

**Byers Gill Solar
EN010139**

8.20 Response to Hearing Action Points

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 8

Deadline 5 – November 2024

Revision C01



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1. Introduction

1.1. Purpose of this document

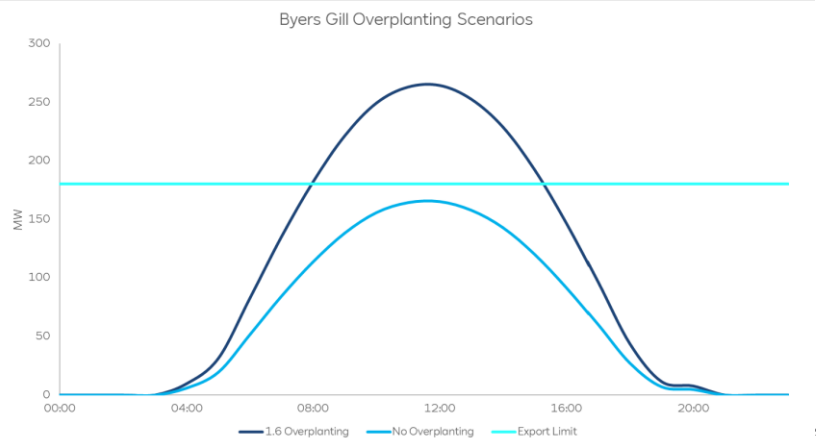
- 1.1.1. This document provides responses from RWE (the Applicant) to Action Points made during the hearings held for the Examination of Byers Gill Solar (the Proposed Development) on 15 and 16 October 2024. The hearing Action Points were published by the Examining Authority (ExA) on 23 October 2024.
- 1.1.2. These Action Points published comprised:
- Issue Specific Hearing (ISH) 2 on Environmental Matters [EV10-006]
 - Principle of the Proposed Development
 - Historic Environment
 - ISH3 on Environmental Matters [EV11-006]
 - Traffic and Transport
 - Water Environment and Flood Risk
 - ISH4 on Environmental Matters [EV12-008]
 - Landscape and Visual
 - Development Consent Order
 - Compulsory Acquisition Hearing (CAH1) [EV9-004]
 - the Applicant's overall case for Compulsory Acquisition and Temporary Possession and site/plot specific issues
- 1.1.3. Most Action Points were identified for completion at Deadline 5 and are therefore included in this document. Where an Action Point was due for completion at Deadline 4, this document provides a reference for the submission at Deadline 4 which fulfilled the Action Point.

2. Applicant’s Response to Hearing Action Points

2.1.1. Table 2-1 provides the Applicant’s responses to hearing action points provided during ISH2, ISH3, ISH4 and CAH1.

Table 2-1 Applicant responses to hearing action points

Ref	Action	Party	Deadline	Applicant’s response
Issue Specific Hearing 2 [EV10-006]				
ISH2-01	Applicant to clarify the calculation of the acre-per-MW ratio of the Proposed Development, noting that the Energy Generation and Design Evolution Document [REP2-010] states a figure of 2.5acres/MW(DC) and the ExA calculated a figure of 2.56acres/MW(DC).	Applicant	D5	The calculation in the Energy Generation and Design Evolution Document [REP2-010] can be expressed as a figure of 2.56 acres. It should be noted that this is a high level calculation in line with the definition in NPS EN-3. It merely states the generation of the project in DC compared to the area of land taken within the fenceline of the areas containing solar panels. It does not take account of factors such as the size of the buffer of the panels from the fence and exclusion of panels within fencelines e.g. for utilities. The calculation has been provided as a guideline for comparison against definitions in NPS EN-3 only.
ISH2-02	Applicant to submit a written explanation providing: <ul style="list-style-type: none"> ▪ industry-based evidence for the proposed overplanting ratio of 1.6; ▪ justification for the Applicant’s use of the 1.6 figure (rather than 1.0) as the baseline for the land take analysis and explanation of what the 1.0 represents in relation to energy generation from the Proposed Development; ▪ the estimated number of solar panels required for the Proposed Development (including by reference to a range, as appropriate); and 	Applicant	D5	<p>Paragraph 3.10.46 of the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3), and Footnote 84 to that paragraph, describes “Overplanting” as “the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator’s grid connection”.</p> <p><u>Industry based evidence</u></p> <p>The Applicant cannot comment on other solar developers approaches, there is no industry standard as each developer will propose their own methods to maximise the utilisation of the grid. All solar farms require overplanting in order to meet the grid connection capacity.</p> <p><u>Justification for the use of 1.6 rather than 1.0 as the baseline for the land take analysis</u></p> <p>The capacity factor of the proposed development represents the utilisation of the grid connection. The greater the capacity factor the more the grid connection is being utilised. As stated in paragraph 3.1.14 of the Energy Generation and Design Evolution Document</p>

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	<ul style="list-style-type: none"> how the proposed number of panels required for the Proposed Development is linked to the proposed land take. 			<p>[REP2-010] we explain why a baseline of 1.0 would fail to utilise the full grid connection. This paragraph is reproduced below for ease of reference:</p> <p>Paragraph 3.1.14: “As shown in the diagram below, the 1.0 overplanting scenario doesn’t reach the export capacity even on an “ideal” day across the life of the scheme due to the factors in paragraph 3.1.10, meaning there would be no excess energy to be stored in the BESS.</p>  <p>In summary, if a baseline of 1.0 was used, this would generate approximately 157MW AC which is 23MW AC short of the grid connection capacity. That generating capacity would be at the peak level of generation for a short period of the day in ideal generating conditions.</p> <p>Figure 1.1: Capacity Factor below shows the increase in capacity factor for overplanting ratios from 1.0 to 1.8. It shows that the capacity factor increases with each overplanting scenario.</p> <p>The solid line shows the trajectory of increased capacity for each overplanting scenario taking into account losses in yield that increase in proportion to greater overplanting. These are known as “clipping” losses, where yield is reduced as the on-site inverters or grid connection cannot accept electricity generated by the increased number of panels.</p>

