Proposed Solar PV Development

Byers Gill Solar
EN010139

8.26 Applicant's Response to Matters Raised at OFH3, OFH4, ISH5, ISH6 and ISH7.

Planning Act 2008

APFP Regulation 5(2)(q)

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1. Introduction

1.1. Purpose of this document

1.1.1. This document provides comments from RWE (the Applicant) on oral submissions made by Interested Parties at hearings held on 26 and 27 November 2024, as part of the Examination of Byers Gill Solar (the Proposed Development). This document responds to matters raised at:

- Open Floor Hearing 3 (OFH3) held on 26 November 2024
- Open Floor Hearing 4 (OFH4) held on 26 November 2024
- Issue Specific Hearing 5 (ISH5) held on 26 November 2024
- Issue Specific Hearing 6 (ISH6) held on 27 November 2024
- Issue Specific Hearing 7 (ISH7) held on 27 November 2024

1.1.2. In this document, the Applicant has sought to summarise the points raised by IPs at the hearings as accurately as possible, and to respond to the points raised for the benefit of both the IPs and the Examining Authority (ExA).

2. Applicant's response to matters raised at Open Floor Hearings 3 and 4

2.1. Response to matters raised

2.1.1. The tables below provides the Applicant's comments on the oral submissions made at open floor hearings OFH3 and OFH4 respectively. This sets out the Interested Party who spoke, a summary of the issue raised and the Applicant's response.

2.1.2. The Applicant has sought to summarise only the parts of any submission that it wishes to comment on. As such, elements of any submission to which the Applicant has no response are not included in the below table.

Table 2-1 Applicant comments on oral submissions at OFH3

Interested Party	Summary of matter raised	RWE Response
Mr Colin Taylor on behalf of Great Stainton Parish Meeting [RR-099]	Mr Taylor expressed concerns regarding the financial ability of Darlington Borough Council (DBC) to meet its obligations in relation to the Proposed Development. Mr Taylor made the following points: ▪ Great Stainton is a small hamlet on the boundary of DBC and receives minimal services from the Council. Great Stainton has noticed the increasing pressures on the budget of DBC, for example in relation to the maintenance of public rights of way (PRoW) surrounding Great Stainton. ▪ It is Mr Taylor's understanding that Stockton Borough Council (SBC) would be the recipients of business rates revenue from the Applicant because the grid connection for Byers Gill is located within their area, however, costs associated with the planning, development and ongoing maintenance of the Proposed Development, and other solar farms in the area, appears to fall to DBC. ▪ As such residents of the DBC area will be impoverished by the Proposed Development placing a greater burden on the authority without any additional budget to carry out those responsibilities. Services in the borough may suffer as a result.	The Applicant wishes to clarify that all PRoW within the Order Limits would be maintained by the Applicant during the operational lifetime of the Proposed Development. They would not therefore place a greater burden of maintenance on DBC. With regard to the maintenance of roads, the Applicant's assessment as reported in Environmental Statement (ES) Chapter 12 Traffic and Transport [APP-035], concludes that there would be no significant impacts in relation to traffic during construction, operation or decommissioning. The temporary impacts of construction would be managed through the outline Construction Traffic Management Plan (oCTMP) [REP5-016/17], in which the Applicant has committed to carrying out pre-commencement condition surveys to be shared with the local highway authority (DBC) in order for any damage caused by the Applicant during construction to be rectified by the Applicant, should it occur. During operation, there would be minimal traffic associated with the Proposed Development, which is not anticipated to present an additional maintenance burden. More broadly, the assertion by Mr Taylor that SBC, rather than DBC, would receive business rates revenue is correct. This is a regulatory matter outside of the control of the Applicant. The Applicant and

Interested Party	Summary of matter raised	RWE Response
	▪ Mr Taylor clarified that his concerns relate to the compensation payable by the Applicant to DBC for maintenance of PRoW and roads.	DBC may however enter into a Planning Performance Agreement (PPA) in which the Applicant agrees to fund dedicated DBC services relating to the implementation of the Proposed Development, such as in the discharge of requirements. This approach can assist in ensuring DBC has additional resource and existing services are not additionally burdened.
Mr Norman Melaney on behalf of Bishopton Parish Council [RR-381]	Mr Melaney raised concern regarding noise pollution from the Proposed Development including concerns that: ▪ solar farms can produce low-level noise that can concern nearby residents, especially in rural areas. A large solar farm may include over 100 string inverters across the site, which, coupled with the transformer units, can give rise to significant level of noise and the constant hum from these devices can be noticeable. ▪ that in addition to residences there are also 11 livery stables just in Bishopton. Mr Melaney suggested that horses do not like noise and suffer from fright and flight syndrome ▪ cooling fans used for transformers and inverters can be louder than the hardware itself, and that the air conditioning units for battery energy storage can be noisy, too - especially if close to a residential area. ▪ maintenance activities can produce noise, such as panel cleaning and vegetation management, which add to the impact on local communities. ▪ there is a potential for sleep disturbance, and for quality of life to be diminished due to a change in the acoustic character of the area. ▪ significant adverse effects are noticeable and very disruptive, and that extensive and regular changes in behaviour and / or an inability to mitigate noise may lead to psychological stress or effects, including sleep deprivation, loss of appetite, medically definable harm, and auditory damage.	The effects of noise resulting from the Proposed Development have been considered in ES Chapter 11 Noise and Vibration [APP-034]. The assessment includes effects from construction, operation and decommissioning. Concerns from members of the public regarding noise from the Proposed Development were addressed in section 2.19 of Comments on Relevant Representations [REP1-004]. This set out that the noise from the Proposed Development has been modelled using noise software which takes into account noise source levels, frequencies, land topography and ground absorption and all other known contributing factors which affect how noise travels. The assessment has therefore been undertaken as accurately as possible and with regard to relevant guidance. Noise and vibration impacts during operation have been mitigated through design measures, with noise sources located as far as reasonably possible to a minimum of 300m from existing sensitive receptors, within the design, to minimise potential noise levels at the receptors. The inverters will also be housed within containers which will further reduce the noise levels at source. Such design principles, which are outlined in the Design Approach Document [REP5-024/25]. In response to matters raised early in the Examination process, the Applicant has submitted ES Addendum - Construction Noise [REP4-12], which provides a more granular assessment of the potential construction noise at the various sensitive receptors, including liveries. These assessments identify that a significant adverse effect would arise during construction and decommissioning activities, however this

Interested Party	Summary of matter raised	RWE Response
		would be short-term and reversible. No significant effects are identified during the operation of the Proposed Development.
Mr Peter Wood [RR-416]	Mr Wood explained that he wished to elaborate on his previous submissions on agenda item 4 of ISH3 [EV11-001] concerning flooding and drainage issues. Broadly, Mr Wood referred to the desktop assessment carried out by the Applicant and submitted that the Applicant's expert did not have any knowledge of the actuality of flood problems in the area. Mr Wood referred to the updated Flood Risk and Drainage Strategy [REP5-018] as being the Applicant's response to the flooding issues. Mr Wood noted that there is only one-tracked change in that document at paragraph 7.3 and table 3.3, and submitted that is a superficial and nonspecific response. Mr Wood dismissed the Applicant's proposal to leave grass margins around the panels to absorb the run-off as non-specific and inadequate.	The Applicant's response to Mr Wood's earlier submission during ISH3 can be found in Response to Hearing Action Points [REP5-032]. ES Chapter 10 Hydrology and Flood Risk [APP-033] and ES Appendix 10.1 Flood Risk and Drainage Strategy [REP5-018/019] detail the effects on flood risk by the Proposed Development and the proposed drainage strategy. The change made at Deadline 5 to REP5-018/19 was in relation to an action point arising from ISH3 and was not specifically in response to matters raised by Mr Wood.
Mr Peter Wood [RR-416]	Mr Wood referred to his written submission [REP4-021] and identified two areas adjacent to the panels (Folly Bank below Panel Area E and Mill Lane beside Panel Area F) and several other sites that flood which aren't adjacent to glazed areas. Mr Wood raised the following specific issues relating to Folly Bank and Mill Lane: ▪ in relation to Folly Bank, Mr Wood stated that water drains off the higher Area E and onto the road because the village is in a bowl. The junction of the road where the road drainage is next to a low-lying water meadow adjacent to a stream. There is no fall from that road from the meadow to the stream. So if the water level in the stream rises slightly, it backs up. Mr Wood submitted that it was not clear what other mitigation would be possible because if you move the water off the road through the drainage system into the stream, that will create another flood further	The Proposed Development includes mitigation to address surface water run-off from the solar panels so as not to worsen existing flooding problems. Further enhancements regarding the areas specified by Mr Wood can be found in Response to Hearing Action Points [REP5-032], ref. ISH3-05. These set out the specific consideration the Applicant has made in relation to Mill Lane and Folly Bank Road following the points made by Mr Wood at ISH3. This includes additional commitments made to review these sites at detailed design to consider potential enhancement options; a commitment which has been made through the Design Approach Document [REP5-024/25].

