repetition that would otherwise occur through responding to each Representation individually, and provide a proportionate response, given that many of the Representations raised broad points and are the same or similar to points already responded to in detail in the Consultation Report [APP-017]. The Applicant considers that the approach taken is appropriate and has been undertaken on other DCO schemes (see the A417 Missing Link DCO, REP1-008). The Applicant further highlights to the Examining Authority, respectfully, that responding to Relevant Representations is at the discretion of the Applicant and there is no statutory requirement to do so, or how to do so. The Applicant's position is that all Interested Parties should be able to readily identify and easily find the Applicant's response to their submissions.
GCT2.7	Applicant	Bishopton Villages Action Group (BVAG) in their RR [RR-548] raised a series of concerns in their "Summary and Overall position" which do not appear to be fully covered by the Applicant's response in [REP1-004]. Can the Applicant please confirm where it has responded to concerns raised regarding how the benefits of the Proposed Development do not outweigh its considerable adverse impacts and the absence of any financial viability or business case to support the proposal.	The Applicant considers that the points raised by BVAG in RR-548 are appropriately responded to in the Responses to Relevant Representations [REP1-004]. Section 2.21 of that document refers to the points raised in Relevant Representations on the principle of development and policy compliance. Regarding the position of BVAG that the benefits of the Proposed Development do not outweigh adverse impacts, paragraphs 2.21.7 to 2.21.9 of REP1-004 set out the status of the Proposed Development as Critical National Priority (CNP) under national policy and how this impacts upon the weighting of the planning balance. With reference to the further detail in the Planning Statement [APP-163] it concludes: 'The limited residual effects of the Proposed Development, as summarised in ES Chapter 14 Summary [APP-037], are considered to be outweighed by the CNP and overall needs case for the Proposed Development, as well as the wider enhancements it would deliver'.
2. Princip	le of the Proposed D	evelopment	
PPD.2.1	Applicant	At ISH2 the ExA asked a series of question to the Applicant in relation to the proposed overplanting ratio of 1.6 and the ExA is expecting a series of actions to be	The Applicant has reviewed the available information on the solar farms within the vicinity of the project. The only consistent information available

ExQ2	Question to	Question	Applicant's response			
EXQ2	Question to	carried out by the Applicant by Deadline 5. However, can the Applicant please clarify, in relation to land take and energy production ratio, how the Proposed Development compares with other solar farms in the area?	is the acreage of the Planning Recapacity of the project. The limita  The planning red line boundary such as cable and access route the solar panel area. According comparator projects have sho planning red line, which should comparison, the fence line figure the inclusion of the extensive	ations of the y will incluses, so is no geto the interest or no call aid compare for Bye	nis exercise and associated to necessarily formation and able routes in the sarison. In orders Gill has been	are:  ed development  representative of  vailable, the  included in their  rder to aid  een used to avoid
			<ul> <li>and long cable in the calculation</li> <li>The Applicant has previously expensed of megawatts per acre should the project. Therefore, this expensed the Applicant has also highlight comparison.</li> <li>No further information on the been taken into account.</li> </ul>	explained to be based of sercise is fo nted the ge	that the corron MW DC, or comparison the comparison the compar	rect measurement not MW AC of on purposes only. tions of this type of rator projects has
			Project Name	Area	MW	MW/Acre
			Whinfield Solar Farm	104	31	3.3
			Burtree Lane Solar Farm	150	49.9	3
			Longpasture Solar Farm	256	49.9	5.1
			Gately Moor Solar Farm	303	49.9	6.1
			California Farm Battery Energy Storage System and Solar	215	49.9	4.3
			Thorpe Bank Solar Farm	93	32	2.9
			Middlefield Solar Farm	69	15	4.6
			High Meadow 2 Solar Farm	37	10	3.7

ExQ2	Question to	Question	Applicant's response			
			Average MW/Acre			4.125
			The comparable figure for the Promegawatt. This corresponds with vicinity of the project, noting the have been recorded.  The Applicant notes the reasonin Appeal [APP/P3040/W/23/333004 favour of the applicant in that cas of NPS EN-3, the Inspector reason address degradation to enable the aduration of the development, there permitting additional overplanting to connection by exporting at the max optimal proportion of time for that 92 as a policy limitation restricting degradation of panels over time. Su	the aver limitation g of the I 15]. This e. In that aned that aned that would see to maximi imum exp particular overplant	Inspector for tappeal has been interpretation to be made to be similar is a utilisation of the port capacity per scheme. I do not copy to copy	s 4.1 acres per evelopments in the e exercise which the Longhedge en allowed in n of Footnote 92 ag is acceptable to eximised for the err advantage in f the available grid ermitted for the enot read Footnote empensation for the
			the overall policy support for the ge In this case, the Inspector did con MW DC compared to the export me that the optimal level of clipping decision for the developer. It is not MWh that the appeal scheme woul would depend upon a number of fa optimise renewable energy generati result in any conflict with relevant p	sider that capacity g for the s necessary Id be likel ctors, incl on from t	at there was a y, and conclude scheme would a y to know in ad y to generate, p	likely high ratio of ed that "it seems to be a commercial wance the precise particularly as this ther. Overplanting to
4. Comp	ulsory Acquisition, Te	mporary Possession and Other Land or Rights Considerat	ions			
CA.2.1	Applicant	In support of its change request, the Applicant has submitted an updated version of the BoR [CR1-009] which includes, in relation to plot 12/30, reference to	The Applicant is undertaking ongoincluding seeking further informat will seek to provide an update at	ion from	Land Registry	

ExQ2	Question to	Question	Applicant's response
		Town & Village Homes Limited c/o Government Legal Department (BVD). In light of this, the Applicant is asked to verify if this plot of land does not change the Applicant's statement in relation to Crown Land Interests <sup>2</sup> .	
5. Develo	pment Compulsory	Order	
DCO.2.1	Applicant	In Art. 7 - Disapplication and modification of legislative provisions includes the Applicant proposes the disapplication of the provisions of the Neighbourhood Planning Act 2017 in so far as they relate to temporary possession of land. Can the Applicant please provide further justification, than that included in the Statement of Reasons, for why this is needed?	The Applicant confirms that Article 7 of the dDCO (Document Reference 3.1, Revision 4) would disapply the provisions of the Neighbourhood Planning Act 2017 (the "2017 Act"), in so far as they relate to the temporary possession of land under Articles 30 and 31 of the dDCO.  The Applicant seeks this disapplication because the reforms to the temporary possession regime contained in Chapter 1 of Part 2 to the 2017 Act are not currently in force and there is no certainty as to when, or whether, they will come into force. In broad terms, the relevant provisions in Chapter 1 of Part 2 of the 2017 Act would enable persons who can acquire land the power to take temporary possession of that land for purposes related to the acquisition, in accordance with a proscribed procedure. However, until those provisions are commenced, the detailed implications for the Proposed Development and affected persons will not be clear.  The Applicant submits that the DCO, if granted, should achieve certainty for the Applicant and affected persons as to the legal regime that will apply to the temporary possession of land. It is therefore considered appropriate to disapply the envisaged provisions of the 2017 Act and instead to capture the principles of the provisions within the drafting of the DCO Articles which enable temporary possession (i.e. Articles 30 and 31). This approach has been accepted by the Secretary of State in several recent DCOs, including The Mallard Pass Solar Farm Order 2024 and The Longfield Solar Farm Order 2023.

 $<sup>^2\</sup> https://www.gov.uk/government/statistical-data-sets/unclaimed-estates-list$ 

ExQ2	Question to	Question	Applicant's response
	Applicant	At CAH1 the Applicant confirmed that it is very unlikely that it will be able to deliver the Proposed Development without at least some of the cabling being part of the on-road route. In order to ensure that the DCO only includes those provisions which are needed for the delivery of the Proposed Development, the Applicant is asked to prepare a list of articles (if any) that will need changing in case the on-road route is reduced. The Applicant is asked to give particular consideration to Part 5 - Powers of Acquisition, particularly Art. 23 Compulsory Acquisition of Rights — and its relationship with other sections and parts of the DCO.	The Applicant confirms that the Proposed Development will involve works to lay cables through land comprising adopted highway, even if the preferred offroad cable route is delivered. This is because cabling will be required to cross through adopted highways in several locations, and there is one section of cabling connecting Panel Area C to Area D where there is no off-road alternative to laying cabling in an adopted highway. The locations of those road-crossings and the fixed on-road section are shown in ES Figure 2.13 – Underground Cable Routes [REP2-022].  In accordance with its approach to land acquisition set out in its Rule 9 Response [AS-008], the Applicant continues to negotiate with landowners to secure easement options for the off-road cable route. In the event that adequate easement options cannot be secured, the Applicant has included within the dDCO (Document Reference 3.1, Revision 4) powers to compulsorily acquire rights for the off-road cable route. In case the Secretary of State is not minded to grant such compulsory powers, the Proposed Development also includes provision for the on-road cable route option. Where easement options are secured for the off-road route, the Applicant confirmed in its submissions at ISH1 (see paragraph 3.26 of [REP1-006]) that it will remove sections of the on-road cable route from the Order limits.  On that basis, the Applicant has already removed the on-road cable route through Bishopton by amending relevant documents, including the dDCO (see New or Revised Information [AS-010]). As set out in the Schedule of Changes to dDCO (Document Reference 3.1, Revision 4), the necessary amendments were to remove the descriptions of street works from Schedule 3 (Streets subject to Street Works) of the dDCO.  If any further sections of the on-road cable route are removed from the Order limits, the Applicant will likewise remove the relevant street works descriptions from Schedule 3. The Applicant would also update Schedule 8 (Land in which only new rights etc. may be acquired)