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				<p>Figure 1.1 does not take account of the co-located BESS on the Proposed Development which would reduce these clipping losses, therefore the graph represents a worst case scenario for the Proposed Development (i.e. no BESS is installed and therefore greater clipping losses). The dashed lines show the theoretical increase in capacity factor for the overplanting ratios if there were no losses due to clipping, and are illustrative.</p> <p>The graph also sets out a comparison of the capacity factor and overplanting ratio at Year 1, Year 20, and Year 40 of the Proposed Development. The deviation of the solid line from dashed line on the Year 1 graph compared to Year 40 reduces as the system ages due to the degradation of the modules, effectively reducing the overplanting of the system and thus the clipping losses.</p> <p>In Year 1, the capacity factor increases linearly up until approximately a 1.4 overplanting ratio. From 1.4 to approximately 1.6, the capacity factor starts to deviate slightly from the dashed line due to the introduction of clipping losses. After 1.6 the deviation becomes much more significant.</p> <div data-bbox="1115 842 1910 1385" style="text-align: center;"> <p>The graph, titled "Capacity Factor", plots Capacity Factor [%] on the y-axis (ranging from 10.0% to 20.0% in 1.0% increments) against Over-install [MWdc/MWac] on the x-axis (ranging from 1.0 to 1.8 in 0.1 increments). Three data series are shown: Year 1 (blue solid line), Year 20 (orange solid line), and Year 40 (grey solid line). For each year, a corresponding dashed line represents the theoretical capacity factor without clipping losses. The Year 1 solid line follows the dashed line until approximately 1.4 overplanting ratio, then deviates downwards. The Year 20 and Year 40 solid lines follow their respective dashed lines more closely, indicating that clipping losses are reduced as the system ages.</p> <table border="1"> <caption>Approximate data points from the Capacity Factor graph</caption> <thead> <tr> <th>Over-install [MWdc/MWac]</th> <th>Year 1 Capacity Factor [%]</th> <th>Year 20 Capacity Factor [%]</th> <th>Year 40 Capacity Factor [%]</th> </tr> </thead> <tbody> <tr> <td>1.0</td> <td>11.2</td> <td>10.5</td> <td>10.0</td> </tr> <tr> <td>1.1</td> <td>12.5</td> <td>11.5</td> <td>11.0</td> </tr> <tr> <td>1.2</td> <td>13.8</td> <td>12.5</td> <td>12.0</td> </tr> <tr> <td>1.3</td> <td>15.1</td> <td>13.5</td> <td>13.0</td> </tr> <tr> <td>1.4</td> <td>16.4</td> <td>14.5</td> <td>14.0</td> </tr> <tr> <td>1.5</td> <td>17.7</td> <td>15.5</td> <td>15.0</td> </tr> <tr> <td>1.6</td> <td>19.0</td> <td>16.5</td> <td>16.0</td> </tr> <tr> <td>1.7</td> <td>20.3</td> <td>17.5</td> <td>17.0</td> </tr> <tr> <td>1.8</td> <td>21.6</td> <td>18.5</td> <td>17.5</td> </tr> </tbody> </table> </div>	Over-install [MWdc/MWac]	Year 1 Capacity Factor [%]	Year 20 Capacity Factor [%]	Year 40 Capacity Factor [%]	1.0	11.2	10.5	10.0	1.1	12.5	11.5	11.0	1.2	13.8	12.5	12.0	1.3	15.1	13.5	13.0	1.4	16.4	14.5	14.0	1.5	17.7	15.5	15.0	1.6	19.0	16.5	16.0	1.7	20.3	17.5	17.0	1.8	21.6	18.5	17.5
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				<p>Figure 1.1: Capacity Factor</p> <p>Figure 1.1 therefore demonstrates that the proposed 1.6 overplanting is necessary to secure the best available capacity factor needed to achieve optimal use of the grid connection before the benefits of overplanting would be reduced by losses in yield due to clipping. These clipping losses would be reduced by the use of BESS as part of the Proposed Development. An overplanting ratio of 1.6 also maximises capacity factor over the life of the Proposed Development.</p> <p><u>Estimated number of solar panels required for the Proposed Development</u></p> <p>Based on the current design, the Proposed Development would require 505,386 individual panels.</p> <p>Footnote 92 of NPS EN-3 states that a typical 50MW solar farm should require 100,000 – 150,000 panels; it has been assumed this is referring to AC capacity of the project though this is not confirmed in the policy. 150,000 panels for a 50MW solar farm equals 3000 panels per megawatt. For the Proposed Development in the current design this would equal 2,807 panels per megawatt.</p> <p><u>Relationship between the proposed number of Panels the required land take</u></p> <p>There is no direct correlation between the number of panels proposed and the required land. This is due to variables such as the height of the panels or pitch between the panel rows and which configuration of these would provide the greatest yield. For example, a greater pitch requiring more land would provide greater yield.</p> <p>Equally, there is no direct correlation between the overplanting ratio and the required land take because a lower overplanting ratio would still require increased land in order to increase pitch and yield and retain energy generation when compared to a design with more panels and greater overplanting ratio. Additionally, reducing the overplanting does not reduce the amount of electrical and grid infrastructure required (inverters, switchgear, substations, etc.), further emphasizing the disconnect between overplanting ratio and land take.</p> <p>For the Proposed Development, a 1.0 overplanting ratio would require 30% less land. This was calculated by removing panel areas to deliver a 180 MW DC output and</p>

