

**Byers Gill Solar  
EN010139**

# 8.29 Change Application Consultation Report

Section 37(3)(c) of the Planning Act 2008

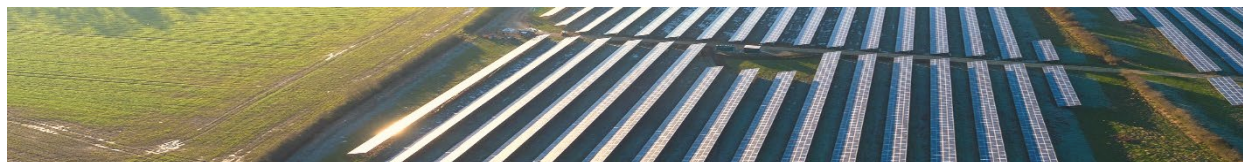
APFP Regulation 5(2)(q)

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

Volume 5

December 2024

Revision C01



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# 1. Introduction

## 1.1. Background to the Change Application

- 1.1.1. This Consultation Report (the **Report**) forms part of a Change Application prepared by RWE Renewables UK Solar and Storage Limited (the **Applicant**) to request changes to the accepted application for a Development Consent Order (**DCO Application**) for Byers Gill Solar (the **Proposed Development**).
- 1.1.2. The Proposed Development is a renewable energy scheme, located in the north-east of England, covering an area of approximately 490 hectares (ha), and comprising solar photovoltaic (PV) panels, on-site Battery Energy Storage Systems (BESS), associated infrastructure as well as underground cable connections between panel areas and to connect to the existing National Grid Substation at Norton. The Proposed Development will have the capacity to generate over 50 Megawatts (MW) alternating current (AC) of electricity.
- 1.1.3. The DCO Application for the Proposed Development was accepted by the Planning Inspectorate for Examination on 8 March 2024. The DCO Application is currently in Examination, which started on 23 July 2024 and is due to close on 23 January 2025.
- 1.1.4. As a result of the Applicant's ongoing engagement with Interested Parties and the Examining Authority (**ExA**), the Applicant identified a need to refine the Proposed Development by means of a change application. On 27 September 2024, in accordance with the Planning Inspectorate's Guidance - *Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination* (published 8 August 2024) (the **Guidance**), the Applicant submitted to the ExA its Notification of the Applicant's intention to Submit a Change Application (**Change Notification**) [**AS-012**]. The ExA responded to the Applicant's proposed change application on 11 October 2024 [**PD-007**].
- 1.1.5. The Applicant submitted its Change Application and supporting documents to the ExA on 18 October 2024. The Change Application proposes two changes to the DCO Application:
- a. the inclusion of provisions in the draft DCO for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing Order limits (**Change 1**); and
  - b. a minor extension of the Order limits and Work No. 3 within Panel Area A to include and cover part of an existing private access track known as High House Lane (**Change 2**), together, the **Proposed Changes**.
- 1.1.6. The Proposed Changes are described in overview in Section 2 of this Report and in further detail within the Change Application Summary Report [CR1-012] submitted on 18 October 2024 and within the Applicant's Statement of Purpose (a consultation material).

- 1.1.7. The Change Application Summary Report also set out the Applicant's proposals to carry out consultation on the Proposed Changes, in accordance with the Guidance and relevant legislation, following acceptance of the Change Application by the ExA.
- 1.1.8. The Change Application was accepted for further consideration by the ExA in its Procedural Decision on 1 November 2024 [PD-009]. In its decision, the ExA referred to the Guidance and confirmed that it will decide to accept or reject the Proposed Changes as part of the DCO Application once it has considered the consultation responses and any other representations made on the proposed Change Application.

## 1.2. Purpose of this Report

- 1.2.1. The purpose of this Report is to provide an account of the statutory and non-statutory consultation activities carried out by the Applicant for the Proposed Changes and demonstrate the Applicant's compliance with relevant statutory requirements and the Guidance. The Applicant has also had regard to the ExA's Procedural Decisions on 11 October 2024 [PD-007] and 1 November 2024 [PD-009].
- 1.2.2. In summary, the Applicant carried out early engagement with key stakeholders on the Proposed Changes and, following acceptance of the Change Application on 1 November 2024, the Applicant has simultaneously carried out –
- statutory consultation in respect of Change 1 in accordance with the requirements of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the **CA Regulations**); and
  - voluntary non-statutory consultation in respect of Change 2 to reflect the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the **EIA Regulations**).
- 1.2.3. The statutory and non-statutory consultation period closed at 23:59 on 16 December 2024 (Deadline 6a).
- 1.2.4. The Report has been prepared in accordance with Step 4 of the Guidance, which requires a consultation report in support of a change application to:
- confirm who has been consulted in relation to the proposed changes and explains how and why they have been consulted;
  - include details of how the applicant has considered the content of the consultation responses received; and
  - include copies of all consultation responses received, including any responses to publicity about the proposed change. These are provided as an annex to the consultation report.

## 1.3. Responses to consultation

- 1.3.1. This Report summarises the feedback the Applicant has received in response to the consultation activities and explains how the Applicant has had due regard to the feedback in considering its proposals.

- 1.3.2. The Applicant clarifies that there were two separate channels for respondents to submit responses to the statutory consultation in respect of Change 1 and the non-statutory consultation in respect of Change 2.
- 1.3.3. In respect of Change 1, consultation was carried out through the relevant representation process prescribed by regulation 10 of the CA Regulations. The deadline for receipt by the ExA of relevant representations was 23:59 on 16 December 2024 (Deadline 6a) and, as a result, any representations were not publicly available for the Applicant to consider prior to submission of this Report on 17 December 2024 (Deadline 6b). This Report, therefore, does not provide commentary on any relevant representations submitted for Change 1 and instead summarises the feedback received during the Applicant's early engagement prior to making the Change Application. The Applicant will consider and respond in writing at Deadline 7a to any relevant representations that are published in accordance with the timetable set out in the ExA's Procedural Decision [PD-009].
- 1.3.4. In respect of Change 2, the requirements of the CA Regulations do not apply and there was no statutory requirement to carry out further consultation. However, in view of the supplementary environmental information submitted for Change 2 with the Change Application Summary Report, the Applicant carried out voluntary non-statutory consultation to reflect the EIA Regulations. Responses to this consultation were submitted directly to the Applicant, rather than the ExA. This Report summarises the responses received and explains the Applicant's consideration of those responses.
- 1.3.5. As evidenced throughout this Report, the Applicant considers that all relevant statutory pre-application requirements have been met, and the Applicant has had due consideration to the relevant guidance issued by the Secretary of State (SoS). A copy of the certificate of compliance with Regulation 7 and Regulation 8 of the CA Regulations, in the form set out in Schedule 4 of the CA Regulations, is submitted separately alongside this Report.