ExQ2	Question to	Question	Applicant's response
			corresponding updates to the compulsory acquisition documents and associated plans (e.g. the Statement of Reasons and Land Plans).
			Notwithstanding the amendments to Schedules 3 and 8 described above, no amendments to the Articles authorising compulsory acquisition in Part 5 of the dDCO would be necessary or appropriate if further sections of on-road cable route were removed from the Order limits. The Articles in Part 5 will remain essential for guaranteeing the deliverability of the Proposed Development by authorising the compulsorily acquisition of any outstanding rights for the off-road cable route and any subsoil rights required for on-road cabling. The Articles provide the framework for that delivery, with the Schedules providing the specific details of which land plots those framework powers apply to.
			For example, Article 21 authorises the compulsory acquisition of such land as is required for the authorised development, and Article 23 enables the Applicant to acquire rights or impose restrictive covenants over the Order land for any purpose for which that land may be acquired under Article 21. If Change 1 of the Applicant's Change Application is accepted into the DCO application, then new Article 25 (Acquisition of subsoils only) would also permit the Applicant to acquire only the subsoil of land which is to be compulsorily acquired pursuant to Article 21 or 23. As explained in the Change Application Summary Report [CR1-012], Article 25 would provide assurance to the Secretary of State that, where it is necessary for the Applicant to lay cables within the subsoils of publicly adopted highways (as a minimum, the crossing points and fixed section between Panel Areas C and D described above), the Applicant may acquire all necessary rights in (only those necessary) subsoils for that purpose.
DCO.2.3	Applicant	The ExA asks the Applicant to consider if definitions for "on-road cabling" and "off-road cabling" should be included in Art. 2 – Interpretation? And if yes, the ExA asks that the Applicant to draft these and submit them for the ExA's consideration by Deadline 5.	The Applicant acknowledges that the Proposed Development includes optionality between the off-road and on-road cable routes, both of which have been assessed as part of the Environmental Statement. Although the off-road option remains the Applicant's preferred approach, both options have been included in the Order Limits and within the scope of "authorised"

ExQ2	Question to	Question	Applicant's response
			development" (as defined in Article 2 of the dDCO (Document Reference 3.1, Revision 4)) to ensure the Proposed Development is deliverable.
			The Applicant respectfully submits that it is not necessary or appropriate to expressly define "off-road cabling" and "on-road cabling within Article 2 of the dDCO. The Applicant is not aware that this approach to reflecting optionality in the drafting of a dDCO has been taken on other recently consented solar DCOs.
			The Applicant confirms that the final cable route – which will necessarily include a combination of on-road and off-road elements (see response to DCO.2.2 above) – will be determined at the detailed design stage following grant of development consent.
			The detail design process is controlled by Requirement 3 (Detailed Design Approval) of the dDCO (Document Reference 3.1, Revision 4). Under requirement 3(1), the Applicant must submit the required details of each phase of the Proposed Development to the relevant planning authority for approval. These include details of the layout and the power cables. Under Requirement 3(2), the submitted details must accord with the principles and assessments set out in the environmental statement, and the design approach document, both of which are certified documents under Schedule 13 of the dDCO. It is only those details which are approved under Requirement 3(2) which are permitted to be constructed, and there is no realistic prospect that the Applicant would seek to acquire interests in land for cables that it would not have permission to deliver as part of the Proposed Development.
			The final design of the cable route will therefore be constrained by the Environmental Statement and the Design Approach Document (Document Reference 7.2, Revision 3), which both clearly address the optionality between the on-road and off-road cable routes. The principle in those documents is that where the Order limits include alternative routes for each section of underground cabling, the final cable route submitted for approval at detailed design must be a single unified cable route. More specifically, the Applicant's intention is that sections of on-road route will only be used where

ExQ2	Question to	Question	Applicant's response
ExQ2	Question to	Question	the necessary land rights for the off-road route cannot be agreed with landowners and compulsory acquisition powers for the off-road route are not available. See for example paragraph 2.1.2 and section 8.2 (Design Parameters) of the Design Approach Document (Document Reference 7.2, Revision 3), and paragraphs 3.5.2 and 3.9.8 of ES Chapter 3: Alternatives and Design Iteration) [APP-026].  This approach is analogous to the approach which is taken to wider cable corridors that are often sought as the terrestrial element of offshore wind projects. Examples would include the Awel y Mor DCO, or the East Anglia ONE North Offshore Windfarm DCO. Typically in those projects a wide onshore cable corridor is identified on the land plans and work plans for the project, which is then refined through the detailed design process such that powers of compulsory acquisition are thereafter sought over only a smaller portion of that wider cable corridor. For example, for Awel y Mor, a 40m wide cable corridor was included with the order land for that project, whilst it was acknowledged that this would be likely to reduce to 21 metres during the micro-siting and detailed design process. In that example, the remainder
			of the land in the cable corridor was subject to compulsory acquisition powers in the final DCO, but it was only a smaller portion of the order land against which those powers would be implemented. That is consistent with the drafting of the typical compulsory acquisition powers which provide for the exercise of powers which are "required to carry out or to facilitate, or is incidental to, the authorised development" (in the language of A21 of the dDCO for the Proposed Development). The Applicant submits this analogous approach is replicated in the dDCO through that A21, Requirement 3 and the detailed design process.
			The Applicant submits that the optionality between the on-road and off-road cable routes and the process for resolving a final cable route at detailed design is adequately controlled through Requirement 3 of the dDCO and that no further amendments to the dDCO for this purpose are required.
DCO.2.4	Applicant	The ExA asks the Applicant to consider if Schedule 1 Authorised Development, namely the description of	The Applicant refers to its response to DCO.2.3 above and respectfully submits that it is not necessary to further amend Schedule 1, namely the

ExQ2	Question to	Question	Applicant's response
		works, should be updated in order to better reflect the optionality and the nature of the cabling under Work No.3?	description of works for the authorised development, to expressly reflect the optionality between the on-road and off-road cable routes.
		140.3:	The Applicant considers that the cable route optionality is clearly set out in the Design Approach Document (Document Reference 7.2, Revision 3), ES Chapter 2: The Proposed Development [APP-025] and ES Chapter 3: Alternatives and Design Iteration [APP-026], which are certified documents informing the detailed design process under Requirement 3 (Detailed Design Approval) of the dDCO [CR1-013]. The cable route optionality is shown in ES Figure 2.13: Underground Cable Routes [REP2-022].
			The Applicant notes that Work No.3 describes the 33kV cabling laying works for both the on-road and off-road options, and Work No. 5 describes 132kV cabling works for both the on-road and off-road options. These are shown on the Works Plans [CR1-003].
			It is suggested that amendments to these Works descriptions, together with other amendments to corresponding Articles of the dDCO and related documents (such as the Works Plans) would require a large volume of detailed drafting and, the Applicant submits, would not provide greater clarify on the cable route optionality than is already provided for in the dDCO when read together with the Design Approach Document and ES Chapters as secured through Requirement 3 of the dDCO.
DCO.2.5	Applicant	The Applicant is asked to provide further clarification on how it envisages the application of Art. 28 - Rights under or over streets and Art. 29 - Temporary use of land for carrying out the authorised development in relation to the on-road and off-road cabling?	,
			In relation to on-road cabling, Article 29 would be relied upon where, for example, the Applicant requires to enter onto the subsoils beneath a street in order to carry out works to install cabling within that street (see paragraph 4.21 of the Applicant's Rule 9 Response [AS-008]). In contrast, Article 29 is not likely to be relied upon for off-road cabling because the Article applies

ExQ2	Question to	Question	Applicant's response
			only in respect of "streets" (as defined in Article 2 of the dDCO). As previously noted, even if the off-road cable route is delivered, some on-road cabling works will be required, in respect of which Article 29 may be relied upon.
			The Applicant confirms that Article 30 (Temporary Use of land for carrying out the authorised development) of the dDCO (Document Reference 3.1, Revision 4) the land specified in Article 30(1) to be temporarily used for carrying out the Proposed Development. This Article may be relied upon by the Applicant to temporarily occupy the land required for any on-road and off-road cabling to carry out the installation works prior to the compulsory acquisition (if required) of rights in land to thereafter maintain those cables.
DCO.2.7	Applicant	Following from ISH2, the Applicant is asked to consider if Schedule 2 Requirements Art. 3 Detailed design approval should include or anticipate the need to consider new technology. If the Applicant agrees that it should, the Applicant is asked to provide wording and submit it for the ExA's consideration by Deadline 5.	Further to discussions with the Examining Authority and various Interested Parties during Examination, the Applicant has updated Section 8.4 (Technology Advancements) of the Design Approach Document (Document Reference 7.2, Revision 3) to include a commitment to review the Proposed Development at the detailed design stage, specifically with reference to available solar panel technology. The Applicant has committed to reporting the outcomes of that review to the relevant planning authority as part of the detailed design submission. This commitment is secured by Requirement 3(2)(e) (Detailed design approval) of the dDCO (Document Reference 3.1, Revision 4) which requires the detailed design submitted for approval by the relevant planning authority to accord with the design approach document.
6. Biodive	ersity, Ecology and the	Natural Environment	
BIO.2.1	Applicant	Further to BIO.1.2 Please provide an update on the watercourse crossing design and/or if appropriate controls are in place to ensure that impacts to riverine species will inform appropriate water crossing design to ensure no LSE.	As outlined in the Applicant's response to the ExA's ExQ1 [REP2-007], the final design of these crossings is not yet known and will be subject to detailed design following the appointment of a contractor. The potential effects of these crossings have been discussed with the EA and the Applicant has committed to providing further detail via the detailed CEMP, on which the EA will be consulted under Requirement 4 of the dDCO (Document Reference 3.1, Revision 4). This will include any pre-

ExQ2	Question to	Question	Applicant's response
			commencement surveys, assessment and further detail on mitigation
			measures as the design progresses.
			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 outline CEMP (Document Reference 6.4.2.6, Revision 2), which is proposed to be updated at detailed design in consultation with the LLFA and EA and as set out in the SoCG with the EA [AS-002]. Updates to the outline CEMP have been provided at this Deadline as previously committed to through the ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 3). If the crossings will involve instream work, then preconstruction surveys such as fisheries, otter, and water vole would be required. This is set out within section 2.6.13 of ES Chapter 2 [APP-025] as embedded mitigation.
			With the above controls, and in light of the consideration of the crossings carried out to date, the Applicant considers that there is no reason to expect that standard mitigation cannot be applied to all crossings to ensure that no LSE will arise.
BIO.2.2	Applicant	Further to BIO.1.3 The ExA considers that measures relating to invasive non-native plant species should be secured specifically in the DCO, and that the method statement in the Outline CEMP does not provide sufficient certainty. Please update the DCO to secure the measures included in the OCEMP.	The Applicant submits that these measures are adequately secured by the requirements in Schedule 2 to the dDCO (Document Reference 3.1, Revision 4) via the mechanism explained below. The relevant requirement for the Outline CEMP is Requirement 4. The Applicant notes that the recently granted solar DCOs do not include express requirements to specifically secure measures relating to invasive non-native plant species. Those controls are instead secured through the CEMP as proposed for Byers Gill, which is considered sufficient.
			The general mechanism by which the dDCO Requirements secure the measures included in the management plans is by requiring the Applicant to prepare and submit for approval, by the relevant authorities, detailed management plans which accord with the outline management plans certified under Schedule 13 of the dDCO. This means that, as a minimum,