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				<p>retaining the Order Limits that would still be required for associated infrastructure which doesn't reduce as a result of removing these panel areas. It is an important to note that this was an approximate calculation not based on the same level of design and modelling that underpins the design that has been applied for, as no solar farm would ever be designed with a 1.0 ratio.</p> <p>As explained in the Energy Generation and Design Evolution Document [REP2-010] a design below the ratio of 1.6 overplanting would not maximise the grid connection capacity, a position which is contrary to the urgent need for the Proposed Development, as demonstrated by its Critical National Priority (CNP) status under NPS EN-3.</p> <p>The Applicant notes the reasoning of the Inspector for the Longhedge Appeal [APP/P3040/W/23/3330045]. This appeal has been allowed in favour of the applicant in that case. In that interpretation of Footnote 92 of NPS EN-3, the Inspector reasoned that "If overplanting is acceptable to address degradation to enable the grid connection to be maximised for the duration of the development, there would seem to be similar advantage in permitting additional overplanting to maximise utilisation of the available grid connection by exporting at the maximum export capacity permitted for the optimal proportion of time for that particular scheme. I do not read Footnote 92 as a policy limitation restricting overplanting solely to compensation for the degradation of panels over time. Such an interpretation would be at odds with the overall policy support for the generation of renewable energy."</p> <p>In this case, the Inspector did consider that there was a likely high ratio of MW DC compared to the export capacity, and concluded that "it seems to me that the optimal level of clipping for the scheme would be a commercial decision for the developer. It is not necessary to know in advance the precise MWh that the appeal scheme would be likely to generate, particularly as this would depend upon a number of factors, including the weather. Overplanting to optimise renewable energy generation from the proposed solar farm would not result in any conflict with relevant policy."</p>
ISH2-03	Mr Andrew Anderson to submit his questions to the ExA in writing regarding the Applicant's site selection process, the consideration	Andrew Anderson BVAG	D4	

Ref	Action	Party	Deadline	Applicant's response
	of alternative locations, and co-location of solar panels with agricultural land use.			
ISH2-04	Applicant to respond to questions submitted at Deadline 4 by Andrew Anderson.	Applicant	D5	No questions have been received at Deadline 4 from Andrew Anderson.
ISH2-05	Applicant to confirm if, in relation to Cultural Heritage and Archaeology as set out in ES Chapter 8 [APP-031], the ExA should interpret the Applicant's assessment of "negligible effect" as meaning "no effect" across the whole ES as it relates to cultural heritage and archaeology assets? And if not, then can the Applicant please amend the ES in order to make it clearer where a "negligible effect" has been identified rather than "no effect"?	Applicant	D5	The Applicant can confirm that in relation to the assessment presented in ES Chapter 8 Cultural Heritage and Archaeology [APP-031] in all instances, where a Negligible Effect is reports, this equates to No Effect.
ISH2-06	Applicant to confirm, with reference to examples, whether the Applicant's methodology for assessing the significance of effect (as set out in Table 8-4 of ES Chapter 8 [APP-031]), particularly the inclusion of "no harm" within the category of "negligible effect", is common practice.	Applicant	D5	<p>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] also either removes any harm from direct impacts by using ballast foundations or reduces that harm through the use of preservation by record which 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.</p> <p>This methodology is adapted for Historic Environment Assessments from the standard IEMA methodology and the DMRB methodology through best practice, experience and</p>

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				<p>professional judgement and has been used across a number of projects including two DCO projects currently within the examination process:</p> <ul style="list-style-type: none"> ▪ Immingham Ro-Ro Terminal Document Chapter 15 - Cultural Heritage and Marine Archaeology [APP-021] .This includes an on-shore settings assessment. ▪ Five Estuaries Offshore Wind Farm - Chapter 7 Archaeology and Cultural Heritage [APP 089]. This includes an assessment of impacts on onshore archaeology and designated heritage assets. <p>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 Scoping with relevant consultees, including Historic England, the County Archaeologist and the Planning Inspectorate.</p>
ISH2-07	Darlington Borough Council (DBC) and Historic England (HE) are asked to comment on the suitability of the Applicant's approach in relation to its use of "negligible effect" as discussed at this Hearing.	Darlington Borough Council and Historic England	D5	
ISH2-08	Historic England to confirm whether Historic England have reviewed the final off-road cable route (as the preferred option for the Applicant) and have any further concerns.	Historic England	D5	
Issue Specific Hearing 3 [EV11-006]				
ISH3-01	Applicant to provide evidence to support the Applicant's assumption (within the outline Construction Traffic Management Plan (oCTMP))	Applicant	D5	As there are no established trip rates or surveys to inform trip generation forecasts for Solar Farm construction sites, the transport analysis was based on a first principles approach, which commenced with research into other Solar Farm developments.