## 1.4. Structure of this Report

- 1.4.1. This Report is set out in a chronological order as far as is possible, detailing the pre-application engagement and consultation activities that the Applicant has carried out in relation to the change application.
- 1.4.2. It is organised into chapters; a short summary of what can be found in each is provided below:
- **Chapter 1 Introduction** – provides an introduction to the Report and its purpose.
  - **Chapter 2 Overview of Proposed Changes** – provides a summary of the changes proposed to the DCO application that were subject to consultation activities.
  - **Chapter 3 Approach to consultation** - reports on the activities undertaken in respect of the consultation on Change 1 and Change 2 and how this is compliant with relevant regulations and guidance.

- **Chapter 4 Summary of responses received to consultation** – provides a summary of feedback received in response to the consultation and explains how the Applicant has had regard to this feedback. This relates to Change 2 and pre-application engagement on Change 1 only.
- **Chapter 4 Conclusion** – sets out the conclusions of this Report.

## 1.5. Data protection

- 1.5.1. Further to the Planning Inspectorate’s Advice Note 6<sup>1</sup>, the Applicant is aware that this Report will be published on the National Infrastructure Planning website. As such, the Applicant has avoided the inclusion of personal data relating to individuals.
- 1.5.2. The Applicant must ensure that it complies with the Data Protection Act 2018, which came into force on 25 May 2018 following the introduction of the General Data Protection Regulation in 2016.
- 1.5.3. Personal details in this Report have been handled responsibly and where necessary redacted to ensure that the Applicant complies with the requirements of the Data Protection Act 2018 in the production and publication of this Report.

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<sup>1</sup> [Advice Note Six: Preparation and submission of application documents | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/advice-note-six-preparation-and-submission-of-application-documents/)

## 2. Overview of the proposed changes

2.1.1. The Change Application relates to two proposed changes to the DCO Application. These are described in overview below and in more detail in the Change Application Summary Report [CR1-012] and the further documentation provided as part of the Change Application.

### 2.2. Change 1 – acquisition of new rights over subsoil interests

2.2.1. The DCO Application seeks permission for the compulsory acquisition of rights over land as necessary to deliver the off-road cable route.

2.2.2. Change 1 seeks additional compulsory acquisition powers over subsoil land to ensure that any on-road elements of the final cable route can be delivered as required. Change 1 seeks powers to acquire rights only in subsoil land beneath public highway plots which are within the existing Order limits of the Proposed Development.

2.2.3. Subsoil land is the layer of soil beneath the strata of land comprising publicly adopted highway which, if not owned by the highway authority, generally belongs to properties either side of the road. The rights being sought are on highways already within the DCO application boundary.

2.2.4. The Applicant will only be carrying out works on, in or underneath the highway when installing on-road cable routes. Those works were set out in the original DCO application and Change 1 does not involve any new or different works being carried out.

2.2.5. The land plots where new subsoil rights will be required are set out in the table below.

**Table 2-1 Highway plots affected by Change 1**

1/1	1/2	2/2	2/6	3/1	3/6	7/4	7/5	7/6	8/3
8/6	9/6	9/8	9/15	10/2	11/1	11/10	11/11	11/12	11/16
12/4	12/7	12/9	12/10	12/12	12/14	12/15	12/16	12/17	12/18
12/20	12/23	12/24	12/25	12/27	12/30	13/1	13/3	13/5	13/8
13/11	13/13	13/15	13/17	13/18					

2.2.6. The location of those plots is shown on sheets 1, 2, 3, 7, 8, 9,10, 11, 12 and 13 of the Land Plans (Revision 3) [CR1-005].

2.2.7. The need for Change 1 has been identified following engagement between the RWE, the ExA and Darlington Borough Council (as local highways authority) during Examination. Change 1 would provide assurance to the Secretary of State (SoS) that, if it becomes necessary for RWE to lay cabling within the subsoils of publicly adopted highways to deliver the on-road cabling, RWE may acquire all necessary land rights in those subsoils for that purpose.