ExQ2	Question to	Question	Applicant's response
			the detailed management plans must contain the management measures set out in the outline management plans. Except for the Decommissioning Environmental Management Plan (subject of Requirement 5) and the Battery Fire Safety Management Plan (subject of Requirement 11), no phase of the authorised development may be commenced until the detailed management plans have been approved by the relevant authorities and the management plans must be implemented as approved. Any breach of an approved management plan will be enforceable by the approving authority.
			The inclusion of details within those outline management plans, such as in this case measures relating to invasive non-native species, therefore provides sufficient control and certainty that those measures will be delivered. That follows the approach taken in other made DCOs (including the recent solar DCOs).
BIO.2.3	Applicant	The ExA notes that post construction monitoring for birds, badgers and bats will be undertaken in years 1, 3, 5 and 10 post-construction. The ExA consider this inappropriate given the 40- year operational period and would not allow the success of the ecological and related plans to be measured or supported if necessary. Please explain how the post-construction monitoring proposed will ensure the Proposed Development delivers the ecological and related plans?	The monitoring is designed to be front loaded to ensure any remedial actions required can be delivered as soon as possible and required in the operational phase of the Proposed Development. Furthermore, it is anticipated that the monitoring required during the operational phase will be uniform and consistent for the duration of the proposed 40-year operational phase. With this in mind, it is not considered appropriate or necessary to monitor at the same frequency once these measures are established. This is a standard approach across the development industry.
8. Design			
DES.2.1	Applicant	Referring to the Applicant's response to DES.1.4 of ExQ1, would the Applicant amend Requirement 3(1) to include the Design Review Panel as one of the parties to receive and approve the detailed design of the Proposed Development.	The Applicant notes that recently granted solar DCOs have not included a requirement for detailed designs to be submitted to, or approved by, the Design Review Panel.  The Applicant does however recognise the value of engaging with an independent design body and therefore has amended the Design

ExQ2	Question to	Question	Applicant's response
			commitment to engage with the Design Council prior to seeking discharge of the detailed design via Requirement 3.
DES.2.2	Applicant	In relation to the Applicant's response to DES.1.9 of ExQ1, would the Applicant be amenable to modifying Requirement 3(1) to include details of the solar technology to be adopted for the Proposed Development, also reflecting the latest advancements of solar technology?	The Applicant notes that recently granted solar DCOs have not included a requirement for detailed designs to reflect the latest advancements in solar technology.  As reflected in discussions at the hearings held in October 2024 and recent submissions from BVAG, the Applicant has been in discussions with members of the local community (via BVAG and Great Stainton Parish Meeting) regarding the potential opportunities for the design should there be advancements in solar technology post-consent. The Applicant considers that this represents a meaningful commitment to take into account future changes in technology, which presents an innovative solution which is proportionate to the level of information available to the Applicant and parties to the Examination at this point in time.  The Applicant does not consider that amendments to Requirement 3, on the face of the DCO, are appropriate or necessary. However, the Applicant has amended the Design Approach Document (Document Reference 7.2, Revision 3) to make reference to the future consideration of solar technology. This text has been shared with BVAG and Great Stainton Parish Meeting ahead of Deadline 5. The DAD, and the Applicant's compliance with the parameters and commitments it contains, are adequately secured via Requirement 3 of the draft DCO (Document Reference 3.1, Revision 4).
9. Health	and Air Quality		
HAQ.2.1	Applicant	With reference to Durham County Council's (DCC's) LIR, would the Applicant modify Requirement 4(2) to include a statement that the Applicant shall adhere to DCC's 'Construction and Demolition Management Plan Guidance3'?	The Applicant submits that this commitment will be adequately secured by the requirements in Schedule 2 to the dDCO (Document Reference 3.1, Revision 4) via the mechanism explained in the Applicant's response to BIO.2.2. The relevant requirement for the Outline CEMP is Requirement 4. The Applicant notes that the recently granted solar DCOs

ExQ2	Question to	Question	Applicant's response
			do not include express requirements to specifically secure adherence to local authority guidance.
			The Applicant therefore agrees in principle to include a commitment to have regard to Durham County Council's Construction and Demolition Management Plan Guidance. This has been provided in the updated Outline Construction Environmental Management Plan (oCEMP) (Document Reference 6.4.2., Revision 2) provided at Deadline 5.
HAQ.2.2	Applicant	In relation to DCC's LIR, would the Applicant alter Requirement 5(2) to list specific actions in the DEMP and include a statement that the Applicant shall adhere to DCC's 'Construction and Demolition Management Plan Guidance3'?	The Applicant does not consider it appropriate to include this reference on the face of the DCO, and refers to its response to BIO 2.2 regarding the relationship between the DCO requirements and management plans. The Applicant further directs the ExA to the existing text in the Outline DEMP (Document Reference 6.4.2.7, Revision 2) relating to dust control measures at section 2.9: " Demolition impacts from dust generating activities will be minimised through the use of best practice guidance and measures relevant at the time of decommissioning."
			The Applicant has however updated the outline DEMP (Document Reference 6.4.2.7, Revision 2) to include a commitment to have regard to IAQM and DCC guidance, or equivalent at time of decommissioning. The detailed DEMP would undergo consultation and approval under Requirement 5, such that the local planning authorities can ensure at that time that the appropriate dust control measures and guidance are included and adhered to during decommissioning.
HAQ.2.3	Applicant	In relation to DCC's LIR, would the Applicant explain whether the dust impact during construction on Whinfield House, Preston Lodge and Stainton Hill House, which are located immediately to the north of Panel Area B, have been considered?	The Applicant provided clarification to DCC on the extent of the assessment in its local authority area in the 'Comments on Deadline 2 Submissions' provided at Deadline 3 [REP3-004]. Appendix A of that document provides a list of receptors in County Durham and a figure showing their location on the Plan.
			The Applicant can confirm that the properties listed in HAQ.2.3 are the following receptors as listed in Appendix A of REP3-004.

ExQ2	Question to	Question	Applicant's response
			Whinfield House – Receptor 3 (R3)
			Preston Lodge – Receptor 4 (R4)
			Stainton Hill House Receptor 5 (R5)
			As such, the Applicant can confirm that the three properties cited were considered as part of the assessment.
10. Histo	ric Environment		
HEN.2.1	Applicant	Concerns have been raised in relation to the impact of the Proposed Development on local heritage assets, namely the Royal flying Corp Airfield on Folly Bank and Bishopton Castle. Can the Applicant explain the assessment of effects of the Proposed Development on Royal Flying Corp Airfield?	A summary of the nature of the landing ground, as taken from sources including the records held by the Historic Environment Record (HER) and personal communication with a subject matter expert, is set out within paragraphs 8.7.25 and 8.7.26 and in greater detail within ES Appendix 8.1 Historic Environment Desk-based Assessment [APP-145] in paragraphs 4.4.57 to 4.4.60.
			The area was covered by the geophysical survey which identified some curvilinear anomalies which were unlikely to be associated with features consistent with timber huts or billets.
			The assessment of the effects on Bishopton Landing Ground is set out within ES Chapter 8 Cultural Heritage [APP-031] in paragraph 8.10.4 which concluded that there is no indication that any significant archaeological remains associated with the airfield will be present. However, the area of the landing ground will be further evaluated, if necessary, as part of strategy set out within ES Technical Appendix 8.5 Archaeological Management Strategy [APP–149].
HEN.2.3	Applicant	The ExA notes the Applicant's response to HEN.1.8. However, in the context of the PA2008 which, as set out previously in ExQ1 requires the decision-makers to have regard to the desirability of preserving the asset or its setting, including considering any harm or loss that may result from the development, the Applicant is asked to again clarify and confirm that its position is that no	The Applicant can confirm that the assessment has concluded there will be no harm to the significance of any designated heritage assets through a change in their setting while the application of the mitigation measures set out within ES Technical Appendix 8.5 Archaeological Management Strategy [APP-149]. The mitigation measures secured by that strategy either remove any harm from direct impacts by using ballast foundations or reduce that harm through the use of preservation by record which

ExQ2	Question to	Question	Applicant's response
		effects, i.e. no harm, has been identified to any of the heritage assets. The ExA also highlights to the Applicant can harm of any kind, even negligible harm, according to the ExA's interpretation of the PA2008, is not the same	acknowledges the loss of the archaeological remains has been entirely, or almost entirely, offset through the preservation by record of the key elements of their archaeological interest.
		as no harm.	The Applicant notes the ExA's point around their interpretation of the PA2008 in relation to harm. The Applicant is confident their assessment has been carried out in line with the relevant legislation, policy and industry standards and guidance and has provided additional examples of projects currently undergoing the DCO examination process which have followed the methodology used in ES Chapter 8 Cultural Heritage and Archaeology [APP-031], as was set out and agreed during EIA Scoping.
11. Lands	cape and Visual		
LSV.2.1	Applicant	ES document 7.2 Design Approach Document [AS-004] references mitigation quantities, for example approximately 7km of new and enhanced hedgerows, 59 hectares of planting and seeding between panel areas, 24 hectares of community picnic areas and orchards, 3 hectares of new trees and 29 hectares of biodiversity enhancement areas (paragraph 3.1.4). We note in DBC's LIR Landscape and Visual Amenity [REP1-021] they measure the area of community picnic areas and orchards to be no more than 3ha. Please provide details of all mitigation quantities including specific references to where these are shown on drawings and other application documents.	The Applicant has identified that the quantities references in paragraph 3.1.4 of the Design Approach Document [AS-004] are incorrect. These were the figures as provided at statutory consultation, and do not therefore reflect the design and mitigation quantities of the Proposed Development at time of DCO application. For example, as listed in the table below, total hedgerow planting under the DCO application is now higher than that proposed at statutory consultation (12km, rather than 7km).  Additionally, the 24 hectares of community picnic areas and orchards is a typographical error which should have stated 2.4 hectares, which was the quantity at the time of statutory consultation. As listed in the corrected figures below, the combined community accessible land and sensory garden/forest school is 2.2ha at time of DCO application.  In recognising this error, the Applicant has amended the Design Approach
			In recognising this error, the Applicant has amended the Design Approach Document (Document Reference 7.2, Revision 3) at this deadline to remove the incorrect quantities.