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	<p>(Document Reference 6.4.2.8, Rev 2)) that construction staff will access the site using vehicles with an average occupancy of 7-persons, and consider including within the oCTMP:</p> <ul style="list-style-type: none"> ▪ initiatives for shared transport by construction workers to and from the site; and ▪ vehicle occupancy surveys to substantiate the forecasted vehicular traffic and as a measure to monitor compliance. 			<p>As part of the initial research, a repository of other Solar Farm development sites was developed by the Applicant to inform the transport strategy. The repository includes information on scale of development, traffic forecasts and methods of traffic management. The proposed use of minibuses to transport staff to/from site has been informed by the methods used to construct other solar farm sites in the UK. This approach is detailed in the Outline Construction Traffic Management Plan (oCTMP) (Document Reference 6.4.2.8, Revision 2).</p> <p>The table below is an extract from our research repository. The table shows a number of sites that have gone through the DCO process, and those in the Local Planning system, that propose the use of shared transport / minibuses to transport construction workforce to / from the site in the CTMP. This indicates there is a precedent for construction workforce to travel to / from Solar Farm developments by shared transport and that the requirement to use shared transport is controlled through the CTMP.</p> <table border="1" data-bbox="1095 715 2040 1402"> <thead> <tr> <th data-bbox="1095 715 1382 919">Development Name</th> <th data-bbox="1382 715 1561 919">Scale of Application</th> <th data-bbox="1561 715 1816 919">Status</th> <th data-bbox="1816 715 2040 919">Use of shared transport / minibus for construction workforce?</th> </tr> </thead> <tbody> <tr> <td data-bbox="1095 919 1382 976">Gate Burton</td> <td data-bbox="1382 919 1561 976">DCO</td> <td data-bbox="1561 919 1816 976">Decided - Granted</td> <td data-bbox="1816 919 2040 976">Yes</td> </tr> <tr> <td data-bbox="1095 976 1382 1034">Sunnica Energy Farn</td> <td data-bbox="1382 976 1561 1034">DCO</td> <td data-bbox="1561 976 1816 1034">Decided - Granted</td> <td data-bbox="1816 976 2040 1034">Yes</td> </tr> <tr> <td data-bbox="1095 1034 1382 1091">Longfield Solar Farm</td> <td data-bbox="1382 1034 1561 1091">DCO</td> <td data-bbox="1561 1034 1816 1091">Decided - Granted</td> <td data-bbox="1816 1034 2040 1091">Yes</td> </tr> <tr> <td data-bbox="1095 1091 1382 1197">Mallard Pass Solar Farm</td> <td data-bbox="1382 1091 1561 1197">DCO</td> <td data-bbox="1561 1091 1816 1197">Decided - Granted</td> <td data-bbox="1816 1091 2040 1197">Yes</td> </tr> <tr> <td data-bbox="1095 1197 1382 1254">Little Crow Solar</td> <td data-bbox="1382 1197 1561 1254">DCO</td> <td data-bbox="1561 1197 1816 1254">Decided - Granted</td> <td data-bbox="1816 1197 2040 1254">Yes</td> </tr> <tr> <td data-bbox="1095 1254 1382 1311">Cottam Solar</td> <td data-bbox="1382 1254 1561 1311">DCO</td> <td data-bbox="1561 1254 1816 1311">Decided - Granted</td> <td data-bbox="1816 1254 2040 1311">Yes</td> </tr> <tr> <td data-bbox="1095 1311 1382 1402">West Burton Solar</td> <td data-bbox="1382 1311 1561 1402">DCO</td> <td data-bbox="1561 1311 1816 1402">– Decision-making +</td> <td data-bbox="1816 1311 2040 1402">Yes</td> </tr> </tbody> </table>	Development Name	Scale of Application	Status	Use of shared transport / minibus for construction workforce?	Gate Burton	DCO	Decided - Granted	Yes	Sunnica Energy Farn	DCO	Decided - Granted	Yes	Longfield Solar Farm	DCO	Decided - Granted	Yes	Mallard Pass Solar Farm	DCO	Decided - Granted	Yes	Little Crow Solar	DCO	Decided - Granted	Yes	Cottam Solar	DCO	Decided - Granted	Yes	West Burton Solar	DCO	– Decision-making +	Yes
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East Yorkshire Solar Farm	DCO	Examination	Yes																													
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				<p>The detailed measures for the travel arrangements for the construction workforce and parking provision will be agreed through the updated CTMP which, as secured via requirement 6 of the draft DCO, will be produced following appointment of the Principal Contractor (PC). These detailed arrangements will need be agreed with the Highway Authorities prior to commencement of construction. Measures to ensure compliance and enforcement are outlined in the CTMP, and adherence to agreed working practices will be the responsibility of the Principal Contractor. The CTMP will form part of the contract with the Principal Contractor and must be adhered to as part of that contract. Reflecting the discussion at the hearing and the hearing action point, the Applicant has added a commitment to monitor vehicle occupancy to paragraph 5.3.13 of the oCTMP (Document Reference 6.4.2.8, Revision 2) submitted at Deadline 5.</p>																												