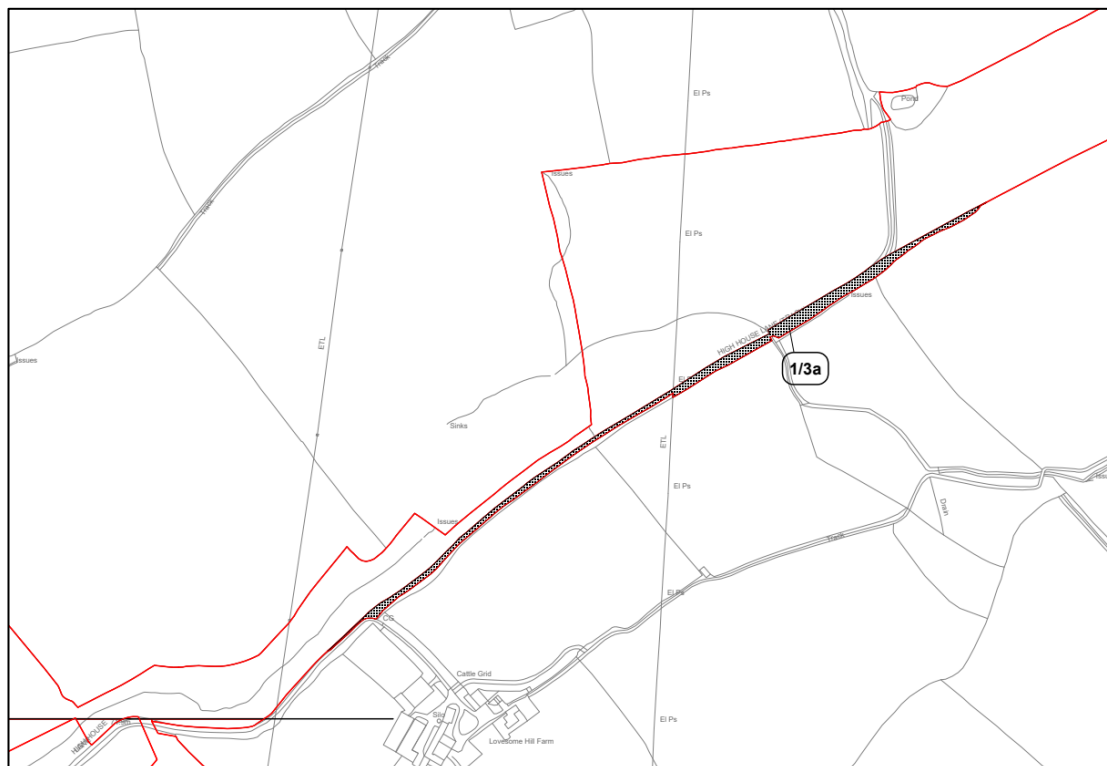


- 2.2.8. The main DCO application confirms that RWE's preferred approach to laying cabling for the Proposed Development is to use off-road routes. The land rights for those routes are currently under negotiation with landowners. RWE would only seek to lay cables along on-road routes, using the compulsory acquisition powers requested in Change 1, to the extent that it is not possible to lay cables along off-road routes at the point of construction.

## 2.3. Change 2 – High House Lane

- 2.3.1. Change 2 seeks a minor extension of the DCO application boundary at High House Lane, in Brafferton. Whilst part of High House Lane is already included in the DCO application boundary, RWE has identified a need to include a further section of the lane to ensure that it has the necessary consent to carry out minor upgrade works to the lane.
- 2.3.2. The specific section to be included is between the entrance to Lovesome Hill Farm, and where High House Lane turns north towards High House and enters Panel Area A. This is shown in the hatched area (plot 1/3a) on Figure 1 below.

**Figure 1: Change 2 – extract of Land Plans showing additional land to be included along High House Lane**



- 2.3.3. This is because the section of the lane is currently an earth track, and in order to use it temporarily for construction access, it will need to be surfaced with crushed rock or gravel. No other works within the section of High House Lane subject to Change 2 are

proposed. There are no additional works to or removal of hedgerows or other vegetation, nor any need to carry out works to drainage features, install culverts, or fencing / gates.

- 2.3.4. The works and the additional piece of land as shown on Figure 2 above would be included in Work No.3, specifically 3(d), which covers “improvement, maintenance and use of existing private tracks”. This is shown on the updated Works Plans [CR1- 003], which have been provided as part of the change application.
- 2.3.5. It is also important to highlight that RWE is not seeking to compulsorily acquire or purchase this piece of land. The proposals have been brought forward in voluntary agreement with the landowner.

## 3. Approach to engagement and consultation

- 3.1.1. This Chapter (Chapter 3) sets out the approach to consultation for each Proposed Change, including identifying any statutory requirements and how they were complied with.
- 3.1.2. Evidence of this compliance is supplied in the Appendices where relevant and appropriate and is referred to throughout this Chapter.
- 3.1.3. The Applicant followed the approach to engagement and consultation which was proposed in the Change Notification and Change Application Summary Report, having regard to the ExA's procedural decisions.

### 3.2. Change 1: compliance with the CA Regulations

#### Engagement prior to making the Change Application

- 3.2.1. Prior to making the Change Application, the Applicant carried out a land referencing exercise to identify, to the extent possible, all persons with an interest in the relevant subsoil land plots (Affected Persons). The Affected Persons that were identified are listed in Appendix A1, including persons with a registered subsoil interest and all persons with a presumed interest under the ad medium filum rule (that the ground beneath the surface of unregistered public highways is owned by owners of land adjacent to the highway).
- 3.2.2. The Applicant wrote to each Affected Person to request their consent to the inclusion of additional compulsory acquisition powers in the draft DCO and invite direct engagement with the Applicant. The letters were sent on 26 September 2024 and a template copy of the letter is included at Appendix A2.
- 3.2.3. The responses received by the Applicant in response to that letter are detailed in Section 4.2 of this Report.
- 3.2.4. As the Applicant did not receive written consent from all Affected Persons, in accordance with regulation 4 of the CA Regulations the procedure prescribed by regulations 5 to 19 of the CA Regulations is applicable to Change 1 including the requirements to provide and publish notice of the Change Application, as detailed below. Written consent was received from three Affected Persons prior to making the Change Application, and details of all responses received can be found in Table 4-1.

#### Statutory consultation following the submission of the Change Application

- 3.2.5. Following the ExA's preliminary acceptance of the Change Application on 1 November 2024, the Applicant provided and published notice of Change 1 in accordance with regulations 7 and 8 of the Change Application. Consultation for Change 1 was then

carried out through the relevant representation process from 7 November 2024 to 16 December 2024.

### **Identification of consultees**

3.2.6. The Applicant has consulted, through the relevant representation process, each of the relevant persons set out in regulation 7(1) of the CA Regulations, which states:

*7. (1) The applicant must give notice of the proposed provision to—*

*(a) each authority which, in relation to the proposed provision, is a local authority within the meaning given by section 43;*

*(b) the Greater London Authority if the land to which the proposed provision relates, or any part of it, is in Greater London;*

*(c) each person who is within one or more of the categories set out in section 57; and*

*(d) each person listed in Column 1 of Schedule 2 in the circumstances described in Column 2 of that Schedule.*

**Note:** cross-references to sections are to the Planning Act 2008 (the **Act**).

3.2.7. The Applicant has also had regard to the Guidance, which states that “*the applicant should consult all those persons prescribed under section 42(1)(a) to (d) of the Planning Act 2008 who would be affected by the proposed change*”. The Applicant clarifies that those persons prescribed by section 42(1) of the Act overlap with the persons prescribed by regulation 7(1) of the CA Regulations, as explained below.

### **Regulation 7(1)(a) – Local Authorities**

3.2.8. Regulation 7(1)(a) (local authorities) required notice of Change 1 to be provided to local authorities within the meaning given by section 43 of the Act (i.e. local authorities for the purposes of section 42(1)(b) of the Act). There are ‘A’, ‘B’, ‘C’ and ‘D’ category local authorities.

3.2.9. The Proposed Development is located across neighbouring sites between Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council administrative local authority areas. The Applicant provided notice to these authorities as category ‘B’ authorities under section 43 of the Act.