ExQ2	Question to	Question	Applicant's response	
			Furthermore, The Applicant provides the mare reflects the mitigation and enhancement as Masterplans [CR1-006].	
			Planting Type	Measurement
			Proposed Tree Planting (Woodland)	18704m² / 1.8ha
			Proposed Scrub Mosaic Planting	7715m² / 0.78ha
			Proposed Hedgerow Planting	11925m / 11.9km
			Proposed Infill Hedgerow Planting	9886m / 9km
			Proposed Hedgerow/Hedgerow Tree Planting	5411m / 5.4km
			Proposed Grass Rich Sward	1385480m² / 138.5ha
			Proposed Wildflower or Legume Mix	1648686m² / 165ha
			Proposed Wildflower, Tussock or Wild Bird Mix	385022m² / 38.5ha
			Proposed Biodiversity Enhancement Area	227385m <sup>2</sup> / 22.7ha
			Proposed Biodiversity Enhancement Area (Grass Rich Sward)	2759m² / 0.28ha
			Proposed School Sensory Garden/Forest School	2503m <sup>2</sup> / 0.25ha
			Proposed Community Accessible Land	19541m² / 1.95ha
			Proposed School Car Park	637m² / 0.06ha
			The Applicant confirms that the mitigation of Environmental Masterplans [CR1-006] has f assessment reported in the ES, including bid	formed the basis of the
LSV.2.2	Applicant	With regard to the mitigation works proposed in the area of Oat Hill Farm; Environmental Masterplan Sheet 2 [AS-016] states 'Proposed offset from residence at Oat Hill Farm to include scrub mosaic to provide screening, biodiversity and landscape structure Enhancement.' Please provide greater detail of the mitigation proposed	A photomontage visualisation of Oat Hill Fa of this document which depicts the existing In relation to the scrub mosaic proposed in Outline LEMP (Document Reference 6.4.2.7 proposed to maximise biodiversity and help the Order Limits and to provide increased from residential properties and PRoW. Scru	this location, as stated in the 14, Revision 3), native scrub create wildlife linkage within screening of solar PV panels

ExQ2	Question to	Question	Applicant's response
		for this property, including visualisations from the property post mitigation at various stages of growth.	into the same low maintenance grass rich sward as used as an establishment crop.
			Scrub would be managed with the intention of generally reaching 70% coverage with remaining area retained as grassland. The proposed stock will consist of bare root stock (80-100cm, 1+2 transplants) to be planted at 1.5m centres.
			The species mix would be:  • 20% Crataegus monogyna – (Hawthorn)  • 10% Prunus spinosa – (Blackthorn)  • 20% Corylus avellana – (Hazel)  • 20% Viburnum opulus – (Guelder Rose)  • 10% Salix cinerea – (Grey Willow)  • 4% Ilex aquifolium – (Holly)  • 6% Rosa canina – (Dog Rose)  • 10% Lonicera periclymenum – (Honeysuckle)
LSV.2.3	Applicant	Please add the location of the Viewpoints to the Works Plans and the Street Works, PRoW & Access Plans.	The Applicant would respectfully submit that viewpoint locations are not relevant to these plans, which record through technical details the relationship of the Proposed Development at a conceptual level and its interface with the existing land areas, and public rights of way. The Applicant would instead suggest that the best way to understand the design of the Proposed Development in those viewpoint locations, if that is the ExA's intent, is to use the Environmental Masterplan [CR-006] as was done during the site visit. A version of the Environmental Masterplan with the viewpoints added has been provided at Deadline 5 (Document Reference 8.22).
LSV.2.5	Applicant	Please confirm that you have included restrictions to heights of road hedges, for road safety reasons, in your proposals for planting mitigation. Provide details of these restrictions and locations.	Roadside hedges included as part of the landscape mitigation for the proposals are located at:  • Lodge Lane (north edge of panel area B between Preston Lodge and Stainton Hill House

ExQ2	Question to	Question	Applicant's response
			<ul> <li>Local road between Great Stainton and Bishopton (northeast edge of panel area D.</li> </ul>
			<ul> <li>Local road between Great Stainton and Bishopton (north edge of panel area E.</li> </ul>
			Folly Bank (east edge of Panel Area E).
			Mill Lane (south edge of Panel Area F).
			It is anticipated that land falling within a visibility splay will be part of the adopted highway and any proposals to allow hedges to grow taller within the verge would be subject to review and agreement with the Local Highway Authority at detailed design. At this stage therefore, no specific restrictions on roadside hedges are proposed. The Applicant is aware, through its own site visits and through feedback from the community (e.g. RR-114) that Mill Lane, east of Bishopton village, already has restricted forward visibility and any increase in hedgerow height could impede visibility further. There is space within the Order Limits to add a new hedge closer to the panels in order to deliver the visual screening proposed in the masterplan whilst enabling the existing hedge to remain as it is. This will be subject to further review at detailed design under requirement 3 of the dDCO.
LSV.2.6	Applicant	When visiting the site on 17 October 2024, the ExA did not consider that viewpoint 17 presented the worst case views of panel areas. Please update the landscape & visual impact analysis based on a worst case view. In doing this consideration should be included of DBC's LIR – Landscape and Visual Amenity [REP1-021] and additional photography locations 4 and 5 (page 31).	The Applicant's position is that 'worst case' viewpoints are not a concept recognised by GLVIA3 guidance. The LVIA needs to take account of the potential worst case <i>effects</i> on <i>visual receptors</i> as part of the EIA process, but that does not extend to a requirement on the placement of viewpoints. It is noted that engagement has been ongoing with DBC on viewpoint selection throughout the Scoping, PEIR and EIA process, as detailed below:  The viewpoints selected to be taken forward as part of the PEIR stage were done so to respond to the comments made by DBC in
			their response to the Scoping Report;

ExQ2	Question to	Question	Applicant's response
			<ul> <li>Ongoing engagement between the Applicant and DBC took place following EIA Scoping and in advance of the preparation of the PEIR, during which the Applicant understood the viewpoint locations were agreed as no further comments from DBC were raised;</li> </ul>
			<ul> <li>The Applicant then invited DBC to formally provide comment on the viewpoints and the PEIR as part of the statutory consultation which took place between May - June 2023;</li> </ul>
			<ul> <li>DBC noted in their response to the consultation that they had concerns with the viewpoints as provided, but did not offer alternative suggestions to what viewpoints could be provided to alleviate their concerns;</li> </ul>
			<ul> <li>The Applicant understands that DBC then commissioned Glenkemp Landscape Architects (Glenkemp) to review the LVIA in August 2023, after the close of the statutory consultation;</li> </ul>
			<ul> <li>In September 2023, DBC shared a report provided by Glenkemp which provided commentary on the Applicant LVIA. Similar comments were raised with regards to concerns for the existing viewpoints, but no alternatives or suggestions raised which would alleviate their concerns;</li> </ul>
			<ul> <li>Since then, the Applicant has sought to engage with DBC and Glenkemp to agree a list of new viewpoints that the Applicant could prepare and share with both parties for further discussion. The aim of this would be to address concerns raised by DBC and Glenkemp, and does not consider that they are 'missing' from the assessment;</li> </ul>
			<ul> <li>To date, no such information has been provided by DBC or Glenkemp.</li> </ul>
			The LVIA takes account of all effects on visual receptors, whether they are illustrated by a viewpoint or not. This approach is in line with the recent clarification provided to GLVIA3 guidance (Landscape Institute,

ExQ2	Question to	Question	Applicant's response
			2024, LITGN-2024-01 'Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3)':
			6(7) "Assessing viewpoints or visual receptors?: "The focus of the visual assessment should be the visual receptors (i.e. the people as set out within paragraph 6.31. of GLVIA3). The purpose of viewpoints is covered at paragraph 6.19 (i.e. for illustration of the visual effects)." [Applicant's underlining]
			Because this approach has been taken, the assessment findings would not be altered by considering different viewpoints – they have already been considered, even if they are not specifically illustrated by a viewpoint.
			Viewpoint 17 was selected to represent effects on views looking east from Great Stainton, including from the footpath. A 'worst case' view from the footpath would have been located away from the village, where the route continues east and passes through the panel area – DBC location 5 is an example of this. Effects in that location are taken account of in the LVIA in Table 7.10 – the first entry in that table describes effects on that route as follows in identifying effects as being Large scale:
			"There would be close views of the Proposed Development on leaving the edge of the village as illustrated by viewpoint 17 and along the rest of the route as it passes through the panel area until hedges mature, after which the route would be enclosed by hedgerows preventing the open, elevated views currently available from the higher stretches of this route."
			DBC Location 4 is from a field gate on Glebe Road. It is slightly more distant from the panel area to the east than viewpoint 17, but the view is similar and effects would be of the same scale. The Applicant's position is that consideration of DBC location 4 would not add any new information to the assessment.
LSV.2.7	Applicant	With regard to the mitigation works proposed in the area of the following Great Stainton residential properties: 'Wayside', 'Harfield House', and 'School	No specific mitigation is proposed for individual properties at Great Stainton. The primary mitigation is designed to mitigate effects on visual receptors in the village including residents and relates to the proximity of

ExQ2	Question to	Question	Applicant's response
		proposed for each property, including visualisations from	the panels to the south and east of the village and the topographic relationship whereby:
		the property post mitigation at various stages of growth.	- The panels are set down the slope to the east to maintain wider outward views, and
			<ul> <li>along a gentle ridgeline to the south so that just the edge of the panels would be visible and they are not on the facing slope to the south.</li> </ul>
			Planting is proposed around the edges of panel areas. As shown by sheet 8 of the Environmental Masterplan [CR1-006], this would consist of:
			- A new hedge along the edge of the panel area to the east of Great Stainton, maintained at the design height of 2.5m to largely screen the edges of the panels, but not obscure outward views to the east (see photomontage from viewpoint 17).
			- A new hedge along the edge of the panel areas to the south, this would fully screen the solar panels beyond once mature.
			Gapping up and a height reduction (to 1.2-1.4m) of the existing hedge around the panel area to the southeast to allow views from the proposed permissive route back to Great Stainton, with a new hedge proposed around the panel area to screen views of the nearest edges of the panels. The timing of the height reduction could be controlled such that the existing hedge is not reduced until the new hedge has matured to the design height in order to avoid opening up views of panels before the new hedge has matured.
			The Applicant is preparing a cross-section to aid understanding of this location; this will be provided at Deadline 6.
			Two of the properties (Wayside and School House) are outside the RVAA study area that was been agreed at Scoping. Harefield Grange was considered in detail (albeit incorrectly identified as Hawthorn House) in