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ISH3-02	Applicant to liaise with Darlington Borough Council ("DBC") and clarify to the ExA the Applicant's proposed commitment in the oCTMP (Document Reference 6.4.2.8, Rev 2) (included within the Environmental Statement Errata and Management Plans Proposed Updates (Document Reference 8.11, Rev 3)) for the Applicant to carry out pre-commencement condition surveys of the proposed construction traffic routes and rectify any relevant damage.	Applicant and DBC	D5	The Applicant is willing to commit to undertaking pre-commencement condition surveys and regular inspections of the HGV routes to site. The outline CTMP (Document Reference 6.4.2.8, Revision 2) will be updated to include this requirement, alongside a commitment for the Principal Contractor to advise DBC of any deterioration of the HGV routes attributable to the actions of the undertaker, and to resolve any damage either through payment of reasonable and proportionate compensation, or through acting as DBC's agent to rectify the highway directly. This is set out in the ES Errata and Management Plans Proposed Updates submitted at Deadline 2 (Document Reference 8.11, Revision 3).																			
ISH3-03	Applicant to provide a breakdown of the proportion (as a percentage) of the Order limits located within each flood zone.	Applicant	D5	<p>The assessment of percentage areas is summarised in the table below.</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">Fluvial Flood Risk (AEP)</th> <th colspan="2">Pluvial Flood Risk (AEP)</th> </tr> <tr> <th>1.0%</th> <th>0.1%</th> <th>1.0%</th> <th>0.1%</th> </tr> </thead> <tbody> <tr> <td>Order Limit</td> <td>2.39</td> <td>2.66</td> <td>5.80</td> <td>9.98</td> </tr> <tr> <td>Fenceline</td> <td>1.55</td> <td>1.72</td> <td>2.15</td> <td>5.65</td> </tr> </tbody> </table> <p>1% AEP relates to the 1 in 100 year Flood Zone 3 and 0.1% AEP the 1 in 1000 year Flood Zone 2. Fenceline refers to the area of Proposed Development within the proposed fenced boundary, which is less than the area within the Order Limits.</p> <p>The table above has been included in section 3.6 of an updated Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1, Revision 5) which has been submitted at Deadline 5. This is where the Applicant's position on satisfaction of the Sequential and Exception Tests and the application of a sequential approach to placement of development within the site, is provided. Furthermore, the Planning Statement [APP-163] and and Policy Compliance Document [APP-164] set out how the Proposed Development is in accordance with the relevant national and local planning policy.</p>		Fluvial Flood Risk (AEP)		Pluvial Flood Risk (AEP)		1.0%	0.1%	1.0%	0.1%	Order Limit	2.39	2.66	5.80	9.98	Fenceline	1.55	1.72	2.15	5.65
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ISH3-04	Applicant to submit an updated Flood Risk Assessment which addresses DBC's comments regarding the community benefit of the exception test and include a technical note on the hydraulic modelling carried out and reviewed by the Environment Agency.	Applicant	D4	The Applicant submitted an updated Flood Risk Assessment and Drainage Strategy [REP4-004] and a technical note, Little Stainton Beck Hydraulic Modelling [REP4-013] at Deadline 4 as requested under this action point. As referred to in relation to ISH3-03 above, a further updated Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1, Revision 5) has been submitted at Deadline 5.
ISH3-05	Applicant to consider whether flood risk enhancement measures in addition to the proposed mitigation measures can be provided in existing buffer zones to reduce existing surface water flooding in the key areas identified in Mr Peter Wood's [RR-416] submissions.	Applicant	D5	<p>Mr Woods note refers to 4 locations in and around Bishopton that experience highway flooding. As described in the hearing, the scheme addresses and mitigates surface water run-off from the solar panels through management of vegetation and provision of buffer strips to ensure that the scheme does not worsen existing flooding problems. We have reviewed the potential for any further enhancements to help manage existing surface water run-off problems at the locations highlighted by Mr Wood and summarise the outcome below:</p> <ol style="list-style-type: none"> 1. Mill Lane – there is a 60m wide buffer strip between the solar panel area F and Mill Lane. There is space to provide a swale (shallow storage ditch) and/or bund along the buffer to help retain surface water flows. The Applicant is committed to the provision of such an enhancement feature and will be designed during the detailed design phase, subject to agreement of the relevant local planning authority. This is committed to through a design parameter added to the Design Approach Document (Document Reference 7.2, Revision 3) submitted at Deadline 5. 2. Junction of Folly Bank Road and The Green – again swales and/or bunds could be provided in the wider buffer areas adjacent to panel areas E02 and E03 to help retain run-off. There is limited space immediately adjacent to Folly Bank Road, but more space to the north of E03. The Applicant is committed to the provision of such an enhancement feature and will be designed during the detailed design phase, subject to agreement of the relevant local planning authority. This is committed to through a design parameter added to the Design Approach Document (Document Reference 7.2, Revision 3) submitted at Deadline 5. 3. Junction with Redmarshall Road – a cable route only is proposed here and the land has to be restored to its existing state after the cable has been laid, so there is

Ref	Action	Party	Deadline	Applicant's response
				<p>limited potential to create additional enhancement measures to help with existing flooding problems.</p> <p>4. Just 100m south of point (3) - Junction with Redmarshall Road, again limited scope to provide additional enhancement measures.</p>
ISH3-06	Applicant to clarify to the ExA and make any necessary updates to the measures within the outline Landscape and Ecology Management Plan (oLEMP) [APP-118] which are responsive to flooding issues during the operation of the Proposed Development (for example, to ensure the proposed vegetation mix functions as intended).	Applicant	D5	The Applicant clarifies that the proposed mix of grass and legumes in the oLEMP (Document Reference 6.4.2.14, Revision 2) would provide a dense vegetation surface and would function as intended. The proposed seed mix also accounts for biodiversity net gain and would, when sown and managed correctly as per the measures in the oLEMP, provide a dense sward suitable to mitigate run off as would any crop or grass field.
Issue Specific Hearing 4 [EV12-008]				
ISH4-01	Applicant to consider whether to amend requirement 13 of the dDCO (Implementation and maintenance of landscaping) to include an obligation for the Applicant to replace any existing hedging used as part of the oLEMP which dies or becomes seriously damaged or diseased.	Applicant	D5	The Requirement relates to 'all landscaping works' in the LEMP approved under Requirement 12'. On review, the Applicant has identified that there is not an explicit reference to replacement of existing vegetation which dies or becomes seriously damaged or diseased, although this was the intention. As such, the Applicant has updated the outline LEMP (Document Reference 8.6.2.14) at this deadline to make this specific commitment in paragraph 8.2.3. It is the Applicant's view that existing hedgerow which forms part of the approved landscape management scheme (Requirement 12) would therefore be covered within Requirement 13 and the requirement does not need updating.
ISH4-02	Applicant to clarify to the ExA how the usage of the public rights of way (PRoW) network has been considered by the Applicant to inform the baseline for the environmental assessment.	Applicant	D5	<p>As outlined in the Applicant's Response to the ExA's ExQ1 [REP2-007] (LSV1.8), the Applicant has not carried out user count surveys for the PRoW which interact with the Proposed Development.</p> <p>The baseline information was gathered using the relevant Local Planning Authorities' (LPAs) Definitive Maps which are publicly available and published online, through direct engagement with the LPAs PRoW officers and wider consultation.</p>