3.2.10. The following local authorities share a boundary with Darlington Borough Council, Stockton-on-Tees Borough Council or Durham County Council, and were provided with notice as category ‘A’ consultees under section 43 of the Act:

- Cumberland Council;
- Gateshead Council;
- Hartlepool Borough Council;

- Middlesbrough Council;
- North Yorkshire Council;
- Northumberland County Council;
- Redcar and Cleveland Borough Council;
- Sunderland City Council;
- Westmoreland and Furness Council; and
- Yorkshire Dales National Park Authority.

3.2.11. There are no relevant 'C' or 'D' category neighbouring authorities because all the host local authorities are unitary.

3.2.12. A full list of the local authorities provided with notice of Change 1 in accordance with regulation 7(1)(a) is included in Appendix A3.

#### **Regulation 7(1)(b) – Greater London Authority**

3.2.13. Regulation 7(1)(b) is not relevant to this Proposed Development because it is not located within Greater London.

3.2.14. For the same reason, section 42(1)(c) of the Act is not applicable.

#### **Regulation 7(1)(c) – Land Interested Persons**

3.2.15. Regulation 7(1)(c) required notice of Change 1 to be provided to each person who is within one or more of the categories set out in section 57 of the Act in respect of the subsoil land plots to be upgraded. This includes any owner, lessee, tenant or occupier of the land; any person interested in the land or who has power to sell, convey or release the land; and any person entitled to make a relevant claim (as defined by section 57(6) of the Act).

3.2.16. As explained at paragraph 3.2.1 above, in preparing Change 1 of the Change Application, the Applicant carried out diligent inquiry to identify all relevant Affected Persons (i.e. persons who fall within the categories set out in section 57 for the Change 1). Such persons are listed in the Book of Reference [CR1-008] and also identified in Appendix A1.

3.2.17. The Applicant confirms that the Affected Persons reflect the land interested persons for the purpose of section 42(1)(d) of the Act, save that the Affected Persons are limited to those interested in the plots affected by Change 1 for the purpose of regulation 7(1)(c).

3.2.18. Further to the letters dated 26 September 2024, the Applicant provided notice of Change 1 to all Affected Persons listed in Appendix A1. All land interests have been consulted about Change 1 in accordance with section 57 and as described further in the following sections.

- 3.2.19. For consistency with the consultation previously carried out for the main DCO Duplication, the Applicant also erected site notices at plots affected by Change 1 in respect of which ownership is unknown. These were erected on 7 November 2024 and were the same as the statutory notice described under the ‘duty to publicise’ section below; a copy of the notice is provided in Appendix A7.

### **Regulation 7(1)(d) – Prescribed Persons**

- 3.2.20. Regulation 7(1)(d) required notice of Change 1 to be provided to the list of persons in column 1 of Schedule 2 of the CA Regulations in the circumstances described in column 2 of that Schedule. The Schedule 2 list reflects the persons prescribed by section 42(1)(a) of the Act. All persons listed in Schedule 2 that are relevant to the Proposed Development were notified, as determined through the criteria in Column 2 of Schedule 2.
- 3.2.21. A full list of the prescribed persons provided with notice of Change 1 in accordance with regulation 7(1)(d) and Schedule 2 is detailed in Appendix A3.

### **Consultation activity with Regulation 7 consultees**

- 3.2.22. The Applicant wrote to the identified consultees on 7 November 2024 to set out the background to the Change Application and provide notice that the relevant representation period for Change 1 had commenced. Letters were sent by Royal Mail 1st Class post and enclosed:
- a Statutory Notice of Change 1 including the information required by regulation 7(2) of the CA Regulations. An example copy of the Statutory Notice is in Appendix A4;
  - a Statement of Purpose providing a non-technical summary of the proposed changes and including , a copy of which can be found in Appendix A5;
  - a website address taking consultees to the project website where the consultation materials were also available; and
  - details of how to respond to the statutory consultation by submitting a relevant representation to the ExA.
- 3.2.23. A sample copy of the letters sent to the consultees is in Appendix A6. Details of materials submitted as part of the Change Application can be found in section 3.4 of this Report.
- 3.2.24. The Procedural Decision [PD-009] issued by the ExA on 1 November 2024 requested that all documents submitted for consideration as part of the Change Application were also provided on the project website. Accordingly, these were made available at: [byersgillsolarfarm.co.uk](http://byersgillsolarfarm.co.uk).
- 3.2.25. It also requested clear visual representation of the Proposed Changes on a map, and a separate Supplementary Set of Land Plans identifying the land affected by Change 1 and Change 2; these have been provided in the Statement of Purpose (Appendix A5).

3.2.26. The statutory consultation for Change 1 took place through the relevant representation period between Thursday 7 November 2024 and Monday 16 December 2024. This period therefore exceeded the minimum of 28 days beginning the day after on which persons receive notice as required by regulation 7(2)(l) of the CA Regulations.

### **Duty to publicise: compliance with Regulation 8 of the CA Regulations**

3.2.27. In addition to providing notice to the required persons, the Applicant also published notice of Change 1 in accordance with regulation 8(1) of the CA Regulations, which states:

*8.—(1) The applicant must publish a notice of the proposed provision—*

*(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity of the additional land;*

*(b) once in a national newspaper;*

*(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and*

*(d) where the proposed provision relates to offshore development—*

*(i) once in Lloyd's List; and*

*(ii) once in an appropriate fishing trade journal.*

3.2.28. In accordance with the requirements of Regulation 8(1)(a)-(c) of the CA Regulations, a notice was published for:

- two consecutive weeks in one or more local newspapers circulating in the vicinity of the Proposed Development;
- once in a national newspaper; and
- once in the London Gazette.

3.2.29. The Proposed Development does not relate to offshore development; therefore Regulation 8(d) of the CA Regulations does not apply.

3.2.30. As summarised in Table 3-1, the Regulation 8 notices were published in the Northern Echo (a local newspaper) first on 7 November 2024, and again on 14 November 2024. Publication the London Gazette was also 7 November 2024, and in the national newspaper on 14 November 2024.