ExQ2	Question to	Question	Applicant's response
			the RVAA (ES Appendix 7.6 [APP-137]), as shown below (blue dotted line shown 100m from the proposed fence lines around the panel areas).
			Provision of detailed visualisations from properties outside of the RVAA Study Area , where effects would not potentially exceed the RVA threshold would not be proportionate. A visualisation has already been provided for Harefield Grange in the RVAA, see RVAA Viewpoint 1 Great Stainton [APP-137].
		Harefield Grange  Wayside	Stricol Morso

ExQ2	Question to	Question	Applicant's response
LSV.2.8	Applicant	When visiting the site on 17 October 2024, the ExA did not consider that viewpoint 18 (close to residential property 'Wayside') presented the worst case views of panel areas. Please update the landscape & visual impact analysis based on a worst case view. In doing this consideration should be included of DBC's LIR – Landscape and Visual Amenity [REP1-021] and additional photography locations 2 (page 30).	Please refer to the response to LSV 2.6 above in relation to 'worst case' viewpoints.  DBC LIR additional location 2 is located on Elstob Lane on a narrow roadside verge outside of the village, just north of the delimit signs. Visual receptors in this location would be users of Elstob Lane. Paragraph 7.10.132 of ES Chapter 7 Landscape and Visual [APP-030] explicitly takes account of effects in this location, noting that: "Drivers using Elstob Lane would have views of panels to either side of the road to the south of Great Stainton, with the effects being most noticeable for southbound drivers as they descend the hill where there will be views of Panel Areas Cand D, in both cases set back from the road, and ahead of the direction of travel".  Viewpoint 18 was not located where DBC location 2 is for safety reasons.
			DBC location 2 is a very narrow verge on a relatively busy local road and as such is not a safe place to undertake photography with a tripod, nor is it safe for the groups of people likely to visit representative viewpoints during the assessment and determination process. However, all views from Elstob Lane are considered in the LVIA.
LSV.2.9	Applicant	With regard to the mitigation works proposed in the area of the residential property 'Carr House'. Please provide greater detail of the mitigation proposed, including visualisations from the property post mitigation (including views of the proposed sub-station) at various stages of growth.	Mitigation of effects on Carr House are explicitly addressed in the Energy Generation and Design Evolution Document [REP2-010] which indicates that design change 4 (Figure 2 and Table 4-1) was made to remove solar panels from the open outlook from Carr House to the north. In addition, access routes were also designed to ensure construction and maintenance traffic would not pass close to the north façade of the property.
			The house and main garden has limited visibility to the west, with just one upstairs window in the gable end likely to have visibility of the Proposed Development. Visibility from areas such as paddocks is not considered as an aspect of residential visual amenity.
			Mitigation planting to the west of the property consists of the management of existing vegetation as shown by Sheet 7 of the

ExQ2	Question to	Question	Applicant's response
			Environmental Masterplan [CR1-006]. This would not screen the area of panels likely to be most visible from the gable end window, which would be those on the higher ground at a distance of approximately 150m. The ground falls beyond these solar panels towards the substation which is likely to be mostly or entirely screened by the solar panels as the section shows. The Applicant is preparing a cross-section to aid understanding of this location; this will be provided at Deadline 6.  Given the limited nature of the visibility of the Proposed Development from this property it is not considered proportionate to provide visualisations beyond the aforementioned cross-section being prepared for Deadline 6. Provision of detailed visualisations from properties where effects would not potentially exceed the RVA threshold would not be proportionate. Even if the substation were to be visible, an 8m tall structure (i.e. the same height as a modern two-storey home) at a distance of 350m or more, would not give rise to overbearing effects.
LUS 2.1	Use and Socioeconom Applicant	Referring to the Applicant's response to LUS.1.6, would the Applicant be amenable to modifying Requirement 5 to list the proposed actions in DEMP, as in Requirement 4, adding also the need for the Applicant to engage with the local highway authority and relevant landowners at the point of decommissioning to consider reverting the PRoW to their historic or baseline alignment, as part of the decommissioning proposals?	The Applicant refers the ExA to the response provided under BIO2.2 regarding the drafting of requirements.  The outline Public Rights of Way Management Plan (Document Reference 6.4.2.15, Revision 3) sets out in section 4.4 how the PRoW network would be managed at point of decommissioning, and states that an updated PRoW management plan would be developed prior to decommissioning, which would be approved by the local planning authority. It states that engagement with individual landowners would be undertaken in relation to the alignment of the PRoW. As stated in response to LUS1.6, this could include consideration of reverting PRoW to their historic or baseline alignment (subject to the available statutory mechanisms for doing so), although landowners may wish to keep the PRoW on the alignment which is established through the Proposed Development. The production of a PRoW management plan at point of

ExQ2	Question to	Question	Applicant's response
			decommissioning is secured via commitment LUSE3-DEMP in the Outline DEMP (Document Reference 64.2.7, Revision 2) and Requirement 5 of the draft DCO (Document Reference 3.1, Revision 4). The Applicant does not consider any further amendment is required.
LUS 2.2	Applicant	In relation to the Applicant's response to LUS.1.13, would the Applicant signpost where in the submitted Community Benefit Fund Document [REP2-011] this question is satisfactorily answered?	The Applicant wishes to stress, as set out in the Planning Statement [APP-163] and the Community Benefit Fund Document [REP2-011], that the Community Benefit Fund cannot be taken into account as part of the overall planning balance to be considered by the decision-maker.
			ES Chapter 9 Land Use and Socioeconomics [APP-132] provides an estimate based on previous projects but the exact number of local employees benefiting from the Proposed Development will inevitably fluctuate on the basis of workforce availability at the time of construction. Within its specification to contractors, RWE will be seeking 20% of the workforce from the local area and would expect the contractor to meet this obligation. On a wider basis, RWE runs a national apprenticeship Programme as listed on the RWE website 'RWE Apprenticeships' (https://uk.rwe.com/career/apprenticeships/).
			With regards to the administration of the Community Benefit Fund and the types of projects it will be channelled towards, it is outlined in the Community Benefit Fund Document [REP2-011] document under section 2.3 that a third party administrator will be employed to set up, manage, and administer the Community Benefit Fund. It is for individual organisations, such as those set out in 2.3.2 of the same document, to apply for funding. 2.3.5 of the same document states that funds will tend to support the communities closest to the solar farm, and will work with the local community to explore what the area of benefit for the community fund should be. Whilst the Applicant can set out intentions for how the Community Benefit Fund will be spent, it is ultimately up to those who apply for the fund and the projects that are put forward as part of those applications.

ExQ2	Question to	Question	Applicant's response
LUS 2.3	Applicant	Regarding the Applicant's response to SBC's LIR, would the Applicant clarify whether the alignment of Public Footpath 4 in terms of minimising the impact this Proposed Development would have on its usage has now been resolved?	The Applicant met with SBC on 30 September 2024 to seek clarification on this matter.  As a result, the Applicant provided an update to its ES Errata and Management Plans Proposed Updates [REP2-0112] submitted at Deadline 4, which assesses the impact on Public Footpath 4 as it connects to Public Footpath 7 and confirms that no significant effects would be likely to arise. The Applicant is awaiting confirmation from SBC that they are content with the approach taken, as set out the SoCG with Stockton-on-Tees Borough Council (Document Reference 8.4.3, Revision 3). This is the only point remaining under discussion.
LUS 2.4	Applicant	BVAG mentioned in its response that the Applicant's Solar panel's glint & glare analyses focused on dwellings only and not walkers, public spaces or horse riders. The ExA has noted that the submitted Solar Photovoltaic Glint and Glare Study [APP-106] evaluates the effect of Solar panel's glint & glare on roads, railway and aviation including Teesside International Airport, in addition to the impact on dwellings. The Study's assessment results show that low impact was predicted on a combined 0.9km section of Elstob Lane/Bishopton Lane and no impacts were forecasted on the remaining assessed road sections. Would the applicant confirm that this assessment would have considered all road users encompassing walkers, cyclists and horse riders plus public spaces and, whether the other roads that were deemed to have experienced no glint & glare effect comprised Mill Lane in Bishopton Village that is used for dog and people walking, running, cycling and horse riding?	The Solar Photovoltaic Glint and Glare Study [APP-106] has considered typical road users at 1.5m above ground level along any major national, national, and regional roads that are within the one-kilometre study area, and have a potential view of the panels.  Other road users, such as walkers, cyclists, and horse riders have not been considered within the study.  In Pager Power's experience, significant impacts to pedestrians / equestrians using the surrounding public rights of way / bridleways are not possible due to glint and glare effects from PV developments. The reasoning is due to the sensitivity of the receptors (in terms of amenity and safety) being concluded to be of low significance. This is because:  • The typical density of pedestrians/horse riders located at these points is low in a rural environment;  • Any resultant effects are less significant than, for example, solar reflections experienced towards a road network whereby the resultant impacts of a solar reflection can be much more serious. Safety concerns are considered to a greater extent for horse riders and the possible event of being thrown by a scared animal, however

ExQ2	Question to	Question	Applicant's response
			the risk of this occurring due to glare from solar panels is considered to be small;
			Glint and glare effects towards an observer are transient, and time and location sensitive whereby a pedestrian/horse rider could move beyond the solar reflection zone with ease with little impact upon safety or amenity; and
			<ul> <li>Any observable solar reflection towards an observer/horse rider would be of similar intensity to those experienced whilst navigating the natural and built environment on a regular basis (e.g. bodies of water), and less intense than reflections from glass and other common outdoor surfaces.</li> </ul>
			This is supported by the 'Advice on Solar Farms' document produced by the British Horse Society (BHS) which states: "They [standard photovoltaic panels] are designed to absorb rather than reflect light for efficiency (reflected light is wasted energy) and although the amount of reflection varies with the component materials and the angle, the incidence of glare or dazzle is very low compared with glass and will not be uniform throughout a period of sunlight, assuming that the panel is static. Any reflection is unlikely to be a direct problem to horses, riders or carriage-drivers because of the angles and distances involved."
			Mill Lane in Bishopton Village is an unmarked, single track road, that would be classed as a local road. Technical modelling is not recommended for local roads, where traffic densities are likely to be relatively low. Any solar reflections from the Proposed Development that are experienced by a road user along a local road would be considered low impact in the worst case in accordance with the guidance presented in Appendix D of the Solar Photovoltaic Glint and Glare Study [APP-106]. Therefore, technical modelling has not been undertaken for Mill Lane, nor any other local roads.