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	down the line. Mr Wood submitted that a little grass margin around a vast area of panelling will not improve the situation. ▪ in relation to Mill Lane, Mr Wood stated that there is a dip in the road that is much lower than the land around it. Mr Wood submitted that, short of putting in a pumping system, or clearing the drainage that may be blocked in a half-mile radius to the stream, it is not clear what more could be done. Mr Wood reiterated that a small grass margin will not improve the situation.	
Mr Hugh Bence [RR-208]	Mr Bence raised concerns regarding flooding and his personal experience of existing flooding, referencing similar representations made by Mr Wood.	Please see the response provided in relation to Mr Wood above.
Mrs Penny Bence [RR-411]	Mrs Bence submitted that in the early stages of consultation the Applicant had stated that every panel would be washed once per month. Mrs Bence requested confirmation that this remains the case. Mrs Bence further submitted that the maintenance of the panels will lead to added noise and water being used.	The Applicant confirms that the panels would potentially need cleaning once a year or less, and are generally self-cleaning. There are likely to be maintenance visits once a month once the Proposed Development is operational.
Mrs Penny Bence [RR-411]	Mrs Bence questioned whether the Applicant has taken into account, across the 40-year lifespan of the Proposed Development, the increasing industrial traffic on small rural roads, which Mrs Bence submitted are not wide and will suffer. Mrs Bence suggested this could be a funding issue for DBC.	Please see the response to Mr Taylor above.
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson made several points relating to overplanting: ▪ Mr Anderson referred to the total land area for the Proposed Development as being 1,186 hectares on the basis of an overplanting ratio 1:6 and question whether this is necessary or industry standard. Mr Anderson questioned whether the same amount of electricity could be generated from less land if appropriate technology was used and a better design. ▪ Mr Anderson referred to the East Yorkshire Solar Farm, which is at Recommendation stage. Mr Anderson explained the applicant	The Proposed Development Order Limits is 1,211 acres or 490 Hectares. The East Yorkshire Solar Farm uses Single Axis Tracking mount technology for the solar panels. The proposed development uses fixed mounts for the solar panels. For RWE's wider portfolio, Single Axis Tracking mount solar farms typically require 1.4 overplanting ratio. This is lower than that required for fixed mount solar farms due to the greater yield gained by tracking technology; however, this technology also requires greater distance between panel rows which

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	on that scheme has proposed an overplanting ration of 1:2 i.e. 20% more panels being installed to achieve 400MW. Mr Anderson submitted that the Examining Authority for the East Yorkshire Solar Farm took the view that megawatts export should be based on the whole of the land (including the ecology and mitigation land and the grid connection corridor). Mr Anderson submitted it was therefore important to consider the whole of the order limits when considering the ration of overplanting. ▪ Mr Anderson noted that the East Yorkshire Solar Farm 'Report' reviews other projects including Mallard Pass, Cottam Park, West Burton and Byers Gill and the Report assumes that Byers Gill Solar will overplant by a ratio of 1:3 on that the basis that this is industry standard necessary to achieve the export required. ▪ Mr Anderson questioned the Applicant's response to Hearing Action ISH2-02 [REP5-032] which states that "*there is no direct correlation between the overplanting ratio and the required land take*". Mr Anderson noted an apparent contradiction in the subsequent paragraph of the Applicant's response that states "a 1.0 overplanting ratio would require 30% less land". ▪ Mr Anderson submitted that, on a simple calculation, a reduction in overplanting from 1:6 to 1:3 would reduce land take by 15% which is about 177 acres. Mr Anderson submitted that this land could be drawn back from peoples' homes and villages. Mr Anderson submitted whether the Applicant was using the best form of technology available, or at least an acceptable form of technology.	can result in greater land requirements. East Yorkshire Solar Farm made an assumption that Byers Gill Solar would be overplanted by 1.3 using Single Axis Tracking mount technology in their Note On Scheme Efficiency [REP3-038 of that Examination]; it is not known why or how this assumption was made and Byers Gill Solar does not propose to use Single Axis Tracking Mounts. The Applicant's position is that there is no direct correlation between land use and the overplanting ratio. By that the Applicant means the relationship between land use and overplanting is not linear, or proportionate. The Applicant's estimate for the land required to accommodate the proposed overplanting at a ratio 1.6 is 30% more land than if an overplanting ratio of 1.0 were used. If the relationship were linear (i.e. directly correlated, or proportionate), the expectation would be that 60% more land would be required for an overplanting ratio of 1.6. This shows there is no direct correlation. The Applicant has committed to reviewing the design on the basis of advances in technology as set out in the updated Design Approach Document submitted at Deadline 5 [REP5-024].
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson noted that the ExA and the Applicant were asking DBC and Historic England for clarification on 'harm' in relation to heritage assets. Mr Anderson noted the Applicant's position that there is negligible harm to heritage assets, and that negligible harm is the same as no harm but that, in response to the ExA's Second Written	The phrase 'negligible harm' is not used in any of the ES documentation including the ES Chapter 8 and ES Technical Appendix. The word 'negligible' does not appear at all in the text within ES Technical Appendix 8.3 Historic Environment Settings Assessment [APP-146].

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	Questions, DBC's position is that no harm is not the same as negligible harm. Mr Anderson further noted that Historic England's position is that negligible significance of effect means no impact. Mr Anderson submitted that negligible harm and negligible significance are not the same thing but they are being used interchangeably. Mr Anderson questioned the basis of and justification for the Applicant's conclusions.	Negligible is referenced within the ES methodology in relation to a magnitude of change where an asset experiences limited or no change to its significance from the proposed development and as such is not a significant effect for the purposes of EIA. For those assets set out within ES Technical Appendix 8.3 Historic Environment Settings Assessment [APP-146], no harm is reported in all cases which equates to no change.
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson highlighted that paragraphs 7.1.1 and 7.1.2 of the Historic Environment Settings Assessment [APP-146] conclude that there would be harm to the significance of the Scheduled Monument and Bishopton and this would be '*in the order of less than substantial, but at the top end of that scale due to the sensitivity of the asset to change*'. Mr Anderson explained that the NPPF only has three scales of harm, so if we are at the top end of less than substantial harm you are into "substantial harm". Mr Anderson submitted that this is at variance with the Applicant's view that the harm it is not significant and is negligible where negligible means no harm. Mr Anderson made the above points with reference to: ▪ a court judgement believed by the Applicant to be The Queen on the application of James Hall and Company Limited v City of Bradford Metropolitan District Council v Co-Operative Group Limited, Dalehead Properties Limited [2019] EWHC 2899 (Admin). ▪ An appeal decision (unspecified) in which a solar farm (under 50MW) was refused earlier this year due to harm to a Scheduled Monument similar to that in Bishopton, in which the appellant considered that their proposal should be graded at the lower end of less than substantial, and in which the inspector disagreed and	Paragraphs 7.1.1 and 7.1.2 of ES Appendix 8.3 Historic Environment Settings Assessment [APP-146] are conclusions drawn as part of the assessment carried out and submitted at PEIR stage which have not been updated in error. This will be corrected at Deadline 7 via a revision to the ES Errata and Management Plans Proposed Updates [REP5-030]. As set out in ES Chapter 8 [APP-031] Paragraphs 8.10.70 to 8.10.72, a re-evaluation was undertaken following consultation with Historic England as to the scale of change the proposed development would have on the setting of the scheduled monument. The re-evaluation is a regular process carried out to ensure that the final ES takes account of comments made by consultees or new lines of assessment which are identified from various sources of information. The re-evaluation of the Scheduled Monument brought the assessment into line with that made by Historic England. Each of the detailed assessments set out within the document have been updated in line with the re-evaluation and all report no harm to the significance of any designated heritage assets as set out in paragraphs 6.6.6, 6.7.20, 6.8.14, 6.9.9 and 6.10.8.

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	considered that there was enough harm to warrant weighting this against consent.	
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson submitted that it was unfortunate that Heritage England haven't had more time to spend on Byers Gill Solar because if they did they would see that some of their references to EC Guidelines are not entirely relevant here and that they may have been guided by resource constraints.	The latest submissions from Historic England [REP5-039 and REP5-040] confirm they are satisfied with the Applicant's approach to assessing impacts on the historic environment. The Statement of Common Ground with Historic England has been signed and will be submitted as part of this deadline (Document Reference 8.4.5, Revision 2).
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson submitted that 'heritage' provides an example of the way that the DCO application and its assessment were guided forward, where environmental statements become advocacy documents. Mr Anderson explained that EIA is primarily about the assessment of impacts – it is supposed to provide the assessments to decision-makers to make decisions. But where an Environmental Statement becomes an advocacy document that removes the significance it becomes harder to make those decisions. Mr Anderson submitted that there has been a lack of assessment of significance and referred to NPPF paragraph 200, quoting: *"the level of detail should be proportionate to the asset's importance*". Mr Anderson explained that a Scheduled monument is the highest status of asset, which is acknowledged by the Applicant in Table 8-2 of ES Chapter 8 [APP-031]. Mr Anderson emphasised the importance of understanding the significance of an asset in order to understand the impact in EIA terms. Mr Anderson identified inconsistencies within the ES heritage assessment [APP-146] and the way that information in that assessment is then presented in the main ES Chapter 8 [APP-031]. Mr Anderson also submitted that the description of the Motte and Bailey Scheduled Monument in ES Chapter 8 does not reflect its significance or reflect widely known information about its origin.	The heritage assessment has been guided by all relevant legislation, national and local planning policy, industry standards and guidance and professional judgement. This comment correctly notes the requirement of NPPF paragraph 200 to present detail proportionate to an asset's importance. However, NPPF paragraph 200 goes on to state that the level of detail should be '*…no more than is sufficient to understand the potential impact of the proposal on their significance*.' There are no direct physical impacts to the scheduled monument from the Proposed Development so while there is inevitably further information that could be yielded from excavations (this is noted within the assessment in ES Chapter 8 paragraph 8.10.65 [APP-031]) within the boundaries of the motte and bailey, the Proposed Development would not damage, alter or remove any of those archaeological remains and this would not alter its significance in this way. The significance of the asset is not understated, it is afforded the highest level of significance as it is statutorily protected as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979. The act protects archaeological remains so, by definition, its principal significance is determined by the archaeology within the scheduled area and the information that could yield if excavated. The