3.2.31. The newspaper notices included details of both Change 1 and Change 2, which is considered further below.

**Table 3-1 Timetable of statutory notices**

Publication	Date(s)
Local newspaper: Northern Echo	7 November 2024, 14 November 2024
National newspaper: The Guardian	14 November 2024
London Gazette	7 November 2024

- 3.2.32. The Regulation 8 notice included the information required by Regulation 8(2), including links to the consultation materials available on the Applicant's website, [byersgillsolarfarm.co.uk](http://byersgillsolarfarm.co.uk).
- 3.2.33. Details of materials submitted as part of the Change Application can be found in section 3.4 of this Report. A copy of the Regulation 8 notice and scanned copies of the notices in the publications listed above are provided in Appendices A7 and A8, respectively.
- 3.2.34. Regulation 8(2)(j) of the CA Regulations requires that not less than 28-days should be allowed following the date when the notice is last published. From the last publication of the Regulation 8 notices on 14 November 2024, a 32-day period was allowed for the submission of relevant representations until 23:59 on 16 December 2024.

### Responses to Change 1 Consultation

- 3.2.35. Consultees were invited to respond to the regulation 7 notice or regulation 8 publication by submitting Relevant Representations (as per regulations 7(2)(l), 8(2)(j) and 10 of the CA Regulations) regarding Change 1 directly to the ExA. In the usual way, representations could be submitted via the form on the PINS webpage for the Proposed Development which could be accessed and completed from 14 November 2024 onwards. The deadline for receipt by the ExA of any representations was 23:59 on 16 December 2024.
- 3.2.36. As these Representations were submitted directly to the ExA and will not be made public until after this Report has been submitted, they are not detailed any further within this Report. The Applicant will consider and respond in writing at Deadline 7a to any relevant representations that are published.
- 3.2.37. The Applicant notes that consultees will have further opportunity to comment on Change 1 during the Written Representations period (under regulation 13 of the CA Regulations), which is timetabled between Wednesday 18 December 2024 and Wednesday 8 January 2025.

## 3.3. Change 2: compliance with the spirit of the EIA Regulations

- 3.3.1. As set out in the Change Notification [AS-021] and the Change Application Summary Report [CR1-012], preliminary environmental screening was undertaken to identify the



potential environmental implications of Change 2 on each topic in the Environmental Statement.

- 3.3.2. The Applicant screened out of further consideration all topics except for Socioeconomics and Public Rights of Way in connection with Footpath No. 9, where there would be a minor adverse effect, which is not significant. No materially new or different effects would emerge as a result of Change 2.
- 3.3.3. Despite this conclusion, the Applicant voluntarily undertook non-statutory consultation in respect of the supplementary environmental information to reflect the EIA Regulations. This approach is supported by Step 4 of the Guidance.

### **Engagement prior to making the Change Application**

- 3.3.4. Prior to making the Change Application, the Applicant engaged with the relevant landowner of High House Lane together with neighbouring properties High House and Lovesome Farm regarding the upgrade works and use of High House Lane for construction access.
- 3.3.5. The Applicant has also carried out informal engagement with the relevant local highways authorities as the key stakeholder prior to submission of the Change Application. This comprised of written notification on 11 October 2024 of the Applicant's intention to submit a Change Application, and discussion on 11 October 2024 with the PRow officer on the interaction of Change 2 with Footpath 9 and the Outline PRow Management Plan.
- 3.3.6. The Applicant's consideration of the responses to this early engagement is set out in section 4.3 below.

### **Engagement following the submission of the Change Application**

- 3.3.7. Following the ExA's preliminary acceptance of the Change Application on 1 November 2024, non-statutory consultation was undertaken for Change 2 in in the spirit of the EIA Regulations. This included consultation with EIA consultees and publication of notice in respect of the supplementary environmental information in respect of Change 2.
- 3.3.8. The non-statutory consultation ran simultaneously with the relevant representation period for Change 1 from 7 November 2024 to 16 December 2024.

### **Identification of consultees**

- 3.3.9. The Applicant has consulted on Change 2 with several categories of consultees to reflect the EIA Regulations, adhere to the Guidance and the ExA's advice, and carry out proportionate neighbour notification as proposed in the Change Application Summary Report.

## EIA Regulations Consultees

- 3.3.10. The following consultees were identified for Change 2 in the spirit of the EIA Regulations:
- persons notified to the Applicant under regulation 11(1)(c) of the EIA Regulations;
  - bodies prescribed (and consulted previously) under section 42(1)(a) of the Act and listed in column 1 of the table set out in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (**APFP Regulations**) which also satisfy the circumstances set out in column 2 of that table; and
  - all local authorities (as previously consulted) within section 43 of the Act (i.e. local authorities for the purposes of section 42(1)(b) of the Act).
- 3.3.11. The persons notified to the Applicant under Regulation 11(1)(c) of the EIA Regulations are as listed in Appendix 3.1 of the Consultation Report accompanying the main DCO application [APP-018]. These are the bodies that were notified to the Applicant by the Planning Inspectorate as part of the EIA Scoping process, and who were then subsequently consulted by the Applicant during pre-application statutory consultation.
- 3.3.12. For the purposes of section 42(1)(a) of the Act, the persons prescribed are those listed in column 1 of the table in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations), as applicable.
- 3.3.13. The list of relevant local authorities consulted under Change 2 as set out in Section 43 of the Act is already detailed in paragraphs 3.2.6 – 3.2.9 above, and is not repeated here.
- 3.3.14. EIA consultation to reflect regulation 22 of the EIA Regulations was not targeted, and so all parties listed above were included in regardless of whether they are likely to be affected by Change 2. These parties are detailed in Appendix A9.

### Consultees under Section 42(1)(a)-(d) of the Act

- 3.3.15. As per the Guidance and the ExA's advice [PD-009], consultation on Change 2 was also undertaken with all persons prescribed by section 42(1)(a) to (d) of the Act. Subsections 42(1)(a) and (b) have been detailed above, and subsection 42(1)(c), which concerns the Greater London Authority, is not relevant to the Proposed Development.
- 3.3.16. For the purpose of subsection 42(1)(d) (i.e. persons with an interest in land), a targeted approach was taken, and so consultation included all persons with an interest in the additional Order land (i.e. High House Lane) pursuant to Change 2. These persons were identified through the ongoing land referencing exercise, involving review of title interests, those in adjacent land plots and a refresh of the relevant parties (desktop validations and Land Registry edition date check). These are listed in Appendix A10.