ExQ2	Question to	Question	Applicant's response			
13. Noise	3. Noise and Vibration					
NV.2.1	Applicant	In view of the Applicant's response to SBC's LIR on the potential conflict of the proposed cable route around Carlton Village with an existing SuDS basin, would the Applicant amend Requirement 4 to include the provision of a clear-cut commitment to avoid the existing SuDS feature within the Order Limits at detailed design and, implementing appropriate mitigation measures that would ensure that the functionality of the SuDS feature is maintained if it is unavoidable?	As set out in the ES Errata and Management Plans Proposed Updates [REP2-012] submitted at Deadline 2, the Applicant has agreed with SBC to include a commitment to avoid the existing SuDs feature in Carlton Village at detailed design, and implement appropriate mitigation measures if it is unavoidable, which would secure the maintained functionality of the SuDS feature.  On review, given that this matter relates specifically to detailed design rather than the construction process, the Applicant has added a design parameter to Work No 5 in the Design Approach Document (DAD) (Document Reference 7.2, Revision 3) to secure this measure through the detailed design to be approved under Requirement 3. This states: If the cable goes off-road to the south of Carlton as shown on Sheet 12 of 13 of the Works Plans [CR1-003], the route would avoid the existing SuDS feature / attenuation pond located to the south east of Geveland Drive.			
NV.2.2	Applicant	Regarding the Applicant's response to NV.1.5 of ExQ1, would the Applicant amend Requirement 4(2) of the dDCO to include details of how working practices and equipment used would be adapted to reflect varied weather conditions during construction?	The commitment to adapt working practices and equipment based on weather conditions is already secured under commitment CC11-CEMP of the Outline CEMP (Document Reference 6.4.2.6, Revision 2). The Applicant does not consider it necessary to amend the drafting of Requirement 4 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.			
NV.2.3	Applicant	Referring the Applicant's response to DBC's LIR concerning why existing sensitive receptors (ESRs) in the northern area of Panel F and West House Farm, Downland Farm and Cobby Castle Forge have not been included in the noise assessment, would the Applicant confirm if this matter has been resolved and the SoCG with DBC has been updated accordingly?	The Applicant submitted ES Chapter 11 Noise and Vibration Addendum – Construction Noise [REP4-012] at Deadline 4 and shared this directly with DBC on 29 October for their review and comment. To date, no response has been received. The Applicant will continue to liaise with DBC and seek to provide an update at Deadline 6.			
NV.2.4	Applicant	Referring to the Applicant's response to DBC's LIR on the need for restriction on delivery times, would the	The commitment to avoid deliveries during morning and evening peak hours, in order to avoid conflict with commuting and school run times, is			

ExQ2	Question to	Question	Applicant's response
		Applicant modify Requirement 6 to list the actions to be addressed in the CTMP including avoiding deliveries during the morning and evening peak hours (0800 to 0900hours and 1700 to 1800hours plus school departure times of 1500 to 1600hours, weekdays) plus Saturdays and public holidays?	already stated in section 7.5 of the Outline CTMP (Document Reference 6.4.2.8, Revision 2), which is secured under Requirement 6. The Applicant has however added some further clarification to the Outline CTMP to reflect commitments made in relation to scheduling of delivering under the response to ExQ1 TT.1.28 [REP2-007] and through Statement of Common Ground discussions with Stillington and Whitton Parish Council [REP3-009]. These amendments specify that deliveries will be scheduled to avoid school departure times and to have regard to the peak access times for Stillington Industrial Estate. This is reflected in the updated Outline CTMP (Document Reference 6.4.2.8, Revision 2) and ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 3) submitted at Deadline 5.
			The Applicant does not consider it necessary to amend the drafting of Requirement 6 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.
15. Traffic	and Transport		
TT.2.2	Applicant	Concerns had been raised about Northumbrian Water Ltd (NWL) laying a new drinking water pipeline from Lartington in Upper Teesdale across to Long Newton to the East of Darlington. Phase 1 of the project commenced in January 2023 (68% completed at the time of checking on 02/10/2024) and is expected to finish by July 2025. NWL plans to start work on the second phase of this new pipeline shortly after July 2025 and there is the worry that any related road closure or diversion will cause mayhem, impacting on long existing rights of way and bridleways that run through the wide construction area. Would the applicant demonstrate how the construction vehicle routeing and timing of the	Phase 2 of the Northumbrian Water Ltd (NWL) proposal to connect a new pipeline from Gainford to Long Newton has not yet been submitted for planning. Therefore, the information available to the applicant is that provided on the NWL website page for the project – Project Pipeline: Durham and Tees Valley <a href="https://www.nwg.co.uk/Project-Pipeline-Durham-and-Tees-Valley">https://www.nwg.co.uk/Project-Pipeline-Durham-and-Tees-Valley</a> most recently accessed in November 2024.  The route map shows that the route of Phase 2 of the pipeline would be located to the south of the Proposed Development. Whilst to the south of the study area, the proposed pipeline route map does indicate that the pipeline would need to cross Bishopton Lane, which is an access route to and from Panel Areas C and D.
		Proposed Development would not conflict with those associated with Phase 2 of this NWL's pipeline?	As the planning application for the pipeline has not yet been submitted, the Construction Traffic Management proposals for the pipeline works are unknown. Similarly, the pipeline construction timetable is unknown. It is

ExQ2	Question to	Question	Applicant's response
			noted that the project website suggests construction would start in summer 2025, however this was based on a planning application being submitted in September 2024 which appears to have been delayed. If, however, Bishopton Lane does need to close temporarily for the pipeline works, and the timing coincides with the Proposed Development, the outline Construction Traffic Management Plan (CTMP) [APP-112] details a Communications Strategy (Section 7.6) which includes regular meetings with contractors to discuss any issues associated with travel to/from Panel Areas. This communication strategy includes relaying any restrictions and requirements which would need to be followed by those travelling to/from the site, including Panel Areas C and D.
			Similar assumptions should be made for impacts on public rights of way, owing the lack of available information on phase 2 at this time. It is assumed that NWL would make similar provisions to keep PRoW open as a priority, where it is safe and practicable to do so.
			As the pipeline is expected to cross just one of the routes providing access to the Byers Gill development, it is considered that any impact on traffic would be managed through the methods outlined in the CTMP. If any further mitigation is required, this would be highlighted by the cumulative impact assessment that the NWL proposal will undertake through the planning process.
TT.2.3	Applicant	In view of the Applicant's responses to TT.1.6 and TT.1.7 of the ExQ1 and the unspecific traffic management measures relating to the potential on-road cabling, would the Applicant amend Requirement 6 of the dDCO to list the items to be included in the CTMP, in the form of Requirement 4, also indicating methods of minimising disruption to traffic if and wherever onroad cabling is elected and associated timing of these works?	The Outline CTMP (Document Reference 6.4.2.8, Revision 2) sets out at section 7.3.6 that details relating to the programme, phasing and management measures of any on-road cable works would be provided in the CTMP developed prior to construction and in agreement with the Local Highway Authority. This is therefore secured under Requirement 6 and is a level of detail to be provided post-consent, alongside the detailed design under Requirement 3 that will confirm the final cable route. The management measures associated with laying such cables are well practised and involve the application of a series of well-known approaches.

ExQ2	Question to	Question	Applicant's response
			The Applicant does not consider it necessary to amend the drafting of Requirement 6 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.
TT.2.4	Applicant	Now that it has been established in the Applicant's response to TT.1.8 that a recent traffic accident data from 2022 to 2024 is available on Crashmap database, can the applicant provide the analyses of this traffic accident data?	The response to TT.1.8 stated "When the assessment was undertaken, the data available was up to the end of 2021. It would be beneficial to have data up to the current period (summer 2024) but the most up to date data now (in 2024) publicly available on Gashmap.com is from 2022".  Therefore, to confirm, and having checked again in November 2024, the latest data available on CrashMap.com is 2022.
			Reviewing 2022 data, there was a slight accident recorded at the junction of Lime Lane and Lodge Lane in October 2022. This is the only recorded accident at that location between 2018 and 2022 (five years of data).
			There was also a recorded accident in March 2022 at the Bleach Housel Bank / unnamed road junction to the north of Bishopton (the junction is located to the east of the road that provides access into Bishopton Village from the north and is the proposed route to Panel Area F). The accident was also classified as 'slight' but is the second slight accident to occur at the junction, with the previous accident in 2018. The accident report notes that a vehicle waiting to turn left collided with a vehicle travelling on the carriageway. The 2018 accident also involved two vehicles but was on the carriageway, and not as a result of a vehicle turning out of the junction. Therefore, there appears to be no common causation factor or trend.
			To conclude, a review of 2022 data shows no particular trends in the collision data to suggest any prevailing road safety issues. As no changes to the highway network are proposed by the Proposed Development, and the forecast increase in trips is relatively low over the temporary construction period, the conclusion on Accident and Safety impacts as reported in ES Chapter 12 Traffic and Transport [APP-035] remain valid

ExQ2	Question to	Question	Applicant's response
			(that the magnitude of impact is expected to be negligible, and the overall significance of effect is not significant).
TT.2.5 A	Applicant	In view of the Applicant's response to TT.1.15 of the ExQ1, would the Applicant be amenable to modifying Requirement 2 of the dDCO to read: "The authorised development may not be commenced until a written scheme setting out the proposed phases of construction of the authorised development, which shall pay regard to the need for consolidation of construction activities as far as it is practicable, has been submitted to and approved by the relevant planning authority"?	The Applicant notes the ExA's request for the wording "which shall pay regard to the need for consolidation of construction activities as far as it is practicable" to be added to Requirement 2(1) of the dDCO. It is understood that the ExA's intention for requesting this amendment is to ensure that the proposed phasing of construction of the authorised development minimises trip generation for deliveries and construction workers by consolidating (i.e. carrying out simultaneously) the Applicant's construction activities between different phases of the Proposed Development.
			In response, the Applicant wishes to clarify the forecast trip generation for the construction period, as set out in the Transport Statement [REP2-004]. As stated at paragraphs 3.3.1 and 3.6.1 of that document, the transport assessment assumes that a maximum of 3 panel areas will be constructed at any given time. This assumption underpins the total daily construction trips set out in paragraph 3.6.2.
			As confirmed in the Applicant's previous response to TT.1.15, the maximum simultaneous construction of three panel areas has been assessed as the worst-case scenario for daily trip generation. In practice, daily trip generation is likely to be lower if fewer than three panel areas are built simultaneously. In that sense, the Applicant suggests there is not a need to consolidate the Applicant's construction activities between different phases of the Proposed Development.
			On that basis, the Applicant submits that it would not be prudent to introduce the additional wording to Requirement 2(1).
			The Applicant would be happy to provide any further information if the response provided above misunderstands the intention of question TT.2.5.