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	Mr Anderson submitted that the understatement of significance assists in the Applicant's impact assessment because if the significance is not understood you can understand what the harm is.	asset also has a setting which is set out in detail within the assessment documents. The description of the significance of the asset has not been challenged by Historic England, by either Archaeological Advisor (at Durham County Council or the Tees Archaeology Team) or by the Conservation Officers at Darlington Borough Council or at Stockton-on-Tees Borough Council.
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson referred to discussions in previous hearings around why the Mott and Bailey had been missed out of the geophysical survey. Mr Anderson explained his understanding of the Applicant's position to be that only the panel areas were included in the survey and that the Mott and Bailey were affected more by the cable routes which, once determined, the Applicant may carry out surveys at a later point. Mr Anderson referred to Historic England's Advice Note 12 - Statements of Heritage Significance: Analysing Significance and Heritage Status – which advises against the approach of designing first and understanding the significance second. Mr Anderson submitted that if a geophysical survey or trial trenching is carried out once the cable route are decided, the best that can happen is that any findings get discovered and possibly not destroyed before the works happen – there is no chance of keeping them in situ. If the findings are highly significant, there's no way of taking decisions rather than continuing with the works. Mr Anderson submitted that if the Applicant had undertaken more work on the history of the site, the applicant would realise that the rivers were an important part of the structure, not least because of the fishing industry and so anything found alongside the rivers has the potential to be important. Mr Anderson submitted that it is not plausible that the site was excluded from geophysical survey on the basis that the cable route	As the finalised cable routes are not yet fixed, the Applicant determined in preparing the heritage assessment that understanding the archaeological potential of the Order Limits as a whole was of greatest benefit to assessing any impacts to known and then unknown archaeological remains and to determine the best sampling strategy for the Phase 1 trial trenching. The Applicant disagrees with Mr Anderson regarding the outcome of archaeological investigations pre-construction as these are codified by the methodology and processes set out in ES Technical Appendix 8.5 [APP-149] which contains provision for both preservation in-situ through design changes and preservation by record through archaeological excavation works. Rivers are important to the significance of the asset which is noted in the assessment text as Bishopton Beck forms part of the setting of the asset which contributes to its significance see ES Chapter 8 paragraph 8.10.67 [APP-031]. Should archaeological remains associated with fishing industries be present within the cable route, these will be investigated in line with the methodology set out in ES Appendix 8.5 [APP-149] in a manner appropriate to their nature, extent and significance as required by NPPF paragraph 211. The methodology for assessing the potential for archaeological remains, their significance and the mitigation proposals for any remains

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	hasn't been determined because, looking at the site location plan, it is quite clear where the cables go.	which could be affected by the proposed development have been produced in consultation with the Archaeological Advisors at Durham County Council and the Tees Archaeology Team. Both the Applicant and the Archaeological Advisors are satisfied this is in line with all relevant best practice.
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Regarding consideration of alternatives, Mr Anderson submitted that that the guidelines on EIA alternatives require an applicant to look at alternative ways of achieving the same output but that there has been no attempt to look at whether the same energy can be produced in another way in another location. Mr Anderson submitted that because the Proposed Development is trying to combat climate change, which is a global issue, there is no reason the same aim couldn't be achieved using off-shore turbines instead of the fields of England.	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 require an ES to include *"a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment."* This has been undertaken in ES Chapter 3 Alternatives and Design Evolution [APP-126]. As set out in the Planning Statement [APP-163] and Comments on Relevant Representations (RRs) [REP1-004], National Policy Statement (NPS) EN-1 states that only proposals which deliver the same capacity in the same timescales should be considered, and 'vague and immature' alternatives should not be considered; the Applicant considers the suggestion of using offshore wind turbines to be vague and immature. Solar energy generation has also been identified as 'critical national priority' infrastructure in NPS designated in January 2024.
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson submitted that infrared lighting does impact cold-blooded animals such as snakes, frogs and fish which inhabit the watercourses, and which are the habitats of the water voles, a protected species.	Sensor triggered infra-red security lighting would be located around key electrical infrastructure such as the on-site substation and BESS units. This infrastructure is not located in close proximity to any watercourses. The use of lighting has been taken into account in ES Chapter 6 Biodiversity [APP-029], which has concluded no significant impacts arising from the Proposed Development.
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson also noted the Applicant's statements that birds will not be affected by the solar farm. Mr Anderson referred to an American website called aviansolar.org, which identifies a high death rate of certain species of birds around solar farms. Mr Anderson explained	As reflected in Comments on Relevant Representations (RRs) [REP1-004] and Comments on Deadline 2 Submissions including Written Representations and Responses to ExQ1 [REP3-004], while there is a perceived effect of birds mistaking solar arrays for water similar to wet carparks and colliding with them, RSK – the Applicant's

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	that academics and ecologists have set up a working group to explore why that is happening.	competent experts on biodiversity and ecological matters – conducted a detailed review of the literature in 2023 and found no actual published evidence of this. The design of the Proposed Development has carefully avoided those fields with waterbodies in them and the design of the scheme has wide buffers from boundary hedgerows and gaps between the arrays which all help to break up the outline of the array making it seem less like a large body of water and modern panels are generally less reflective than older designs, again minimising the potential for water fowl to mistake panels for water. In response to concerns raised by Durham Bird Club, the Applicant included a monitoring commitment in the updated outline LEMP [REP5-020/21] at Deadline 5 to report any deceased bird species discovered during operational maintenance to an ecologist for review, to determine if it is linked to bird strike.
Mr Andy Anderson on behalf of Bishopton Village Action Group [REP1-028]	Mr Anderson referred to the statement that the Proposed Development will generate electricity for 70,000 homes. Mr Anderson questioned if this was a guarantee that the energy will be going to homes. Mr Anderson noted the controversy of Cleve Hill Solar, where the developer sold electricity to Tesco.	The Applicant clarifies that its statement says (emphasis added) '*The solar farm, located across Darlington and Stockton-on-Tees, would provide enough low-carbon energy to meet the equivalent annual needs of over 70,000 homes.*
Ms Carly Tinkler as the Landscape Consultant for BVAG [REP2-044]	Ms Tinkler noted that the Applicant has referred to a recent appeal decision, known as Longhedge, in its response to Hearing Action ISH2-02 [REP5-032]. Ms Tinkler explained that this relates to an appeal, which was allowed, for a solar development under 49.9MW. Ms Tinkler explained that the Applicant has used this decision to justify its decision to overplant by a ratio of 1:6 because, in that appeal, the ratio was 1:57. Mr Tinkler reported that a pre-action letter has been issued to challenge the inspector's decision in the Longhedge case, specifically in relation to the interpretation of overplanting in NPS EN-3. Ms Tinkler submitted that the applicant in *Longhedge* and the Applicant for the Proposed Development use NPS EN-3 to justify that	A pre-action letter being issued in respect of an appeal decision by the Secretary of State has no material impact on the Examining Authority's ability to have regard to the Longhedge decision for two reasons at this time, the first a question of legal status, the second one of practical application. On the first point – Ms Tinkler was unable to say whether a legal challenge will be brought to the decision which has been taken. If no challenge is brought within the statutory time period (42 days), the decision will remain in its present form. Even if a challenge is brought, it will be subject to the permission of the Hight Court which is required before a substantive hearing is heard. If permission is granted, the threshold for any decision to be overturned is a high one.

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	overplanting is permissible for reasons other than degradation, whereas the challenge will set out that EN-3 is very clear that only panel degradation can be considered for overplanting. Ms Tinkler submitted that the definition of overplanting is given in EN-3 and also in the *Galloway* judgement. Ms Tinkler further submitted that there is has been significant clarification from Ministers and in the consultation to EN-3 where the government confirmed that EN-3 would clarify that overplanting is only for degradation. Ms Tinkler noted that the number of panels is 505,386 with a rating of 570watts which gives a total output of 288MW. This is where the overplanting factor of 1:6 comes from. Ms Tinkler explained that in the Longhedge appeal the panels proposed were 610watts, and in the *Galloway* project the panels proposed are 685watts. Ms Tinkler submitted that the size of the panels that is being proposed for construction is rising very quickly.	Ms Tinkler has to date provided no evidence which calls into doubt the ability of the ExA to rely on the Longhedge appeal decision. The second point is the practical one. Ms Tinkler referred to possible grounds of challenge relating to the Inspector's comments on whether matters beyond degradation could be taken account of when considering the application of the 50MW NSIP threshold, as set out in EN-3. That issue is not relevant to Byers Gill. There is no question that the Proposed Development is in excess of that threshold. The question of overplanting for an NSIP is whether the extent of land taken for the scheme, taking account of its intended electricity generation benefits, is appropriate in light of those benefits. In Longhedge the Inspector has found an overplanting ratio of 1.57 to be proportionate in land use terms. Whether that takes account of degradation, and whether doing so is lawful, is irrelevant to that decision on the planning land use benefits. Whilst a different project, the Applicant submits that the appeal remains a useful comparator for the Examining Authority's consideration of whether an overplanting ratio of 1.6 is appropriate for the Proposed Development. In response to Ms Tinkler's comments on the rating of panels (e.g. 610 watts, or 685 watts), the Applicant has previously explained that the rating of any specific panel is not necessarily indicative of the area of land required. Higher rated panels may be larger, or require greater spacing, requiring the same amount of land as a lower rater panel. The Applicant has committed to reviewing the design on the basis of advances in technology as set out in the updated Design Approach Document submitted at Deadline 5 [REP5-024].

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Mrs Penny Bence	Mrs Bence raised that the Proposed Development may require cleaning once a month and questioned whether this level of operational movements has been taken account of in assessments.	The Applicant confirms that the panels would potentially need cleaning once a year or less, and are generally self-cleaning. There are likely to be maintenance visits once a month once the Proposed Development is operational.

Table 2-2 Applicant comments on oral submissions at OFH4

Interested Party	Summary of matter raised	RWE Response
Mr Martin Philpott on behalf of Great Stainton Parish Meeting [RR-333]	Mr Philpott submitted that the Applicant has not responded to his previous written submission [REP4-022].	The Applicant's response to Mr Philpott can be found in Comments on any further information/submissions received by Deadline 4 [REP5-005].
Mr Martin Philpott on behalf of Great Stainton Parish Meeting [RR-333]	Mr Philpott expressed concerns with the Applicant's proposal to remove various public rights of way within the Order limits, which residents frequently use, and the impact this will have on the community.	The Applicant acknowledges Mr Philpott's concern and advises that no public rights of way (PRoW) are set to be removed as a result of the Proposed Development, but some will be diverted. Further information can be found in ES Chapter 9 Land Use and Socioeconomics [APP-032] and in the Street Works, Public Rights of Way and Access Plans [REP5-006].
Mrs Susan Melaney [RR-507]	Mrs Melaney expressed concern about the negative impact that the Proposed Development will have on the local community, specifically because of the proximity of the Proposed Development to people's homes. Mrs Melaney submitted that the distance from her property to the boundary of the Proposed Development is only 185 steps, which is too close.	The Applicant understands that the Proposed Development is approximately 200m from the Interested Party's property boundary.
Mrs Susan Melaney [RR-507]	Mrs Melaney expressed concern about the nature of how land is being acquired for the Proposed Development. Mrs Melaney submitted that, unlike other developments that have been constructed on land leased or sold to the developer, the Proposed Development is different because it involves the compulsory acquisition of land. Mrs Melaney submitted that this is unfair and unreasonable.	As set out in the Statement of Reasons (Document Reference 4.1, Revision 4), all of the land required for the panel areas of the Proposed Development has been acquired through voluntary leasehold agreements. The only plots of land with rights to be acquired compulsorily are required for the off-road cable routes and subsoil rights relating to on-road cable routes.