### **Proportionate Neighbour Notification**

- 3.3.17. Proportionate neighbour notification for Change 2 was also undertaken, by providing EIA notices to the properties which utilise the access relevant to Change 2 and may be affected by the resurfacing works. This included Hill Farm and High House Farm. These consultees are detailed in Appendix A10.

### **Consultation activity with Change 2 consultees**

- 3.3.18. The Applicant wrote to the identified consultees on 7 November 2024 to set out the background to the Change Application and provide notice that the non-statutory consultation period for Change 2 had commenced. Letters were sent by Royal Mail 1st Class post and enclosed:
- a Non-Statutory Notice of Change 2 to reflect the requirements of the EIA Regulations in respect of the supplementary environmental information. An example copy of the Non-Statutory Notice is in Appendix A11;
  - a Statement of Purpose providing a non-technical summary of the proposed changes;
  - a website address taking consultees to the project website where the consultation materials and supplementary environmental information were also available; and
  - details of how to respond to the non-statutory consultation by submitting a responses directly to the Applicant.
- 3.3.19. A sample copy of the letters sent to the consultees is in Appendix A12.
- 3.3.20. The letters directed consultees to consider the following supplementary environmental information in respect of Change 2:
- the Applicant's preliminary environmental screening for Change 2 in Appendix 2 of the Change Notification [AS-021]; and
  - the Applicant's detailed consideration of the impact of Change 2 on ES Chapter 9 Land Use and Socioeconomics [APP-032] in section 4 of the Change Application Summary Report [CR1-012].
- 3.3.21. As set out above in relation to Change 1, all documents submitted for consideration as part of the Change Application were also provided on the project website. A list of these documents can found in section 3.4 of this Report.
- 3.3.22. The non-consultation on Change 2 took place simultaneously with the relevant representation period for Change 1, commencing on Thursday 7 November 2024 and closing at 23:59 on Monday 16 December 2024. This period therefore exceeded the minimum of 30 days following the date when EIA notice is last published (which is considered below) which is typically required by the EIA Regulations.

## **Publicising Change 2 to reflect the EIA Regulations**

- 3.3.23. In addition to providing notice to the identified EIA consultees, the Applicant also published notice of Change 2 and the supplementary environmental information to reflect the EIA Regulations.
- 3.3.24. Supplementary Environmental Information was provided in the Statement of Purpose published on the project website at the start of the consultation period. This is provided in Appendix A5.
- 3.3.25. As noted in the preceding section, the newspaper notices published in accordance with Regulation 8 of the CA Regulations included details of both Change 1 and Change 2. The Applicant considered that providing a single newspaper notice in respect of both Proposed Changes would avoid any confusion that could arise through publishing separate notices side-by-side in the relevant newspapers and that this approach would adequately discharge the requirements of regulation 8 of the CA Regulations and reflect the requirements of the EIA Regulations.
- 3.3.26. For the purpose of the minimum consultation period typically required by the EIA Regulations, the Applicant confirms that the newspaper notice including in respect of Change 2 was last published on 14 November 2024. Starting from the day after last publication, a 32-day period was allowed for responses to consultation running to 23:59 on 16 December 2024.
- 3.3.27. Details of the newspaper publications are included in section 3.2 of this Report and are not repeated here.
- 3.3.28. Site notices were erected at appropriate locations to reflect the requirements of the EIA Regulations on 7 November 2024. These locations were monitored to ensure that any removed notices could be re-erected. The site notices took the same form as the Non-Statutory Notice provided in Appendix A11.

## **Responses to Change 2 Consultation**

- 3.3.29. Consultees were invited to submit their responses in writing directly to the Applicant via the following methods:
- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
  - Freepost: FREEPOST Byers Gill Solar (no stamp is required)
  - Byers Gill Solar Website: <https://byersgillsolarfarm.co.uk/have-your-say>
- 3.3.30. The responses received by the Applicant are summarised and considered in Section 4.3 of this Report.

### 3.4. Materials submitted as part of the Change Application

3.4.1. The materials submitted as part of the Change Application include:

- Statement of Purpose;
- Supplementary land Plans showing Proposed Land Changes;
- 1.5 Application document tracker – (Revision 7);
- 2.1 Location Plan (Revision 3);
- 2.2 Works Plans (Revision 3);
- 2.3 Street Works, Rights of Way and Access Plans (Revision 5);
- 2.4 Land Plans (Revision 3)
- 2.5 Environmental Masterplan (Revision 3);
- 3.3 Schedule of Changes to dDCO – Change Application (Revision 2);
- 4.1 Statement of Reasons (Revision 2);
- 4.2 Book of Reference (Revision 4);
- 4.4 Book of Reference Schedule of Changes (Revision 3);
- 8.5 Compulsory Acquisition Schedule (Revision 3);
- 8.14 Change Application Summary Report;
- 3.1 Draft Development Consent Order(Revision 3) (Clean)
- 3.1 Draft Development Consent Order (Revision 3) (tracked)
- 3.2 Explanatory Memorandum (Revision 3) (Clean)
- 3.2 Explanatory Memorandum (Revision 3) (tracked)
- ES Appendix 2.15 – Outline PRow Management Plan (Revision 2); and
- ES Figure 12.1 Proposed Access Routes and Survey Locations (Revision 2).

## 4. Summary of responses received to consultation

- 4.1.1. The Guidance provided by PINS states that where consultation has been carried out, a consultation report must be provided. This should include details of how the applicant has considered the content of the consultation responses received.
- 4.1.2. This chapter provides an overview of:
- Responses received to the pre-application engagement on Change 1 and the Applicant's response;
  - Responses received to the pre-application engagement on Change 2 and the Applicant's response; and
  - Responses received to the voluntary non-statutory consultation undertaken on Change 2 following the submission of the Change Application and the Applicant's response.
- 4.1.3. As detailed above, Relevant Representations and Written Representations pertaining to Change 1 are submitted directly to the ExA, and so are not reported on within this Consultation Report.
- 4.1.4. Appendix A14 includes copies of all written consultation responses received as part of both the pre-application consultation regarding Change 1, and the voluntary consultation regarding Change 2, as detailed in Tables 4-1 and 4-2.

### 4.2. Change 1 – acquisition of new rights over subsoil interests: consultation responses

#### Response to engagement prior to Change Request

- 4.2.1. The following section details the responses received prior to the submission of the Change Application, following the letter sent by the Applicant to Affected Persons on 26 September 2024.
- 4.2.2. In total, 16 responses were received from Affected Persons. Table 4-1 details the responses and actions undertaken by the Applicant following these.