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				<p>PRoW user surveys would only provide data for a specific point in time (when the survey is undertaken) and wouldn't therefore necessarily present an accurate picture of usage across the network.</p> <p>Given that no PRoW would be permanently stopped up without re-provision as part of the Proposed Development, it was not considered proportionate to undertake user surveys. Collation of user data would not alter the sensitivity attributed to the various PRoW which cross the Proposed Development.</p> <p>ES Chapter 9 Land Use and Socioeconomics [APP-032] prescribes a medium sensitivity to the PRoW, owing to the fact that none identified are part of recognised regional or national trails. ES Chapter 7 Landscape and Visual [APP-030] also prescribes a medium sensitivity to the PRoW, noting that the magnitude of the effect from an amenity perspective is a different assessment to that carried out in ES Chapter 9 Land Use and Socioeconomics [APP-032] which seeks to assess the effect of the change of the routing and alignment of PRoW. The difference in magnitude of effect is how a difference in significance of effect are reported.</p> <p>Collation of user data would not impact on the overall magnitude of effect as reported within the ES Chapter 9 Land Use and Socioeconomics [APP-032] or ES Chapter 7 Landscape and Visual [APP-030]. As discussed within ISH 4 on Wednesday 16 October 2024, usage does not inform the judgements of sensitivity, magnitude or significance of visual effects on users of PRoW, as it is assumed that all routes are used.</p>
ISH4-03	Applicant to explore the possibility of further measures to enhancement the existing ProW network in the area of FP-GtStn.3.	Applicant	D5	<p>The ExA asked this question and indicated that the SoS would be looking for improvements to the PRoW network as compensation for significant adverse landscape and visual effects during a discussion in ISH4. The position of the Applicant remains that outlined during ISH4 that such effects cannot be compensated for as an equivalent view elsewhere cannot readily be created.</p> <p>Enhancements to the rights of way network are an entirely separate matter and relate to the improvement of public access as NPS EN-3 makes clear in two successive paragraphs (3.10.28 and 3.10.29), under the heading 'public rights of ways'. It firstly indicates that "Applicants are encouraged where possible to minimise the visual outlook from existing public</p>

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				<p><i>rights of way...</i>” and in the next paragraph adds that: “<i>Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way...</i>”.</p> <p>At no point is this latter aspect of the policy described as compensation for visual impacts, and the sections of NPS EN-3 which are about landscape and visual impact (3.10.84-3.10.92) and landscape and visual mitigation (3.10.122-124) maintain the separation between the two topics and make no reference to compensation or to improvements to PRow.</p> <p>Enhancements to the PRow network as part of the Proposed Development include the provision of circa 3,600m of permissive paths aimed at improving connectivity across the area, as well as the provision of interpretation at key locations along the PRow network which is subject to detailed design.</p> <p>Specifically in relation to FP-GtStn.3, a new permissive route is proposed connecting this footpath round to the southern edge of the village, allowing people to access the northern end of FP-GtStn.8 and head south without having to walk down the narrow roadside verge.</p> <p>As outlined in the Planning Statement [APP-163], it is considered that the Proposed Development is compliant with NPS EN-1, EN-3, DBC Local Plan policy IN1, DC3 and IN2, SBC Local Plan policy T11 and the County Durham Plan policy 26. These policies seek to establish the importance of retaining safe access to PRow, and opportunities to enhance and create new PRow should be maximised. Furthermore, NPS EN-3 paragraph 2.10.43 sets out the need to minimise the visual impact on PRow where possible, which the Proposed Development seeks to do via the proposed planting and screening as set out in ES Chapter 7 Landscape and Visual [APP-030] and secured via the Environmental Masterplan [CR1-006].</p>
ISH4-04	Applicant to clarify its approach to considering local character setting within the Design Approach Document [AS-004].	Applicant	D5	<p>DBC raised concerns in ISH4 that the character and setting of settlements had not been a key consideration from the outset of the design process for Byers Gill, mentioning that they would have expected to see that set out in the Vision and Objectives within the Design Approach Document (DAD) (Document Reference 7.2, Revision 3) for the project.</p>

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				<p>The DAD may not be structured in the way that DBC might have expected, but that does not mean that the village character and settings have not been key considerations in the design.</p> <p>The importance of the character and setting of the villages to the design is reflected in both the DAD and the Energy Generation and Design Evolution Document (EGDED) [REP2-010], as follows:</p> <ul style="list-style-type: none"> - DAD (para 6.1.2) – The first bullet point under the heading of ‘Overarching Design Objectives’ states “<i>Protect and enhance existing features characteristic of the local landscape character</i>” – This naturally includes the setting of the villages and their character, which are not separate from the local landscape character. - DAD (para 7.4.2) – the first bullet point under ‘Design Outcomes’ in relation to ‘landscape and Environmental design’ is “<i>Reductions to the extent of the Panel Areas to mitigate effects on villages and views from homes</i>”. - EGDED (Tables 4-1 and 4-2) – Table 4-1 sets out design changes made early in the design process, prior to scoping. The first design change described specifically related to the character and setting of Brafferton. As can be seen from the two tables, design changes 3, 5 (also made before scoping) and 14 relate to effects on Great Stainton. Thus consideration of settlement character and settings informed the design from the earliest stages – after site selection and before scoping – with further refinement later. <p>In summary, some of the earliest changes made to the design after the initial land assembly were specifically aimed at reducing effects on the villages and their settings.</p>
ISH4-05	DBC to provide examples of other Landscape and Visual Impact Assessments (LVIA) where landscape character setting of villages / settlements has been separately assessed.	DBC	D5	