3. Applicant's response to matters raised at Issue Specific Hearings 5, 6 and 7

3.1. Response to matters raised

3.1.1. The tables below provides the Applicant's comments on the oral submissions made at open floor hearings ISH5, ISH6, and ISH7 respectively. This sets out the Interested Party who spoke, a summary of the issue raised and the Applicant's response.

3.1.2. The Applicant has sought to summarise only the parts of any submission that it wishes to comment on. As such, elements of any submission to which the Applicant has no response are not included in the below table.

Table 3-1 Applicant comments on oral submissions at ISH5

Interested Party	Summary of matter raised	RWE Response
Darlington Borough Council (DBC)	Mr Casey, for Darlington Borough Council as a local highway authority, expressed concern that Article 10 of the draft DCO, and particularly Article 10(4), would remove the local high authority's controls under the 1991 Act to coordinate road works. Mr Casey explained that DBC has a wider duty under the section 16 of the Traffic Management Act 2004 to secure expeditious movement of traffic, and a duty to ensure that when schemes like the Proposed Development are delivered in an orderly fashion, whilst also considering other proposals in the area. Mr Casey submitted that Article 10(4) removes the enabling controls, which is not in the public interest. Mr Casey confirmed that DBC had not raised this issue with the Applicant to date. Mr Casey submitted that this is a fundamental issue and that it is normal practice, and in the public interest, for DBC to be able to manage roadworks.	As noted by DBC at ISH5, concerns around Article 10 of the draft DCO have not previously been raised to the Applicant. Since ISH5, the Applicant has sought to arrange a meeting with DBC and Stockton-on-Tees Borough Council (SBC) to discuss this further. This is scheduled for 11 December 2024 and therefore a further update will be provided by Deadline 7. The Applicant provides a response to this matter in the Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).

Table 3-2 Applicant comments on oral submissions at ISH6

Interested Party	Summary of matter raised	RWE Response
Ms Lisa Hutchinson for Darlington Borough Council (DBC)	Ms Hutchinson explained that DBC not have the technical expertise within the Council to assess the impact of the Proposed Development on the ALC Report or the Soil Resources and would defer to Natural England as the statutory consultee on those matters. Ms Hutchinson acknowledged that Natural England do not consider the permanent loss of BMV land to be significant, subject to soil management techniques secured by Requirement 10 of the draft DCO. Ms Hutchinson requested Requirement 10 to be amended to include Natural England as a consultee.	As confirmed in the hearing, the Applicant accepts this amendment. The Applicant has made this amendment to the draft DCO submitted at Deadline 6 (Document Reference 3.1, Revision 5).
Ms Carly Tinkler on behalf of Bishopton Village Action Group (BVAG)	Ms Tinkler questioned whether the Applicant could provide examples of sheep grazing on similar solar farms in the UK, as she is currently unable to find any examples of this.	Vegetation is capable of growing underneath solar panels, and livestock such as sheep are able to graze amongst solar panels; This approach is used in many operational sites. The list below has been compiled of Solar Farms RWE is aware of where sheep or other animals graze (noting these are not The Applicant's): ▪ Higher Hill, Butleigh, Somerset (sheep) - BA6 8TW ▪ Yeowood Solar Farm, North Somerset (chickens, laying hens) - BS49 5JL ▪ Park Farm, Leicestershire (sheep) - DE12 7HD ▪ Wymeswold Solar Farm, Leicestershire (sheep) - LE12 5TY ▪ Eastacombe Farm, Devon (sheep) - EX31 3HX ▪ Wyld Meadow Farm, Bridport, Dorset (sheep) - EX13 5UH ▪ Newlands Farm, Axminster, Devon (sheep) - EX13 5RX ▪ Fenton Home Farm, Haverfordwest, Pembrokeshire (sheep) - SA62 4PY ▪ Trevemper Farm, Newquay, Cornwall (sheep) - TR8 5EN ▪ Benbole Farm, Wadebridge, Cornwall (geese) - PL30 3EF ▪ Twitch Hill Solar, Shropshire (sheep) - TF10 9AE ▪ Manor Farm, Eggington Solar, Leighton Buzzard (sheep) - LU7 9NE

Interested Party	Summary of matter raised	RWE Response
Ms Carly Tinkler on behalf of Bishopton Village Action Group (BVAG)	Ms Tinkler referred to paragraph 9.10.55 ES Chapter 9 [APP-032] which states "*There is the potential for some of the land to continue to be used in an agricultural capacity as grazing land during the lifetime of the Proposed Development, and for the soil resources to benefit from a less intensive management than under agricultural use*". Ms Tinkler questioned whether this implies that agricultural use will not be continuing on this site.	The Applicant has set out in ES Chapter 9 Land Use and Socioeconomics [APP-032] that there is potential for sheep grazing under the panel areas, however, the decision to graze sheep is ultimately up to the landowner.
Ms Carly Tinkler on behalf of Bishopton Village Action Group (BVAG)	Ms Tinkler questioned whether the Applicant could provide evidence to support the claim that there would be a direct, long term, moderate beneficial effect on agricultural land, which is significant. Ms Tinkler referred to paragraphs 4.5.12 to 4.5.15 of her submission [REP2-044] and submitted that it is very important to rotate soil use regularly to maintain the fertility of arable land over the long term, and that resting soil actually reduces soil fertility. Ms Tinkler also referred to Natural England's Technical Note 066: Arable Reversion to Species Rich Grassland, which explains that areas which are less profitable to cultivate provide the greatest environmental benefits when reverted to grassland. Ms Tinkler submitted that the consequence of this is that land which is more profitable to cultivate provide the least environmental benefits because of the problems of putting in grassland.	The Applicant provides at Appendix A.1. a report from NRM, which is the laboratory the Applicant's agricultural land specialist uses for soil sample analysis. This shows that there is comprehensive, quantitative evidence of the benefits to soil health from converting from arable land to pasture – based on 25,000 samples.
Ms Carly Tinkler on behalf of Bishopton Village Action Group (BVAG)	Ms Tinkler questioned whether restoration to agriculture at the point of Decommissioning is actually a scheme benefit, as claimed by the Applicant	ES Chapter 9 Land Use and Socioeconomics [APP-032] states that the benefit would arise from improved soil health and return of 457ha of lane to agricultural production. This is considered a significant effect in EIA terms as expressed in the conclusions of ES Chapter 9.
Ms Carly Tinkler on behalf of Bishopton Village Action Group (BVAG)	Ms Tinkler submitted that if at the point of decommissioning the soil is going to be reverted to agricultural use, then it may need an environmental impact assessment under the EIA Agriculture Regulations. Ms Carly submitted that the Applicant would need to go to Natural England for a screening decision if the land has not been	Decommissioning of the Proposed Development forms part of the DCO application and the consent being sought through it. It has therefore been scoped into the Environmental Impact Assessment (EIA) reported in the Environmental Statement (ES). Natural England have been consulted on the ES. The Applicant does not consider any further assessment is required in relation to decommissioning. The future use of the land following the decommissioning of the Proposed

Interested Party	Summary of matter raised	RWE Response
	cultivated for more than 15 years and is greater than two hectares in size.	Development, such as it being reverted to agricultural use, would be subject to any relevant consenting and regulatory framework at that time.
Ms Carly Tinkler on behalf of Bishopton Village Action Group (BVAG)	Ms Tinkler referred to earlier discussions about the effects of glint and glare on horses and recreational receptors and submitted that the Applicant's Glint and Glare Assessment [APP-106] focuses on safety. Ms Tinkler submitted that the reason why the study has not considered recreational receptors (i.e. people using the lanes and roads and on horseback) is because the study does not consider that to be a safety matter. Ms Tinkler submitted that this contradicts the fact that the Applicant is assessing residential receptors. Ms Tinkler requested the Applicant to explain why effects on the amenity of recreational receptors was not considered in the glint and glare assessment, given that there is no mention of visual effects arising from Glint and glare in [APP-030].	The Applicant has provided an explanation as to why users of public rights of way, concluding horseriders, are not considered in the glint and glare study, in response to ExQ2 LUS 2.4 [REP5-031].
Mr Andy Anderson on behalf of Bishopton Village Action Group (BVAG)	Mr Andy Anderson, representing BVAG, submitted that, in relation to ALC, the key issue is whether the Applicant has taken any steps to avoid using the areas of BMV land. Mr Anderson questioned whether proportion of land identified as BMV should be higher than 7%, given there is a lot of subjectivity in sampling between Grade 3A and Grade 3B Mr Anderson submitted that a 7% proportion of BMV land amounts to 50 to 60 hectares, which is the size of three farms (given than 50% of UK farms are under 20 hectares). Mr Anderson submitted that if the Applicant took steps to remove areas of BMV land from the Order limits, it could also reduce the panel areas around several of the villages. Mr Anderson questioned whether the Applicant has taken steps to do this following the assessment.	NPS-EN3 is clear through Paragraph 2.10.29 that *"Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible".* The policy does not require avoidance of BMV land. As outlined by the Applicant at ISH6, the ALC survey has been undertaken in line with latest guidance and Natural England have not raised any concerns over the survey method or results. It should be noted that the 7% of BMV land relates to all land and some of the areas identified as Grade 2 and Subgrade 3a is proposed for areas of mitigation and enhancement and will not contain panels. The Applicant has tried to reduce use of BMV land wherever possible and has previously outlined that if left out of the Proposed Panel Areas, given the sporadic nature of the BMV land, it would not necessarily be available to be farmed. As confirmed at the ISH6, it is not possible to move panels off areas of BMV to areas within the

Interested Party	Summary of matter raised	RWE Response
		Order Limits currently not showing panels, as these areas provided essential mitigation for the Proposed Development and have been strategically located to bring wider benefits (e.g. connections between mitigation land in Panel Area C and southwards to the SSSI to the south of Catkill Lane.