ExQ2	Question to	Question	Applicant's response
TT.2.6	Applicant	Given the Applicant's response to TT.1.17 of the ExQ1, would the Applicant amend Requirement 6 of the dDCO to list the items to be included in the CTMP, in the form of Requirement 4, also indicating the positions of wheel washing facilities?	The commitment to provide wheel washing equipment is already stated in section 7.5.4 of the Outline CTMP (Document Reference 6.4.2.8, Revision 2), which is secured under Requirement 6. The Applicant has however added some further clarification to the Outline CTMP to reflect commitments made in relation to the location of wheel washing facilities (i.e. where the site entrance meets the local road network) as stated in response to ExQ1 TT.1.17 [REP2-007]. This is reflected in the updated Outline CTMP (Document Reference 6.4.2.8, Revision 2) and ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 3) submitted at Deadline 5.  The Applicant does not consider it necessary to amend the drafting of Requirement 6 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.
TT.2.7	Applicant	Referring to the Applicant's response to TT.1.18 of the ExQ1, would the Applicant amend Requirement 4 of the dDCO to include the commitment in the Outline CEMP [APP-110] to adopt the Considerate Constructors Scheme and engage contractors who subscribe to Fleet Operator Recognition Scheme (FORS)?	The Applicant has added some further clarification to the Outline CTMP (Document Reference 6.4.2.8, Revision 2) and Outline DEMP (Document Reference 6.4.2.7, Revision 2) to refer to FORS scheme as stated in response to ExQ1 TT.1.18 [REP2-007].  This is reflected in the updated Outline CTMP (Document Reference 6.4.2.8, Revision 2), updated outline DEMP (Document Reference 6.4.2.7, Revision 2) and ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 3) submitted at Deadline 5.  The Applicant does not consider it necessary to amend the drafting of Requirement 4 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.
TT.2.8	Applicant	Regarding the Applicant's response to TT.1.23 of the ExQ1, would the Applicant amend Requirement 6 of the dDCO to list the items to be included in the CTMP, in the form of Requirement 4, also adding the need to	As per the response provided to TT.1.23 [REP2-007], details relating to the access to Panel Areas will be developed further post-consent and require approval under Requirement 6 by the local planning authority, in consultation with the relevant highway authority. The principles of this

ExQ2	Question to	Question	Applicant's response
		submit details of accesses to the Panel Areas plus	access are set out in the Outline CTMP (Document Reference 6.4.2.8,
		associated traffic management and road safety measures?	Revision 2) which is secured via Requirement 6.
			As part of discussions with Darlington Borough Council (DBC), the relevant highway authority for accesses within the Proposed Development, the Applicant has produced and shared visibility splay information with DBC for comment. The Applicant provides the latest drawings as an appendix to the Outline CTMP (Document Reference 6.4.2.8, Revision 2) submitted at Deadline 5. The Applicant is however awaiting any further comment from DBC on these drawings and will provide an update at a future deadline on the status of these discussions with DBC.
			The Applicant therefore does not consider it necessary to amend the drafting of Requirement 6 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.
TT.2.9	Applicant	In relation to the Applicant's response to TT.1.31 of the ExQ1, would the Applicant amend Requirement 6 of the dDCO to list the items to be included in the CTMP, in the form of Requirement 4, also adding the need to explain penalties that would be meted out to those contractors who do not comply with the agreed delivery routes?	The Applicant notes that recently granted solar DCOs have not included wording in the requirements to specify the penalties applicable to contractors who do not comply with the CTMP.  As per the response provided to TT.1.31 [REP2-007], penalties to contractors that do not comply with agreed delivery routes would be applied through the contractual agreement between RWE and its appointed contractor. More broadly, as outlined in response to TT.1.31, the local planning authority would be the enforcing body of the DCO and may take separate enforcement action against the Applicant if it/its appointed contractor does not comply with the CTMP approved under Requirement 6, or any other approved DCO plan. The Applicant does not therefore consider it necessary to amend Requirement 6.
TT.2.10	Applicant	In response to GCT.1.9 of ExQ1, Network Rail	At Deadline 4 the Applicant included a commitment to update the
		confirmed that it no longer has an objection to the	Outline CTMP and Outline DEMP, via the Environmental Statement
		proposed routes set out in the Outline CTMP, subject	Errata and Management Plans Proposed Updates [REP4-009], to engage

ExQ2	Question to	Question	Applicant's response
		to the Applicant modifying Requirements 5 and 6 to include consultation with the Network Rail abnormal movements team about abnormal loads and Network Rail Structures Asset Engineering team about any unusual requests, where applicable. Would the Applicant amend Requirements 5 and 6 to contain this obligation?	with Network Rail on the development of the final DEMP and CTMP. These updates have now been made, as reflected in the updated Outline CTMP (Document Reference 6.4.2.8, Revision 2), updated outline DEMP (Document Reference 6.4.2.7, Revision 2) and ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 3) submitted at Deadline 5. Those updates have been shared with Network Rail's representatives ahead of Deadline 5, and any subsequent agreement to the drafting of those provisions will be communicated when available.  The Applicant does not consider it necessary to amend the drafting of Requirement 5 and Requirement 6 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.
16. Wate	r Environment & Floo	d Risk	
WFR.2.1	Applicant	It is stated in Stockton on Tees BC's LIR that the proposed cable route around Carlton Village conflicts with an existing SuDS basin (see diagram showing its position in relation to the cable route on Page 21 of the LIR). Given the Applicant's response to this aspect of the LIR, would the Applicant amend Requirement 4 of the dDCO to include planned methods of avoiding the prevailing SuDs basins and if impossible, maintaining their functionalities?	As set out in the ES Errata and Management Plans Proposed Updates [REP2-012] submitted at Deadline 2, the Applicant has agreed with SBC to include a commitment to avoid the existing SuDs feature in Carlton Village at detailed design, and implement appropriate mitigation measures if it is unavoidable, which would secure the maintained functionality of the SuDS feature.  On review, given that this matter relates specifically to detailed design rather than the construction process, the Applicant has added a design parameter to Work No 5 in the Design Approach Document (DAD) (Document Reference 7.2, Revision 3) to secure this measure through the detailed design to be approved under Requirement 3. This states: If the cable goes off-road to the south of Carlton as shown on Sheet 12 of 13 of the Works Plans [CR1-003], the route would avoid the existing SuDS feature / attenuation pond located to the south east of Geveland Drive.  The Applicant does not consider it necessary to amend the drafting of Requirement 4 and refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents.

ExQ2	Question to	Question	Applicant's response
WFR.2.2	Applicant	Paragraph 4.8.1 of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [Rep2- 013] mentions that the production of a Construction Surface Water Management Plan (CSWMP) will be secured via Requirement 4 of the Development Consent Order (DCO). Would the Applicant explain why this has not been included in Requirement 4 of the dDCO?	The Applicant refers the ExA to its response to BIO2.2 relating to DCO drafting and control documents. The production of a CSWMP is provided under commitment HFR2-CEMP of the Outline CEMP (Document Reference 6.4.2.6, Revision 2) and is therefore already secured under Requirement 4 of the DCO.
WFR.2.3	Applicant	Concerns had been raised by residents living within 100metres of the proposed substation in Panel Area C that the area around the north-eastern end of the proposed substation, where the panels will start 3.6metres from the hedge line, is prone to flooding and that the previous owner of the land holding Panel C had made a trench from the flooded area into the residents' land, which resulted in the flood from this panel area pouring into their stream and subsequently entering their land drain. The ExA did observe flooded spot in Panel Area C and the consequential flooded part of the land in the boundary of the dwelling Carr House abutting the southern periphery of Panel Area C during the USI conducted on 17 October 2024. Would the Applicant confirm what mitigation actions would be put into place to eliminate the existing flooding in Panel Area C and manage the flow of water from the pipeline in Panel Area C into the watercourse in Carr House, with a view to avoiding or minimising flooding from the Order Limits onto the neighbouring Carr House?	The Applicant clarifies that there would not be residents within 100m of the proposed on-site substation; the closest distance from the nearest residential property to the proposed substation approximately 350m. The mitigation for surface water run-off for solar panels is the maintenance of vegetation under and around the panels as described in the Flood Risk Assessment [REP2-013]. The substation will be surrounded by a clean stone apron, which will help with any localised wetter areas immediately adjacent to the substation.  It's not clear from the description the precise location of the trench in question. However, the Applicant can commit to reviewing the location once confirmed as part of detailed design, through an update to the Landscape and Ecology Management Plan which will produced at that time. It is important to note that there will only be a small amount of land in the general area which the Applicant will have temporary rights over during construction and operation, and so any enhancements made to this area may need to be returned to the existing situation during the decommissioning stage.  It should also be noted that a minimum 5m buffer is specified between the edge of the panels and the hedge line, as secured via the outline Landscape and Ecology Management Plan [APP-118] and Requirement 12 of the DCO.

## 3. Applicant's response to ExA's comments on draft DCO [PD-010]

3.1.1. The Applicant's responses to the Examining Authority's (ExA) Commentary on the draft Development Consent Order [PD-010] for Byers Gill Solar (the Proposed Development) are set out in Table 1-1 below.

3.1.2. Table 3-1 reproduces relevant extracts from the ExA's track-change dDCO together with the ExA's commentary and the Applicant's response.