**Table 4-1 Comments received during pre-application engagement regarding Change 1 and Applicant response**

Affected Person (AP)	Comment	Application response
Mr and Mrs Swainston	<i>I have recieved [sic] a rather confusing letter I would like to discuss exactly whatvit [sic] actually means. See below. To me it sounds as though you may be encroaching on my property?? Id like clarification as to what this jargon filled letter means! For clarification until i understand it I am NOT consenting to anything.</i>	The Applicant responded on 15 November 2024 via email. The response confirmed that the property will not be directly affected or acquired in terms of land take, and providing clarification regarding Change 1.
Mr Firby	<i>I confirm that I consent to the inclusion of the additional compulsory acquisition powers over my</i>	The Applicant responded on 19 November 2024 via email.

Affected Person (AP)	Comment	Application response
	<p><i>subsoil interests, as described in your letter of 26 September 2024.</i></p> <p><i>I believe, however, that my interest lies in plots 3/7 and 3/15, and not in 3/6 as stated in your letter.</i></p>	<p>The response clarified that Mr Firby had been identified in relation to plot 3/6.</p>
Mr Brown	<p>Mr Brown called to confirm he has no interest in plan number 9/6 but does have interest in 9/10 – 9/13. Mr Brown requested we update database to remove his interest to 9/6.</p>	<p>Mr Brown was called back on 21 November 2024 however they did not pick up and there was no voicemail function.</p> <p>To confirm, Mr Brown has only been identified as a subsoil interest in relation to plot 9/6, although does have interest in the other plots 9/10 to 9/13 that relate to off-road cable routes and are not related to subsoil. Mr Brown is therefore not removed from the database in relation to plot 9/6 and is as presumed.</p>
Mr Nevison	<p>Mr Nevison called to explain that he owns a field used for dogs exercising and is concerned how this will be affected. Not concerned over subsoil but referenced a blue shaded area on map and wasn't sure how disruptive this work would be.</p>	<p>Mr Nevison was called back on 21 November 2024 to explain the blue shaded area is where the Applicant will have the option to lay cables within the subsoil in the highway. Mr Nevison was extremely concerned about the potential noise and disruption to his business as he owns a field used for dogs and the area is usually very quiet. He asked for an email to confirm his concerns will be passed onto RWE.</p> <p>An email was sent on 21 November 2024 which summarised the concerns raised by Mr Nevison and confirmed that the blue shaded land is where the Applicant is looking to use the land temporarily and acquire rights permanently.</p>
Mr Hornibrook	<p>Mr Hornibrook called to explain that he does not own the property but rents it.</p>	<p>Mr Hornibrook was called back on 21 November 2024 to explain it's a historic Land Registry title (circa. 1988) that hasn't been cleaned up. Mr Hornibrook answered but refused to talk as he was working.</p>
Mr and Mrs Holdsworth	<p>Mr and Mrs Holdsworth confirmed their consent for the inclusion of additional compulsory acquisition powers described over their subsoil interests and expressed general support for the project.</p>	<p>Noted.</p>
Mr and Mrs Dagg	<p><i>I have written in the past regarding my concerns relating to any engineering works carried out in the vicinity of our home, Rectory Cottage Redmarshall, which is a Grade II listed building. My concerns centre around any works that may have an adverse effect on the foundations and structure of our home.</i></p> <p><i>It seems that we have little or no power to influence any planned works, as any powers governing the works will be compulsory.</i></p> <p><i>I would appreciate your commitment to guarantee the stability and structure of our home, plus any redress that we will be guaranteed in the event of any damage.</i></p>	<p>The Applicant responded on 4 December 2024 via email.</p> <p>The response detailed that no effects from the Proposed Development are expected on the foundations of the home as the works would be in the highway and would generate very minimal vibrations. Should there be any damage to the property as a result of the works on the highway, RWE and its contractors would be liable for any damage.</p>
Ms Wade	<p>Ms Wade called to explain that the boundary on the plans is wrong as it is showing as being through the garden and the bungalow on the corner. This is in relation to plots 12 /5 12/4 .</p>	<p>The Applicant spoke to Ms Wade on 21 November 2024 and was informed that Land Registry have changed the boundaries relating to this property. The Applicant acknowledged this and detailed that they could update HMLR polygons if needed.</p>

Affected Person (AP)	Comment	Application response
Mr Pinkney and Ms Stewart	Called and stated that they do not believe they should be receiving the letter as the property was sold to Dr Andrew Threadrole last year	The Applicant responded on 20 November 2024 via email. The response detailed that the Applicant's records had been updated.
Co-operative Group Limited	<i>We have received the attached letter; but we sold our interest here 21st December 2023 to Countryside Properties (UK) Ltd, Countryside house, The Drive, Brentwood, Essex, CM13 3AT.</i>	The Applicant responded on 21 November 2024 via email. The response detailed that the Applicant's records had been updated.
Darlington Borough Council	<i>I have received a copy of the attached and was hoping to find out some more information with regards to the apparatus which needs to be installed in the highway; I am looking at this from a Section 50 point of view.  Would you be able to send through any plans which show where any new apparatus will be installed in the highway with what surface location ie carriageway /verge; I appreciate this may change as things move along more.</i>	The Applicant responded on 12 December 2024 via email to share figures depicting cross-sections of the cable and the location of the cable routes. No further response has been received.
Mr Riley and Ms McClure	The AP called to explain that the redline on the plans appeared to be going through their garage on the property. They also sent the following email:  <i>We do NOT give consent to the inclusion of the additional compulsory acquisition powers described over our subsoil interests.</i>	The Applicant responded on 21 November 2024 via email. The response clarified Change 1 and the additional land for which compulsory acquisition powers are being sought.
Stockton-on-Tees Borough Council	<i>I have been forwarded the attached letter in relation to the acquisition of rights over land for the Byers Gill Solar development.  After reviewing the plans attached, it is evident RWVE intends to either:  • Use Council land temporarily. • Acquire new rights over Council land permanently.  Specifically, I note some of the land highlighted blue on the plan and located adjacent to Letch Lane falls within the Council's ownership. The relevant plot numbers for this section of land are 13/14 and 13/16.  In the first instance, please could you advise what rights RWVE wish to acquire over Council land. I had previously emailed enquiries@byersgillsolar.com but have yet to receive a response.</i>	The Applicant met with SBC to discuss this matter 29 October 2024. The Applicant has proposed a set of Heads of Terms to agree a suitable option for the cable route.
Ms Hopper	<i>I have recently received a letter about change of application in the solar development about the subsoil interests. I would like to give my consent to any changes that needs to be made. Any further queries please do not hesitate to contact me.</i>	Noted. The Applicant understands Ms Hopper's response confirms her consent to the compulsory acquisition of her subsoil interests in the relevant plots.
National Highways	<i>Please can I ask for clear plans showing just the land and/or rights required from National Highways so that we can review and come back to you?</i>	The Applicant responded on 10 December 2024 via email. The response provided the requested land plans pertaining to plots 1/1, 1/2, 3/1 and 3/6.
Ms Robson	<i>I refer to your letter addressed to Ms Robson dated 26th September 2024 and I enquire to the current position [sic] with the cable easement over my client's land?  My client has instructed me to engage in relation to negotiating the required cable easement with RWVE if it is still the case of requiring this cable route.</i>	The Applicant has issued Heads of Terms to Ms Robson to agree an off-road cable route through their land.