Table 3-3 Applicant comments on oral submissions at ISH7

Interested Party	Summary of matter raised	RWE Response
Mr Laws on behalf of Darlington Borough Council	Mr Laws, for DBC, explained that most of the outstanding issues in the statement of common ground are unchanged since the last Issue Specific Hearing. Mr Laws submitted that the outstanding differences are likely due to differences in how the parties take into account cumulative effects. Mr Laws then explained two examples, with reference to the supplementary information provided within DBC's Local Impact Report [REP5-036].	At this deadline, the Applicant has provided a detailed response to DBC's submission REP5-036 in the Applicant's comments on Darlington Borough Council ISH4 Action Points submission (Document Reference 8.25). An updated SoCG with DBC is provided at Deadline 6 (Document Reference 8.4.2, Revision 3). Additionally, the Applicant has provided further information on the cumulative effects assessment in respect of landscape and visual, within the Landscape and Visual Assessment - Cumulative Effects Technical Note (Document Reference 8.27) submitted at this deadline.
Mr Taylor for Great Stainton Parish Meeting	Mr Taylor, for Great Stainton Parish Meeting, submitted that the short list provided by the Applicant in paragraph 13.5.40 [APP-036] is too short and appears to be out of date since January 2024.	The cumulative effects assessment is necessarily based on a 'point in time' prior to DCO application submission. The Applicant set out at ISH7 how updated information provided by DBC in the Local Impact Report has subsequently been considered, and this is reflected in the updated Short List of Committed Developments (Document Reference 6.4.13.3, Revision 2) provided at Deadline 6.
Mr Philpott, for Great Stainton Parish Meeting	Mr Philpott referred to his previous submission [REP4-022] in which the residents of Great Stainton identified land in Panel Area D to be removed due to the proximity of the panels to the village and the ineffectiveness of screening due to the undulating land. Mr Philpott submitted that the Applicant agreed the Parish Meeting's priority areas but did not make a commitment to remove them.	The Applicant has made a commitment, via the revised Design Application Document [REP5-024/25] submitted at Deadline 5, to consider rationalisation of the design, in line with priority areas identified by the local community, should advances in technology make it feasible to do so.

Interested Party	Summary of matter raised	RWE Response
Mr Philpott, for Great Stainton Parish Meeting	Mr Philpott referred to the proposed overplanting ratio of 1:6 and submitted that comparable solar farms work on a ratio of 1:2, which if applied to the Proposed Development could remove circa 170 acres of land for the same megawatt output. Mr Philpot submit that, as a responsible developer, the Applicant should commit to remove the areas of land previously identified by all the villages impact by the Proposed Development.	Please refer to the Applicant's response on overplanting within Table 2-1 of this document.
Mrs Tinkler on behalf of Bishopton Villages Action Group (BVAG)	Mrs Tinkler made a number of submissions on the methodology and conclusions of the cumulative assessment of landscape and visual effects.	The Applicant has provided further information on the cumulative effects assessment in respect of landscape and visual, within the Landscape and Visual Assessment - Cumulative Effects Technical Note (Document Reference 8.27) submitted at this deadline. It is considered this addresses the points raised by Mrs Tinkler and the Applicant continues to discuss landscape matters with BVAG with a view to updating the SoCG with them prior to end of Examination.
Mr Robert Bowes	Mr Bowes made comments relating to ES Figure 13.1 [APP-102], stating that approximately 90% of the developments that are very close to the Proposed Development are solar farms which have recently been consented.	As referred to above, the Applicant has updated the Short List of Committed Developments (Document Reference 6.4.13.3, Revision 2) at Deadline 6. The Applicant has also updated the accompanying ES Figure 13.2 Short List of Committed Developments (Document Reference 6.3.13.2, Revision 2) at Deadline 6 to more clearly identify those developments which are solar farms.

3.2. Hearing Action Points

Number	Party	Action	RWE Response
Issue Specific Hearing 5			
1	Applicant	Applicant to carry out a thorough review of the dDCO to identify and amend inaccuracies in relation to drafting, particularly in the introduction and Part 1 of the dDCO (including, for example, references to "distribution / transmission cabling" in the Works Descriptions, and the	Clean and tracked versions of the dDCO (Document Reference 3.1, Revision 5) have been submitted as part of the Deadline 6 submissions. The DCO Schedule of Changes has also been submitted (Document Reference 3.3, Revision 4).

Number	Party	Action	RWE Response
		introductory reference to a "single appointed inspector" and the terms included in the "Part 1 "interpretation").	The Applicant's response to specific matters raised by the ExA on the dDCO can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
2	Applicant	Applicant to consider amending the dDCO to clarify the distinction between Part 4 (Supplementary Powers) and the reference in Article 28(5)(b) to "Part 4 – Interpretation" (which is additional wording to be read into Schedule 2A of the Compulsory Purchase Act 1965).	The Applicant's response to this matter can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
3	Applicant	Applicant to consider whether the protective provisions included in Schedule 11 of the dDCO contain protections in respect of the powers contained in Article 29 (Rights under or over streets) and Article 30 (Temporary use of land for carrying out the authorised development).	The Applicant's response to this matter can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
4	Applicant	Applicant to review the cross-references to dDCO Schedules within Article 30 (Temporary use of land for carrying out the authorised development).	The Applicant's response to this matter can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
5	Applicant	Applicant to consider whether its use of the terms "associated", "auxiliary" and "ancillary equipment" within Schedule 1 of the dDCO reflects the works proposed by the Applicant and if their understanding of those terms is consistent with other recently made DCOs and if those terms can be made more specific.	The Applicant's response to this matter can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
6	Applicant	Applicant to consider and justify whether Requirement 3(2) of the dDCO should be amended to expressly require the details submitted for approval to accord with the Outline Landscape Environmental Management Plan.	The Applicant's response to this matter can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
7	Applicant	Applicant to consider amending Article 12 of the dDCO to provide for the local highway authority to inspect and be satisfied that any streets and footpaths / bridleways which are maintained by and at the expense of the Applicant for a	The Applicant's response to this matter can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).

Number	Party	Action	RWE Response
		period of 12 months have been maintained to an adoptable standard.	
8	Applicant	Applicant to clarify the Articles to which each Part of Schedule 5 (Public Rights of Way to be Stopped Up) relates.	The Applicant's response to this matter can be found in Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
9	Applicant	Applicant to re-produce its comments (as submitted at Deadline 5) on the Examining Authority's Commentary to the dDCO as a standalone document and to update its comments to reflect the actions ISH5-01 to ISH5-08 above. Applicant to note that future dDCO comments need to be submitted as stand alone documents.	The standalone document has been submitted as Applicant's Response to ExA's Commentary on draft DCO (Document Reference 8.28).
10	Applicant. Darlington Borough Council and Stockton Borough Council	Applicant, Darlington Borough Council (DBC) and Stockton-on-Tees Borough Council (SBC) to discuss and seek to resolve DBC's concerns with the dDCO and in particular Article 10(4) (which removes DBC's controls under the NRSWA 1991 to coordinate road works). The parties' positions are to be recorded in DBC's Statement of Common Ground.	Response due at Deadline 7
11	Applicant	Applicant to re-submit, if applicable, relevant application documents to show the baseline position at Deadline 6 excluding any amendments / updates made in respect of the Change Application, as this has not been accepted by the ExA. Where acceptance of the Change Application would result in changes to the baseline position at Deadline 6, updated application documents showing those changes are to be submitted at Deadline 6b only.	The cover letter sets out a schedule of documents submitted as part of Deadline 6, in order to revert to the baseline position in which any reference to the Change Application is excluded.
Issue Specific Hearing 6			

Number	Party	Action	RWE Response
1	Applicant	Applicant to consider including a commitment in the outline Construction Environmental Management Plan to encourage contractors to patronise local businesses (for example, by endeavouring to run training sessions and exhibitions in local community halls).	The outline Construction and Environmental Management Plan (oCEMP) [REP5-012/013] includes a commitment at LUSE1 – CEMP to explore employment and supply chain opportunities throughout the construction period.
2	Applicant and Darlington Borough Council	Applicant and DBC to consider specific initiatives for the Applicant's proposed Community Benefit Fund and update the Statement of Common Ground with DBC accordingly	Response due at Deadline 7
3	Applicant	Applicant to updated Requirement 10(1) (Soil Management) of the dDCO to include Natural England as consultee for the approval of the soil resource management plan by the relevant planning authority.	Requirement 10(1) has been updated to include Natural England as a consultee. Clean and tracked versions of the dDCO (Document Reference 3.1, Revision 5) have been submitted as part of the Deadline 6 submissions. The DCO Schedule of Changes has also been submitted (Document Reference 3.3, Revision 4).
4	Carly Tinkler and Andy Anderson	Ms Carly Tinkler and Mr Andy Anderson to submit in written their oral representations from ISH6 (respectively concerning agricultural land and glint and glare; and the avoidance of BMV land).	
5	Applicant	Applicant to submit written comments on the representations submitted in accordance with ISH6-04.	Response due at Deadline 7
Issue Specific Hearing 7			
1	Darlington Borough Council	DBC to submit written comments on the Applicant's Cumulative Effects Sensitivity Analysis at section 3.2 of the Applicant's Comments on any further information / submissions received by Deadline 4 [REP5- 005].	
2	Applicant	Applicant to provide clarity on the rationale for concluding, in Table 1-1 of ES Appendix 13.1: In-combination Effects Table [APP-160], that the Proposed Development will not result in any significant in-combination effects.	The Applicant has prepared a further commentary on ES Appendix 13.1 which is included at Appendix B of this document.

Number	Party	Action	RWE Response
3	Carly Tinkler	Ms Carly Tinkler to submit in writing her oral submissions from ISH7 concerning the Applicant's approach to the assessment of cumulative landscape and visual effects.	
4	Applicant	Applicant to submit written comments at Deadline 6 on the oral submissions made by Interested Parties during ISH7 and to submit at Deadline 7 further comments on any additional information submitted in accordance with ISH7-03.	The Applicant's comments on oral submissions made during ISH7 can be found within Table 3-3 of this document. A response to written submissions provided by Interested Parties at Deadline 6 will be provided at Deadline 7.
5	Applicant and Darlington Borough Council	Applicant and DBC to progress the Statement of Common Ground regarding landscape and visual matters.	The Applicant and DBC have continued to progress the SoCG, with the latest version being submitted at this Deadline (Document Reference 8.4.2, Revision 3).