Table 3-1 Applicant's responses to the ExA's Commentary on the draft Development Consent Order

Extract of the dDCO / ExA's Tracked-change	ExA's Comment	Applicant's Response
Part 5 (Powers of Acquisition)	Commented [A1]: Shouldn't the Applicant include an article on	Article 30 (Temporary use of land for carrying out the authorised development) is included in Part 5 of the dDCO. Article 30 allows the
The ExA's comment applies to the title of Part 5.	Temporary Use of land for constructing the authorised development?	undertaker to enter on and take temporary possession of the land identified in Article 30(1)(a) and carry out the activities set out in subparagraphs (1)(b) to (1)(f), subject to the remaining provisions of the Article.
		The Applicant refers to its responses to ExQ2 DCO.2.1 and DCO.2.5 which also relate to Article 30.
		The Applicant confirms that Article 30 provides adequate authority for the Applicant to temporarily possess land for the purpose of constructing the Proposed Development.
Article 28(5)(b) (Modification of Part 1 of the Compulsory Purchase Act)	No comment provided – but refer to ExA proposed tracked change in the left-hand column.	The Applicant clarifies that the drafting which appears following "(b) after paragraph 29 insert – " is wording which is to be read into Schedule 2A of the Compulsory Purchase Act 1965 and, as such, the
(5) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—		heading "PART 4 INTERPRETATION" is numbered to accord with the Parts of that Section.
(a) For paragraphs 1(2) and 14(2) substitute—		The words "PART 4 INTERPRETATION" do not indicate a new Part within the drafting of the Byers Gill Solar dDCO and as such the

Extract of the dDCO / ExA's Tracked-change	ExA's Comment	Applicant's Response
"(2) But see article 25(3) (acquisition of subsoil only) of the Byers Gill Solar Order 20[•], which excludes the acquisition of subsoil only from this Schedule"; and		track-change is not appropriate. The subsequent re-numbering of Parts within the ExA's Commentary on the dDCO are likewise unnecessary.
(b) after paragraph 29 insert—		
"PART <u>6</u> 4 INTERPRETATION		
30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 19 (protective works to buildings), article 30 (temporary use of land for carrying out the authorised development) or article 31 (temporary use of land for maintaining the authorised development) of the Byers Gill Solar Order 20[•].".		
Article 35 (Removal of Human Remains)	Commented [A2]: The ExA suggests that there is no evidence of	The Applicant confirms that the effect of Article 35 is to replace the existing and disparate regimes for regulating the removal of human
The entirety of Article 35 is <del>deleted</del> .	need for this article as no human remains are likely to be disturbed.	remains and consolidate the applicable provisions in a single article in the Order.
		It is required by the Applicant to ensure that any archaeological remains are recovered appropriately without causing unacceptable delay to the implementation of the Proposed Development.
		Whilst the Applicant acknowledges that it is not currently aware of any human remains within the Order limits, this Article is appropriately included on a precautionary basis.

Extract of the dDCO / ExA's Tracked-change	ExA's Comment	Applicant's Response
		As noted in the Explanatory Memorandum [CR1-015], Article 35 is
		substantially in the form included in several recent DCOs, also
		including the Cottam Solar Project Order 2024.
Article 44 (Crown Rights)	Commented [A3]: Question	The Applicant refers to its response to ExQ2 CA.2.1. The Applicant
	(ExQ2) has been asked of the	is keeping the position in relation to the single plot 12/30 under
The ExA's comment applies to the whole Article	Applicant to Crown Land. This Art	review. In any event, this common Article would have the effect of
without track-changes.	might require redrafting.	confirming the underlying position that the Applicant could not exercise powers of compulsory acquisition against any Crown
		interest without the consent of the relevant party identified within
		this Article.
Paragraph 1, Schedule 1 (Authorised	Commented [A4]: Unprecise	Limbs (a) and (c) of the definition are substantially in accordance with
Development)	wording in relation to electrical	the definition of "electrical cabling" provided in the Mallard Pass Solar
	cables and also does not correspond	Farm Order 2024 and the Gate Burton Energy Park Order 2024. The
"electrical cables" means—	to the wording in the "Works".	Applicant has included limb (b) in order to make it clear that where
	electricity distribution/transmission	works involving electrical cables appear in the individual Work Nos
(a) cables of differing types and voltages	cabling should be defined as	(Work No.3 and Work No.5), those excavations and storage works
installed for the purposes of conducting	separate from other "electrical	are also permitted.
electricity, auxiliary cables, cables connecting to	cables" either here or in Part 1	
direct current (DC) boxes, earthing cables and	Preliminary.	The Applicant considers that the definition of "electrical cables" is
optical fibre cables;		consistent with the wording in the Works descriptions. The drafting
		in the definition of the term "electrical cables" is not repeated in
(b) excavations to install trenching, including		those descriptions, but is incorporated through this defined term.
storage of excavated material;		The definition is drafted in generic terms and the distinction between
		33kV cables (required to connect the inverters and switchgear, and
(c) provision of ducting or alternative means of		to connect the switchgears to the on-site substation) and 132kV
conducting media including jointing pits		cables (required to connect the on-site substation to the substation
hardstanding adjoining the jointing pits,		at Norton) is set out within the descriptions of Work No. 3 and
combiner boxes, fibre bays, cable ducts, cable		Work No. 5. This aligns with the drafting approach taken in the
protections, joint protection, manholes, kiosks,		recently granted solar DCOs noted above.
marker posts, underground cable marker, tiles		T. A. II
and tape, send and receive pits for horizontal		The Applicant considers that definitions of "distribution cabling" or
directional drilling, trenching, lighting, and a		"transmission cabling" cabling are not relevant to the Proposed

Extract of the dDCO / ExA's Tracked-change	ExA's Comment	Applicant's Response
put or container to capture fluids associated		Development, which does not involve carrying out works to
with drilling;		electricity distribution or transmission networks. The Proposed
		Development connects to the distribution network at the Norton
		substation, but has no direct connection to the transmission network.
Work No. 2(b), Schedule 1 (Authorised	In relation to "auxiliary	The Applicant respectfully submits that separate definitions of
Development)	transformers"-	"auxiliary transformers" and "associated bunding" are unnecessary
		and the meaning of the wording requires no further clarification for
Work No. 2 – a battery energy storage system	Commented [A5]: Should be	the purpose of the dDCO.
comprising—	defined Under Schedule 1.	
		The term "transformer" is expressly defined in paragraph 1 of
(b) auxiliary transformers and associated bunding;	In relation to "associated bunding"	Schedule 1 and "auxiliary" is included as an adjective in Work No.
	-	2(b) only to describe the transformers in connection to the battery
		energy storage system, which is the summary work description.
	Commented [A6]: Should be	
	defined Under Schedule 1, either	The term "bunding" is not expressly defined in the dDCO because it
	separately or in conjunction with	has a well-established technical meaning and "associated" is included
	"auxiliary transformers"	as an adjective in Work No. 2(b) only to describe the bunding in
		connection with the auxiliary transformers. Express definitions of
		"bunding" are not included in the recently granted solar DCOs.
		Exact details of the auxiliary transformers and associated bunding will
		appropriately be submitted with the detailed design pursuant to
		Requirement 3 of the dDCO.
Work No. 2(c), Schedule 1 (Authorised	In relation to "ancillary equipment"	The Applicant respectfully submits that a separate definition of
Development)	-	"ancillary equipment" is unnecessary and the meaning of the wording
		requires no further clarification for the purpose of the dDCO.
Work No. 2 – a battery energy storage system	Commented [A7]: Should be	
comprising—	defined Under Schedule 1.	The wording is intended to capture any equipment which is ancillary
		- that is, necessary to support - the items listed in Work No. 2(c)
		being inverters, switch gear and transformers, each of which are
		expressly defined in the paragraph 1 of Schedule 1. Exact details of

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Extract of the dDCO / ExA's Tracked-change	ExA's Comment	Applicant's Response
(c) power conversion system units including inverters, switch gear, transformers and ancillary equipment;		the ancillary equipment will appropriately be submitted with the detailed design pursuant to Requirement 3 of the dDCO.
		The term is also used but not expressly defined within the Mallard Pass Solar Farm Order 2024 and the Gate Burton Energy Park Order 2024.
Work No. 3(c), Schedule 1 (Authorised Development)	In relation to "other means of enclosure" -	The Applicant respectfully submits that a separate definition of "other means of enclosure" is unnecessary and the meaning of the wording requires no further clarification for the purpose of the dDCO.
Work No. 3 – works including—  (c) fencing, gates, boundary treatment and other means	Commented [A8]: Unprecise wording. Should be defined under Schedule 1 or Part 1 Preliminary, or	The Applicant confirms that Requirement 16 (Fencing and other means of enclosure) of the dDCO will require the Applicant to submit
of enclosure;	reference to where these are specified (LEMP)	for approval by the relevant planning authority written details of all proposed permanent and temporary fences, walls or other means of enclosure for each phase of the Proposed Development.
		The Applicant notes that "other means of enclosure" is included in the drafting of the recently granted solar DCOs without express definition.
		The Applicant submits that Requirement 16 provides adequate control over the final details of any "other means of enclosure".
Requirement 13(2) (Implementation and	No comment provided.	The Applicant refers to its response to ISH4-01 in the Response to
maintenance of landscaping), Part 1, Schedule 2 (Requirements)		Hearing Action Points (Document Reference 8.20) submitted at Deadline 5. Requirement 13(1) requires that "all landscaping works must be carried out in accordance with the LEMP approved under
(2) Any tree or shrub planted or used as part of an		requirement 12 (landscape and ecological management plan)". The
approved landscaping management scheme that, within		Outline LEMP (Document Reference 6.4.2.14, Revision 2) has been
a period of five years after planting, is removed, dies or		updated at paragraph 8.2.3 to more explicitly commit to replacing any
becomes, in the opinion of the relevant planning		existing planting, relied upon for mitigation, that is damaged, diseased
authority, seriously damaged or diseased must be replaced in the first available planting season with a		or removed/dead within 5 years of operation. On that basis, the

Extract of the dDCO / ExA's Tracked-change	ExA's Comment	Applicant's Response
specimen of the same species and size as that originally		Applicant respectfully submits that no amendment of Requirement
planted.		13(2) is necessary.

Appendix A – Photomontage at Oat Hill Farm (LSV.2.2)



Date	By	
November 2024	DT	
Image Size	QA	
820 x 251mm	JM	
Paper Size	Rev	
840 x 297mm	-	
0179-residential-montage		

This visualisation is a cylindrical projection panorama; It provides landscape and visual context only.
 All directions given as bearings relative to Grid North (BNG).

Viewpoint Information: Grid Reference:
Ground Height:
Direction of Centre of View: <sup>2</sup>
Horizontal Field of View:
Vertical Field of View:
Viewing Distance:

431782E 522227N 108m AOD 90°

Photography Information: Camera: Lens: Camera Height: Photography Date: Photography Time: Enlargement Factor:

Sony DSC 50mm Fixed Focal Length 1.5m 13/09/2023 09:10 approx. 96%



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Oathill Farm **Existing View** 



Date	By	
November 2024	DT	
Image Size	QA	
820 x 251mm	JM	
Paper Size	Rev	
840 x 297mm	-	
0179-residential-montage		

This visualisation is a cylindrical projection panorama; It provides landscape and visual context only.
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