Ref	Action	Party	Deadline	Applicant's response					
ISH4-06	Applicant to signpost to, or otherwise provide, a detailed explanation of the areas of disagreement with DBC regarding the Applicant's LVIA.	Applicant	D5	<p>The Applicant and DBC continue to engage and update the draft SoCG and both parties are aiming to provide an updated document at Deadline 6. The current areas of disagreement i.e. those not agreed or not likely to be agreed prior to the close of examination, in relation to the LVIA specifically, are as follows. It is anticipated that these positions will be updated in future iterations of the Darlington Borough Council Statement of Common Ground [REP4-015], following further engagement between the two parties.</p>					
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				<p>guidance, which advises that representative viewpoints should be selected to “represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ”. The Applicant has agreed to accommodate any supplementary viewpoints in an additional viewpoint analysis which can be provided to DBC, once DBC have identified which viewpoints they consider need adding based on the detailed landscape design. The Applicant does not consider that additional viewpoint analysis is necessary to assess the likely significant environmental effects of the scheme, which are adequately assessed through the ES.</p>
				<p>DBC is of the opinion that the appearance of the solar farms presented in the ES visualisations is not representative of the varied visual effects of solar panels normally observed in undulating topography in different light conditions. DBC has raised concerns that the majority of the visualisations are presented as separate wireframe and photographs which are difficult to interpret and therefore of limited use.</p>
				<p>DBC has not expressed concern relating to the use of wirelines in the LIR (or appendix DBC2 to the LIR), and has not requested photowires prior to this point being added to this SoCG on 18/09/2024. As wirelines were used at the PEIR Stage, making this concern clear earlier may have enabled it to be addressed. The Applicant considers that the wirelines are adequate to inform understanding of the position and scale of the Proposed Development to inform judgements of effects. The photomontages supplement the wirelines by illustrating appearance - in the weather and lighting conditions of the photograph.</p>
				<p>In each case DBC consider that effects on these receptors would be significant whereas the Applicant's LVIA identifies the effects as not significant:</p> <ul style="list-style-type: none"> ▪ LCA7 Bishopton Vale; ▪ Character and setting of Brafferton;
				<p>As identified and assessed in Chapter 7 Landscape and Visual [APP-130], the Applicant considers the effects to be as set out below:</p> <ul style="list-style-type: none"> ▪ LCA7 Bishopton Vale – ES 7.10.40-7.10.47;

Ref	Action	Party	Deadline	Applicant's response
				<ul style="list-style-type: none"> ▪ Views from Brafferton; ▪ The local road route connecting Brafferton to Bishopton (Lime Lane, Lodge Lane and the unnamed road between Great Stainton and Bishopton. <ul style="list-style-type: none"> ▪ Character and setting of Brafferton - ES 7.10.54-7.10.59 ▪ Views from Brafferton – ES 7.10.84-7.10.91t; <p>The local road route connecting Brafferton to Bishopton (Lime Lane, Lodge Lane and the unnamed road between Great Station and Bishopton) - Moderate, Adverse, not significant – drawing on assessments provided at ES 7.10.118-119, 7.10.132 and 7.10.148.</p>
ISH4-07	DBC to provide list of specific viewpoints which are disagreed between the Applicant and DBC.	DBC	D5	
ISH4-08	Applicant and BVAG to discuss and agree a SoCG on outstanding LVIA issues. Statement to be included within the overall SoCG between the parties or submitted as a separate SoCG.	Applicant and BVAG	D5	The Applicant and BVAG have commenced discussions on the production of an LVIA-focused SoCG, or section to the existing SoCG, and will seek to submit this into the Examination as soon as possible.
ISH4-09	Applicant to consider the feasibility of relocating (rather than removing) panels within the Order limits, for example to move panels and the on-site substation to Panel Area C in the vicinity of 'The Mount' on sheet 6 of the Works Plans [AS-013].	Applicant	D5	It is not feasible at this stage to consider changing the location of the substation due to the underlying assessments and requirements for Change Requests during the examination.
ISH4-10	Applicant to provide written explanation of points raised by Interested Parties: <ul style="list-style-type: none"> ▪ to confirm the location and number of site entrances; ▪ to clarify the location of the on-site substation and the Applicant's 	Applicant	D5	<p>a) site entrances</p> <p>As set out in paragraph 2.7.16 of ES Chapter 2 The Proposed Development [APP-025], site accesses would be required for the construction of the Proposed Development and then to allow ongoing maintenance. The accesses are listed Table 2-6 of ES Chapter 2, replicated below for convenience:</p>