A.1 NRM Annual Soil Summary

Annual Soil Summary

NRM is the UK's leading provider of agronomic analysis.

Every year we publish summarised data from thousands of samples from farms across the country. Our soil, plant tissue, harvested crops, and inputs analyses help farmers and their advisors understand their nutrient status and benchmark against other farms. This data helps them plan and implement insightful management decisions to prepare them for the coming season.

The 2023 - 2024 summary includes data from over 25,000 soil samples collected between June 2023 and May 2024. The nutrient levels outlined in the 9th edition of the RB209 are used to summarise our data for phosphorus, potassium, and magnesium in the soils of four different crop categories.

Our results from arable fields show that around a third of phosphorus samples were at the target index (2), which is similar to previous years. However, the proportion of samples greater than the target index was much higher (42%) this year, whilst 25% of samples were below average.

Soil P levels that are too high or too low can have significant implications for crop production and environmental health. Excessive phosphorus can lead to nutrient imbalances, reducing the availability of nutrients such as zinc (Zn) and iron (Fe), which can impact plant development. High soil P levels can also cause environmental problems. If P-bound soil surface particles enter streams, algal blooms develop, reducing water quality. Low phosphorus levels limit plant growth by restricting root development and energy transfer processes, leading to poor crop yields and quality. Maintaining soil P nutrition is crucial for agricultural productivity and environmental protection.

Our results show that 42% of grassland samples and more than a quarter of arable samples were lower than the target index (2-) for potassium (K).

When soil K levels are deficient, plants struggle to maintain an appropriate water balance, making them more vulnerable to drought and heat stress. This can result in wilting, stunted growth, and poor root development. Potassium deficiency also increases a crop's susceptibility to pests and diseases and leads to less productive crops of a poorer quality.

To book analysis for your farm or for help interpreting your results, talk to your agronomist or contact us.

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2023-2024 Soil Summary

Analysing soil for organic matter is essential as it helps determine soil health and productivity. Soil organic matter (SOM) enhances nutrient cycling, improves soil structure, and boosts water retention, all of which are vital for sustainable agriculture production.

Even though 90% of arable farmers regularly undertake standard soil tests (P, K, Mg and pH), only around 17% currently test for organic matter. This gap is significant, as managing SOM alongside nutrient analysis plays an essential role in maintaining soil health, influencing everything from fertility and water retention to carbon sequestration.

Although standard soil nutrient testing provides valuable insights into soil health, adding SOM analysis will give you a more comprehensive understanding. Benchmarking SOM levels for year-on-year improvements will help you improve soil health and meet sustainability targets. For example, up-to-date SOM results are required to meet the obligations of the Sustainable Farming Incentive (SFI)'s SAM1 action for soils.

SOM analysis is also helpful to help you bolster the resilience of your farming business by learning how better to withstand challenges such as extreme or unexpected weather. For example, active carbon can be a good indicator of soil fertility, so improving SOM and active carbon levels in the soil will help support crops both now and in the future. Boosted SOM levels are also critical for the functioning of important natural ecosystems, for improving and enhancing biodiversity, and for habitat protection.

So, SOM analysis is a valuable tool not just for helping you improve sustainable productivity and increase profit margins but to help us all ensure fertile, healthy soils for future generations.

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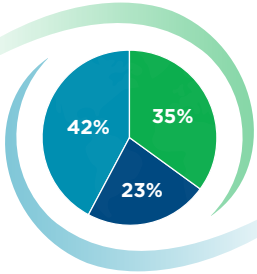
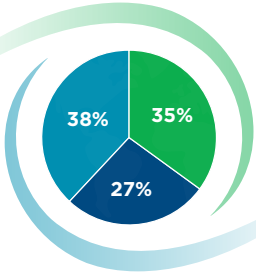
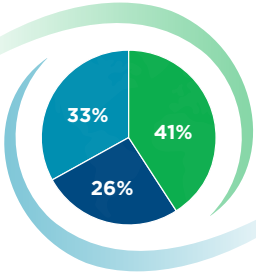
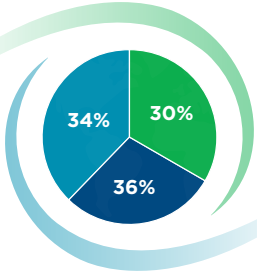
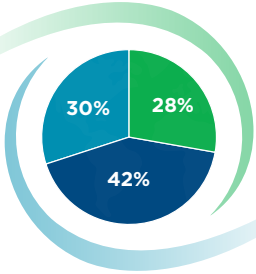
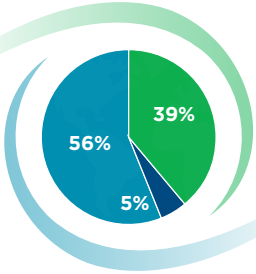
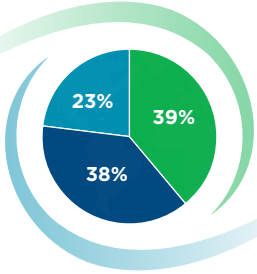
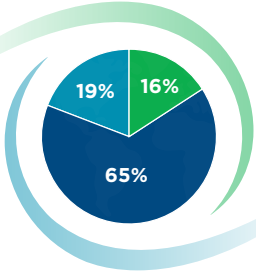
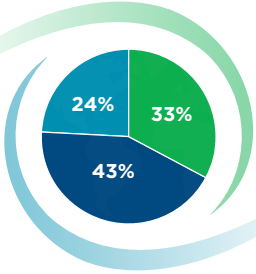
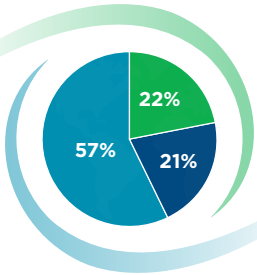
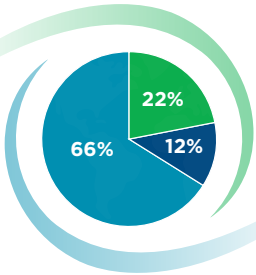
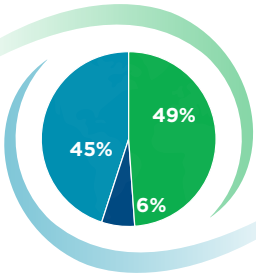
Summarised Results

	Phosphorus	Potassium	Magnesium
 **Arable Soils**	 35% of soils at target value > Index 2 < Index 2 Index 2	 35% of soils at target value > Index 2 < Index 2 Index 2	 41% of soils at target value > Index 2 < Index 2 Index 2
 **Grassland**	 30% of soils at target value > Index 2 < Index 2 Index 2	 28% of soils at target value > Index 2 < Index 2 Index 2-	 39% of soils at target value > Index 2 < Index 2 Index 2
 **Vegetable & Bulb Soils**	 39% of soils at target value > Index 3 < Index 3 Index 3	 16% of soils at target value > Index 2 < Index 2 Index 2+	 33% of soils at target value > Index 2 < Index 2 Index 2
 **Fruit, Vines & Hops Soils**	 22% of soils at target value > Index 2 < Index 2 Index 2	 22% of soils at target value > Index 2 < Index 2 Index 2	 49% of soils at target value > Index 2 < Index 2 Index 2

NRM Focus: Soil Organic Matter

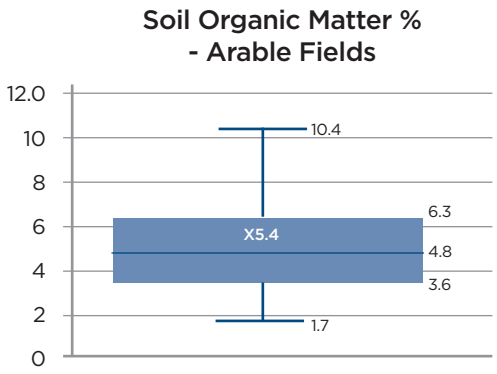
Significant contrasts in SOM levels are found between arable and grassland soils.

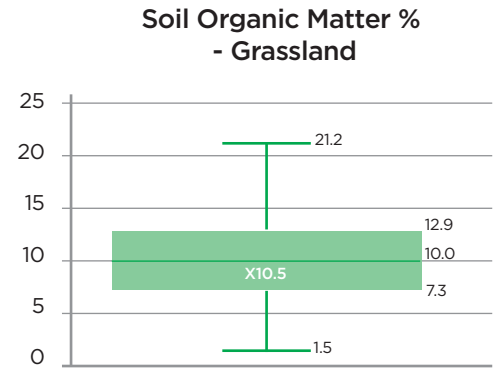
Key Findings

- Arable soils, which can often be subjected to intensive cultivation, show an average SOM of 5.4%, with values ranging from 1.7% to 10.4%.
- Grassland soils, in contrast, display a richer and more variable SOM profile with an average of 10.5%, nearly twice as high as arable soils. SOM levels in grasslands range from 1.5% to 21.2%, demonstrating greater variability.

The height of the shaded boxes in the diagrams represents the interquartile range (IQR). For arable soils, the range lies between 3.6% to 6.3%, indicating moderate SOM levels..

- Grassland soils exhibit a higher IQR, 7.3% to 12.9% SOM, suggesting these soils are healthier and often more resilient.
- These differences emphasise the impact of land use on SOM content, with grasslands benefiting from reduced soil disturbance and the addition of organic inputs, such as plant residues and manure from grazing animals.





The broader SOM range in grasslands can be linked to multiple factors, such as grazing intensity, plant diversity, and soil management practices. In contrast, the narrower SOM range in arable soils suggests that intensive farming practices, such as ploughing and the absence of cover crops, can lead to more uniform levels but tend to reduce SOM over time.

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SOM implications for sustainable agriculture and climate change mitigation

- Improving SOM not only enhances soil health but also contributes to carbon sequestration, which helps mitigate climate change.
- Farmers with arable soils face challenges in maintaining SOM, but practices like reduced tillage, cover cropping, and the use of organic inputs like manure can significantly enhance SOM levels.
- Grassland soils already act as significant carbon sinks due to their higher SOM content. Preserving and enhancing SOM in these soils through sustainable practices such as rotational grazing and minimising soil disturbance is essential to maintain and/or further increase carbon sequestration.

The stark differences in SOM between arable and grassland soils emphasise the need for tailored management practices. While arable soils may require more active intervention to improve SOM levels, grasslands demonstrate the value of less intensive, more natural systems in maintaining soil health and supporting broader environmental goals.

Ultimately, by adopting sustainable land management practices, both soil types can be optimised to improve productivity, boost resilience, and help mitigate the effects of climate change.

For further information on soil organic matter analysis, talk to your agronomist or contact our customer services team on 01344 886 338.

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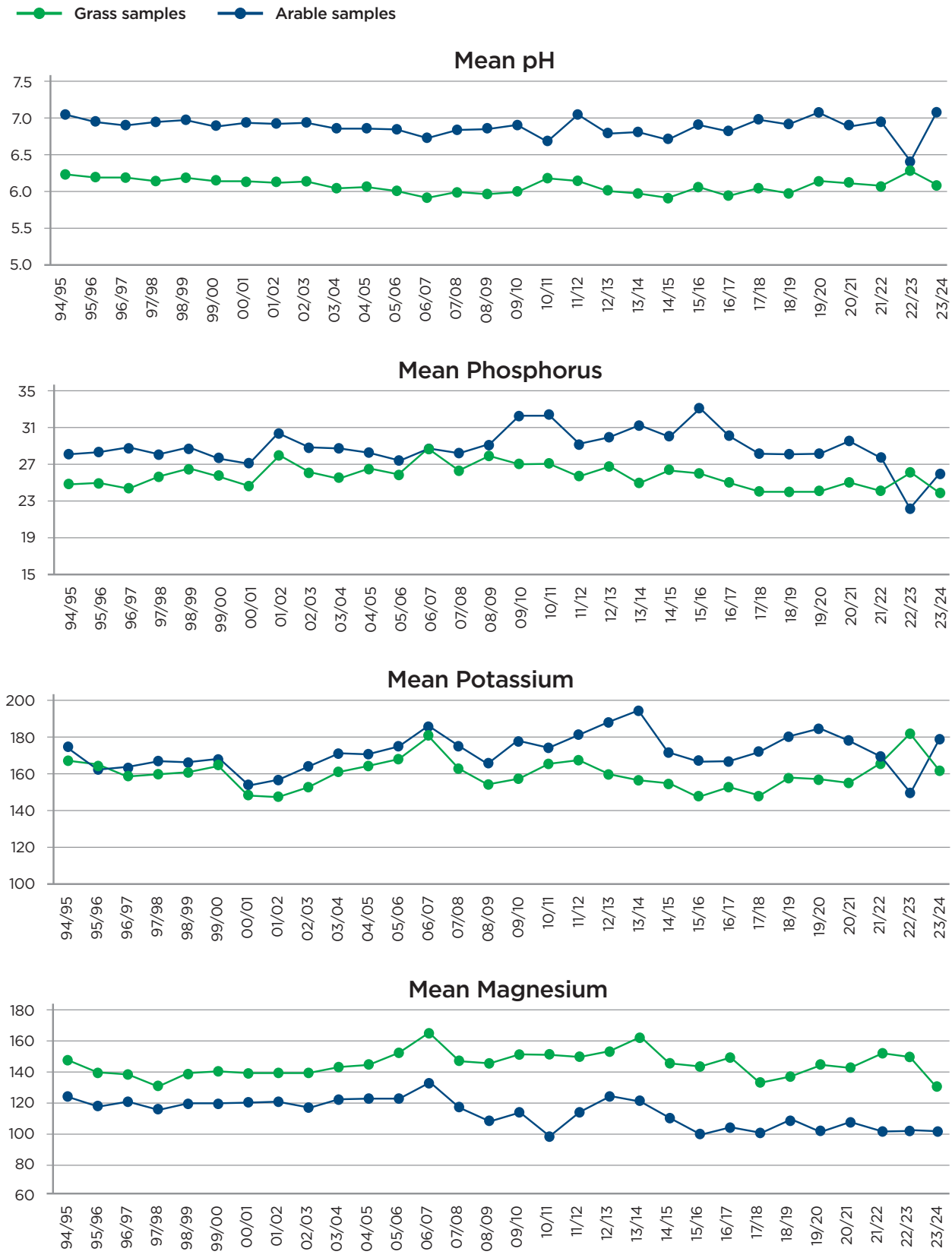
1994-2024 Trends



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A.2 Commentary on ES Appendix 13.1: In-combination Effects Table [APP-160]

Introduction

Scope

This note provides further detail on the approach taken by the Applicant in relation to in-combination or intra-project effects following discussion at the Issue Specific Hearing 7 (ISH7) on Cumulative Effects, held on Wednesday 27 November 2024.

Reference will be made to:

- Environmental Statement (ES) Chapter 13 Cumulative Effects [APP-036]
- ES Appendix 13.1 of the Environmental Statement [APP-160]
- PINS Guidance Note 7 on Cumulative Effects Assessment
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)

Purpose of in-combination assessment

The EIA Regulations state through Regulation 5, paragraph 2 *"The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors:*

> *(a) population and human health;*
> *(b) biodiversity, with particular attention to species and habitats protected under [F4 any law that implemented] Directive 92/43/EEC[M13] and Directive 2009/147/EC[M14];*
> *(c) land, soil, water, air and climate;*
> *(d) material assets, cultural heritage and the landscape;*
> *(e) the interaction between the factors referred to in sub-paragraphs (a) to (d).*

National Policy Statement (NPS) EN-1, through Section 4.3 'Environmental Effects/Considerations outlines that the Secretary of State should consider how the *"accumulation of, and interrelationship between effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place."* (paragraph 4.2.6).

In-combination effects may occur where two or more effects arise that have the potential to impact on the same receptor during construction, operation and decommissioning of the Proposed Development. These various effects may, on occasion, interact to produce a combined effect of overall greater significance than each individual effect on its own.

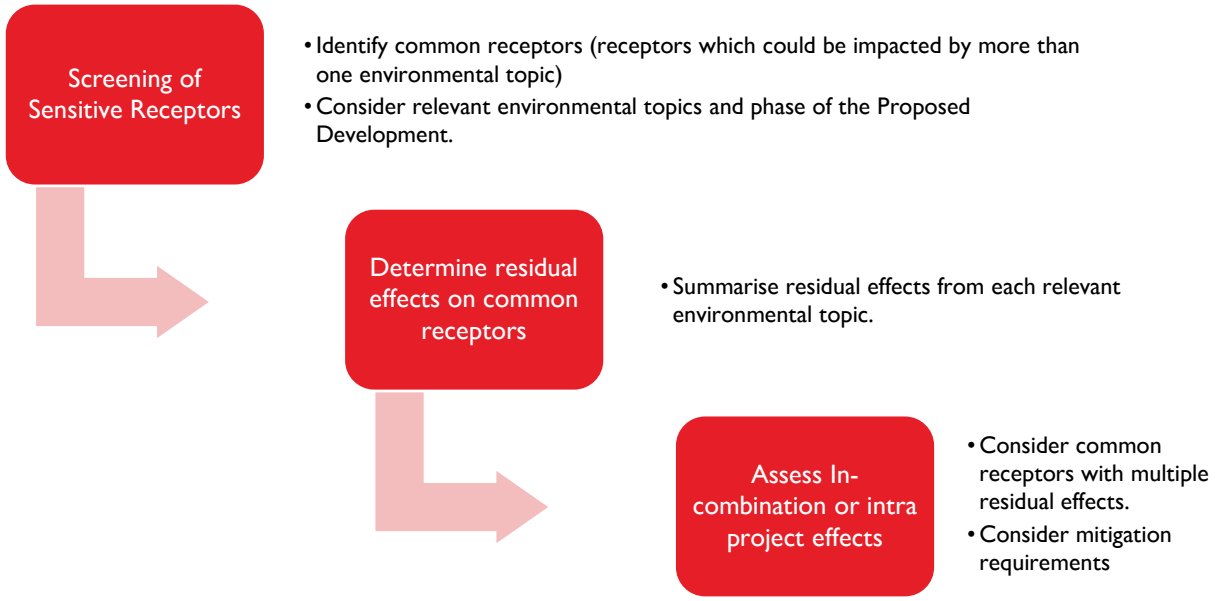
As set out in ISH7, consideration of in-combination effects is not therefore a simple 'addition' process, as an in-combination effect will not always occur when a number of individual, topic specific effects are combined. Other factors such as temporal scope and extent of reported impacts are important when considering reported interactions.

It is also important to keep in mind the distinction between the categories of effects which are typically considered within the cumulative effects chapter of an ES, as explained in Environmental Statement (ES) Chapter 13 Cumulative Effects [APP-036] at paragraph 13.1.2:

- In-combination effects from the interrelationship between different environmental effects of the Proposed Development (intra-project). These in-combination effects are addressed further in this note; and
- Cumulative effects from the interrelationship between different projects along with the Proposed Development (inter-project). Those inter-project effects are not considered within this note.

Approach / Methodology

The assessment presented in ES Appendix 13.1 [APP-160] and summarised in ES Chapter 13 [APP-036] considers residual effects that are reported in individual topic chapters and follows the following three step process:



The assessment of in-combination effects considers the combined effects of individual impacts from the Proposed Development, identified within the assessments at Chapters 5 to 12 of the ES, that are likely to result in new or different likely significant effects, or an effect of greater significance, than any single impact on its own.

As summarised in Chapter 13 of the ES, Section 13.4, following a review of the various topic assessments, the following broad receptor groups were identified as having potential to experience in-combination effects:

- Human receptors, including local residential properties, businesses and recreational resources (including PRoW).
- Ecological designated sites, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar, Sites of Special Scientific Interest (SSSI), Local Nature Reserves, as well as county and local level designations and priority habitats.
- Protected species.
- Designated heritage features, including changes to the setting of heritage assets and changes that could impact on unknown archaeological remains.