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	consideration of Local Wildlife Sites within the Environmental Assessment;			<table border="1"> <thead> <tr> <th data-bbox="1095 197 1608 253">Panel Area</th> <th data-bbox="1608 197 2112 253">Access Points</th> </tr> </thead> <tbody> <tr> <td data-bbox="1095 253 1608 349">Panel Area A: Brafferton</td> <td data-bbox="1608 253 2112 349">High House Lane Unnamed farm tracks off Brafferton Lane</td> </tr> <tr> <td data-bbox="1095 349 1608 405">Panel Area B: Hauxley Farm</td> <td data-bbox="1608 349 2112 405">Unnamed farm tracks off Lodge Lane</td> </tr> <tr> <td data-bbox="1095 405 1608 469">Panel Area C: Byers Gill Wood</td> <td data-bbox="1608 405 2112 469">Bishopton Lane / Elstob Lane</td> </tr> <tr> <td data-bbox="1095 469 1608 564">Panel Area D: Great Stainton</td> <td data-bbox="1608 469 2112 564">Elstob Lane Unnamed road off The Green</td> </tr> <tr> <td data-bbox="1095 564 1608 628">Panel Area E: West of Bishopton</td> <td data-bbox="1608 564 2112 628">Unnamed road off The Green</td> </tr> <tr> <td data-bbox="1095 628 1608 756">Panel Area F: North of Bishopton</td> <td data-bbox="1608 628 2112 756">Unnamed road off The Green and existing farm tracks Mill Lane from Bishopton</td> </tr> <tr> <td data-bbox="1095 756 1608 812">Norton Substation</td> <td data-bbox="1608 756 2112 812">Existing access from Letch Lane</td> </tr> <tr> <td data-bbox="1095 812 1608 979">Underground cables</td> <td data-bbox="1608 812 2112 979">To be accessed from within Panel Areas and work undertaken along the cable route. Ongoing access would only be required should a problem occur</td> </tr> </tbody> </table> <p data-bbox="1095 979 2112 1171">It should however be noted that access via Mill Lane has now been removed from the Proposed Development in response to feedback received, and this is to be reflected in an update to the Construction Traffic Management Plan (Document Reference 6.4.2.8, Revision 2) as reflected in the ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 3).</p> <p data-bbox="1095 1171 2112 1267">The location of construction compounds and how they would be accessed is presented on ES Figure 2.21 Construction Compounds and Access Routes [APP-059].</p> <p data-bbox="1095 1267 2112 1331">b) Substation location and local wildlife sites (LWS)</p> <p data-bbox="1095 1331 2112 1394">The on-site substation is located in Panel Area C and is shown on the following drawings:</p>		Panel Area	Access Points	Panel Area A: Brafferton	High House Lane Unnamed farm tracks off Brafferton Lane	Panel Area B: Hauxley Farm	Unnamed farm tracks off Lodge Lane	Panel Area C: Byers Gill Wood	Bishopton Lane / Elstob Lane	Panel Area D: Great Stainton	Elstob Lane Unnamed road off The Green	Panel Area E: West of Bishopton	Unnamed road off The Green	Panel Area F: North of Bishopton	Unnamed road off The Green and existing farm tracks Mill Lane from Bishopton	Norton Substation	Existing access from Letch Lane	Underground cables	To be accessed from within Panel Areas and work undertaken along the cable route. Ongoing access would only be required should a problem occur
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				<ul style="list-style-type: none"> • Work No.4 on Sheet 7 of the Works Plans [CR1-003], • In yellow, as indicated in the legend, on ES Figure 2.5, General Arrangement Panel Area C [REP2-029] • On Sheet 7 of the Environmental Masterplan [CR1-005] <p>The assessment of LWS is provided in ES Chapter 6 Biodiversity [APP-029]. There are two LWS within 1km of the Order Limits, Carr House Pond LWS and Wynyard Woodland Park Stockton LWS. They are assessed in paragraph 6.10.7 in relation to construction, and 6.10.33 in relation to operation, in which it is concluded there would be no significant effects.</p>
Compulsory Acquisition Hearing 1 [EV9-004]				
CAH1-01	<p>Applicant to consider updating the Statement of Reasons [APP-014]:</p> <ul style="list-style-type: none"> ▪ to clarify references to 'critical national priority' within National Policy Statement EN-1'; and ▪ to reflect the Applicant's updated position on the requirement for subsoil land rights to deliver the on-road cabling works. 	Applicant	D5	<p>Since CAH1, the Applicant has updated the Statement of Reasons to clarify the reference to 'critical national priority' in NPS EN-1 and to reflect the Applicant's position regarding subsoil land. This was submitted at part of the change application on 18 October 2024, under document reference CR1-008.</p>
CAH1-02	<p>Applicant and Stockton-on-Tees Borough Council (SBC) to follow-up regarding (i) the potential Open Space status of land plots 13/14 and 13/16, and (ii) confirm ownership following from the letter received by SBC in October relating to subsoil plots over which the Applicant seeks additional compulsory acquisition powers.</p>	Applicant and SBC	D5	<p>The Applicant is engaging with Stockton Borough Council to seek Heads of Terms for an easement agreement for plots 13/14 and 13/16. It is expected these will manage the works in a manner which does not affect the status of the Open Space land.</p>

Ref	Action	Party	Deadline	Applicant's response
CAH1-03	Applicant to clarify whether plot 6/2 is required for the Proposed Development or can be removed from the Order limits.	Applicant	D5	Michael Baker, on behalf of the Applicant, misspoke in CAH1. The land is required to retain the standard width of the cable corridors that have been applied across the off-road cable route, except where there are specific environmental constraints.
CAH1-04	In relation to National Highway's representation [REP3-015]: <ul style="list-style-type: none"> Applicant to consider the request for amendments to requirement 5 of the dDCO; and Darlington Borough Council (DBC) to confirm whether it is the local highway authority for the plots listed on page 2 for which DBC is claimed to be the Local Authority. 	Applicant and DBC	D5	As confirmed in its response to REP3-015 in the Comments on Deadline 3 Submissions document [REP4-011], the Applicant has agreed to the amendment requested by National Highways. This is reflected in the revised draft DCO (Document Reference 3.1, Revision 4) submitted at Deadline 5. The Applicant awaits confirmation from DBC regarding the plots listed on page 2 of the NH representation [REP3-015].
CAH1-05	Applicant to update the Statutory Undertakers Position Statement [REP1-018] to reflect the current position with Network Rail.	Applicant	D5	An updated version of the Status of Negotiations with Statutory Undertakers [REP4-006] was submitted at Deadline 4 and reflected the position at that time with Network Rail. This is updated further at Deadline 5 in a further iteration of the Status of Negotiations with Statutory Undertakers (Document Reference 7.7, Revision 4).