ES Appendix 13.1 then considers the residual effects from each topic assessment during construction, operation and decommissioning of the Proposed Development. Where no residual effects from the individual topic assessments were identified in relation to a specific receptor group, no interactions are considered further within the in-combination assessment.

The broad approach to the consideration of in-combination effects has been applied to numerous Environmental Statements that support DCO applications. The level of detail provided within this note, and ES Appendix 13.1 is considered comparable to other examples which demonstrate a similar level and type of interactions.

For ecological designated sites, no other topic assessment identified a potential effect that should then be considered alongside the findings of the biodiversity assessment. The potential effects on these receptors were therefore adequately considered intrinsically within ES Chapter 6 Biodiversity [APP-029].

Potential interactions on the other broad receptor groups, are summarised as follows. This aims to provide further detail following ISH7 in relation to topic assessments where effects have the potential to combine to create an effect of overall greater significance than each individual effect on its own. This does not necessarily include all combinations of the topic assessments identified as reporting impacts on the broad receptor group in ES Appendix 13.1, as some of these individual impacts would not interact and therefore there is no potential for in-combination effects (e.g. the effects of traffic on access to community facilities would not interact with effects on views from a location to give rise to greater effects).

Human Receptors during Construction & Decommissioning

The following potential interactions between topic assessments have been considered in reaching the overall conclusions presented in Appendix 13.1.

Visual and Noise effects arising for residents

The landscape and visual impact assessment (LVIA) as reported in ES Chapter 7 Landscape and Visual [APP-030] concludes moderate adverse, not significant effects on views at Great Stainton and Bishopton and the noise assessment, including the Construction Noise Addendum submitted at Deadline 4 [REP4-012] concludes moderate adverse effects for a very small number of receptors in Bishopton in relation to the panel area construction, and properties along the cable route, particularly if on-road options are used. Additional mitigation measures have been included within the CEMP in order to manage any noise effects, which will occur for less than one month. Given the temporary nature of the noise effects and with the mitigation proposed, it is not considered that the combined effects on residents would increase the overall significance above that reported in the individual assessment chapters. No additional mitigation measures are proposed.

There are no other situations where an effect in the LVIA has the potential to combine with noise effects and lead to an effect of overall greater significance.

Visual and land use effects on PRoW

The LVIA concludes major/moderate changes to views from a number of PRoW whilst the socio-economic assessment concludes minor effects which are not significant from a recreational land use perspective. With embedded mitigation such as the PRoW Management Plan, it is considered that effects in-combination would not increase the overall effects beyond those reported in the individual chapters. No additional mitigation is therefore proposed.

Traffic and transport and Noise effects

Construction traffic forms part of the consideration within the noise assessment work and therefore no further in-combination effects are anticipated beyond those reported within the individual assessments.

Visual and Hydrology and Flood Risk for property owners

The LVIA [APP-030] concludes moderate adverse, not significant effects on views from Great Stainton and Bishopton. ES Chapter 10 Hydrology and Flood Risk [APP-033] concludes a negligible risk to residential water supplies and minor to negligible risk of flooding with run-off controls and the drainage scheme. The risk of an in-combination effect is therefore limited and no further mitigation is proposed.

Human Receptors during Operation

Visual and Noise effects arising for residents

The LVIA concludes major/moderate adverse and significant effects to views at Great Stainton and Bishopton (years 1-10). The noise assessment concludes no significant effects during operation and therefore in-combination effects on residents is not anticipated.

Visual and land use effects on PRoW

The LVIA [APP-030] concludes major/moderate and significant changes in views from a number of PRoW. The socio-economic assessment reported in ES Chapter 9 [APP-032] concludes minor adverse effects from a recreational resource perspective. With proposed management of the PRoW and inclusion of permissive trails, it is not anticipated that in-combination effects, over and above those reported in the individual topic chapters would occur. No further mitigation is considered necessary.

Visual and Hydrology and Flood Risk for property owners

The LVIA [APP-030] concludes major/moderate adverse and significant effects to views at Great Stainton and Bishopton (years 1-10). The hydrology and flood risk chapter concludes a negligible risk to residential water supplies and minor to negligible risk of flooding with run-off controls and the drainage scheme. The risk of an in-combination effect is therefore limited, and no further mitigation is proposed.

Biodiversity – Protected Species during Construction, Operation and Decommissioning

Limited interactions are identified which may give rise to in-combination effects. H ES Chapter 10 Hydrology and Flood Risk [APP-033] concludes a negligible pollution risk to watercourses with mitigation and therefore it is considered that the biodiversity assessment fully considers effects on protected species during all phases.

Designated Heritage Features – Construction, Operation and Decommissioning

Potential for in-combination effects between landscape and visual and heritage have been considered, however, whilst the LVIA reports changes to views, effects relating to heritage features is captured within the cultural heritage assessment. As such, no interactions are identified as this would double count assessment work undertaken in the topic specific assessments with effects assessed inherently when considering setting effects.

Summary Table

The table below provides a summary of the findings of the individual topic assessments identified as having the potential to interact. The table also provides a summary of the in-combination assessment having considered these interactions.

Broad Receptor Group	Topic Findings and Summary
Human Receptors – Construction	**LVIA** – Moderate Adverse, not significant effects to views at Great Stainton and Bishopton. Major/Moderate changes to views from a number of PRoW. **Land Use & Socio-economics** – negligible, not significant effects on community and recreational resources, minor adverse effects on PRoW. Mitigation proposed in relation to CEMP, CTMP and PRoW Management Plan. **Hydrology & Flood Risk** – negligible risk to residential water supplies. Pollution control mitigation measures proposed. Minor

Broad Receptor Group	Topic Findings and Summary
	adverse to negligible effects on flood risk. Run-off control measures and drainage scheme / surface water management plan. **Noise & Vibration** – Moderate adverse effects at a very small number of receptors, for less than one month. Noise control and liaison measures proposed within the CEMP. **Traffic and Transport** – minor adverse effects (on-road cabling) for driver delay. Negligible effects for all other receptors given mitigation measures within the dDCO. **Summary** Where interactions between effects are possible, each effect is considered unlikely to work in-combination to generate a new effect or an effect of greater significance, especially considering the embedded measures and mitigation within the various outline management plans. No significant in-combination effects are therefore anticipated, and no further mitigation is required.
Human Receptors – Operation	**LVIA** – Major/Moderate Adverse, significant effects to views at Great Stainton and during years 1-10 at Bishopton. Major/Moderate changes to views from a number of PRoW. **Land Use & Socio-economics** – Minor, not significant effects on PRoW. **Hydrology & Flood Risk** – negligible and minor risk to residential water supplies. Pollution control mitigation measures proposed. Minor adverse to negligible effects on flood risk. Run-off control measures and drainage scheme / surface water management plan. **Noise & Vibration** – no significant effects reported. **Traffic and Transport** – negligible effects given very low volumes of ongoing vehicle access. **Summary** Identified interactions are not considered to give rise to new effects or an effect of greater significance, especially considering the embedded measures and mitigation within the various outline management plans. No significant in-combination effects are therefore anticipated, and no further mitigation is required.
Human Receptors – Decommissioning	**LVIA** – Minor Adverse, not significant effects to views at Great Stainton and Bishopton. Some Major/Moderate adverse and significant changes to views from a number of PRoW, mostly moderate adverse and not significant.

Broad Receptor Group	Topic Findings and Summary
	Land Use & Socio-economics – negligible, not significant effects on community and recreational resources, minor adverse effects on PRoW. **Hydrology & Flood Risk** - negligible risk to residential water supplies. Pollution control mitigation measures proposed. Minor adverse to negligible effects on flood risk. Run-off control measures and drainage scheme / surface water management plan. **Noise & Vibration** - Moderate adverse effects at a very small number of receptors, for less than one month. **Traffic and Transport** – negligible effects with measures secured via the decommissioning management plan. **Summary** See construction. Potential interactions are considered to be similar to the construction phase with no significant in-combination effects are therefore anticipated, and no further mitigation is required, with appropriate controls included within the outline DEMP.
Protected Species – Construction	**Biodiversity** – Low, not significant effects. **Hydrology & Flood Risk** – negligible pollution risk to watercourses with mitigation. **Summary** Individual effects are considered unlikely to work in-combination to create any new or significantly greater effects. No further mitigation is required.
Protected Species – Operation	**Biodiversity** – Low to minor with a potential beneficial effect for breeding birds, not significant. **Hydrology & Flood Risk** – negligible pollution risk to watercourses with mitigation. **Summary** Individual effects are considered unlikely to work in-combination to create any new or significantly greater effects. No further mitigation is required.
Protected Species – Decommissioning	**Biodiversity –** Low, not significant effects. **Hydrology & Flood Risk** – negligible pollution risk to watercourses with mitigation. **Summary**

Broad Receptor Group	Topic Findings and Summary
	Individual effects are considered unlikely to work in-combination to create any new or significantly greater effects. No further mitigation is required.
Designated Heritage Features – Construction	**LVIA** – Moderate Adverse, not significant effects to views at Great Stainton and Bishopton. **Cultural Heritage and Archaeology** – Negligible or minor adverse and not significant effects concluded. **Summary** – No interactions or in-combination effects identified as the effects on heritage features is considered inherently when considering impacts on setting within the Cultural Heritage assessment.
Designated Heritage Features – Operation	**LVIA** - Major/Moderate Adverse, significant effects to views at Great Stainton and during years 1-10 at Bishopton. **Cultural Heritage and Archaeology** – Negligible and not significant effects concluded in relation to the Bishopton Conservation Area and the Scheduled Monument Motte and Bailey Castle. **Summary** – No interactions or in-combination effects identified as the effects on heritage features is considered inherently when considering impacts on setting within the Cultural Heritage assessment.
Designated Heritage Features – Decommissioning	**LVIA** - Minor Adverse, not significant effects to views at Great Stainton and Bishopton. **Cultural Heritage and Archaeology** – No effects identified – all effects felt during construction and operational phases. **Summary** – No interactions given the scope and findings of the heritage assessment.