### 4.3. Change 2 – High House Lane: consultation responses

#### Responses to engagement carried out prior to Change Request

- 4.3.1. The Applicant carried out engagement with the relevant landowners and Darlington Borough Council prior to submitting the Change Request.
- 4.3.2. In relation to the relevant landowners at High House and Lovesome Hill Farm, the Applicant was already in discussion with these parties regarding the use of the lane and the works to upgrade it to a compacted gravel track. The Applicant is in negotiations to enter Heads of Terms with the parties regarding the use of the lane, though no formal rights are identified. The Applicant emailed the parties 4 November 2024 to inform them of the upcoming formal consultation.
- 4.3.3. In relation to Darlington Borough Council, no written response was received to the written notification of the change on 11 October 2024. A copy of this notification can be found at Appendix A13. In discussion with the PRow officer on 11 October, no specific objection to the proposed change was made, with broadly supportive feedback that the works (surfacing / gravel) would improve the footpath.

#### Responses to consultation following submission of the Change Application

##### Number and format of responses

- 4.3.4. In total, six responses were received as part of the consultation on Change 2. Five were submitted via email, one was submitted via the online form.

##### Responses received

- 4.3.5. Table includes the responses received following the voluntary consultation in relation to Change 2.

**Table 4-2 Comments received to consultation in relation to Change 2 and Applicant response**

Consultee	Comment	Applicant’s response
Civil Aviation Authority	The Civil Aviation Authority responded confirming that they would not be providing a consultation response. This has not been included in this table for reasons of space, but can be found in full in Appendix 14.	Noted.
C and M McKeown	<p><i>In the letter dated 7th November, which was sent to affected parties it was made clear we could enquire further into the 'Voluntary Consultation on Change 2'.</i></p> <p><i>We enclose the map 1/3a which was also sent to us by RWE (enclosed). This shows the area affected by Change 2.</i></p> <p><i>We therefore would like to ask the following questions.</i></p> <p><i>Our deadline for answers is November 25th. Contact [redacted]</i></p> <p><i>• [1] It is not clear from the map where the construction traffic will enter the site. Will it enter on the line of the present gate which is situated in the left hand corner of the</i></p>	<p>The Applicant responded on 26 November 2024 via email.</p> <p>The response detailed provided the following response to the queries raised by the consultee:</p> <p><i>“[1] The access will be gained from the existing access gate up the lane to the field on the right of the lane and through a new access to field on the right – this is shown in grey on the plan below</i></p>

	<p>site or will construction traffic proceed on the gravelled Lane to enter via an the embedded part of this Lane (lined only) which is within the actual site?</p> <p>[2] If it is the second of the above will there be provision to gravel that part of the Lane which is within the site and what amount of hedging will be removed to facilitate distribution of the construction traffic both east and west?</p> <ul style="list-style-type: none"> <li>• [3] It has been suggested in documentation there would be no new drainage work connected to the preparation of the Lane. Is that the case?</li> <li>• [4] Before the commencement of the preparation by gravelling will there be a drainage assessment of the shaded area on the map?</li> <li>• [5] Can you explain to us the meaning of the term used in quote "there will be no work" done on the gravelled area? [6] Is the word 'work' used here as in the listings eg. Works 1,2,3 etc?</li> <li>• [7] Is there an intent by RWE to resurface/'re-gravel' the area shown as such in the map? (All indications are we are dealing with at least a 40 year 'window').</li> <li>• [8] Finally, does RWE envisage that this preparation will extend the period of time available for the installation of solar? We are aware you may be working here under a time limit determined by the climate. Summer was suggested as appropriate. From long experience of driving on this Lane May to October equates to summer.</li> </ul>	<p>[2] We have calculated 5 metres of hedging to be removed for the access to the field to the left of the lane.</p> <p>[3] As we are using crushed gravel, it is not expected that new drainage would be required. This will be confirmed at the detailed design stage where we will carry further surveys.</p> <p>[4] Yes, further drainage surveys will be carried out prior to the commencement of the works.</p> <p>[5] The only relevant work is Work 3, which includes the improvement of private access track – our intention is to highlight that there is no other work proposed along the lane.</p> <p>[6] Yes, it is reference to Work No.3</p> <p>[7] Yes, the lane will be upgraded to a compacted gravel lane.</p> <p>[8] It is very likely these works would take place in the summer; however this would be up to the contractor."</p>
<p>Indigo Networks</p>	<p>I can confirm that Indigo are not affected by these works</p>	<p>Noted.</p>
<p>Historic England</p>	<p>We have studied the impacts of Change 2 and confirm that in terms of Historic England's area of interest in terms of impact of this change on the historic environment including the significance of heritage assets and any contribution made by their setting that we have no comments to make.</p>	<p>Noted.</p>
<p>Ministry of Defence</p>	<p>Thank you for consulting the Ministry of Defence (MOD) on Notice of Proposed Changes to an Accepted Development Consent Order reference Byers Gill Solar Project, MOD reference DIO 10063343.</p> <p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.</p> <p>I can confirm that, following review of the application documents, the proposed development falls outside of MOD safeguarded areas and does not affect other defence interests. The MOD, therefore, has no objection to the development proposed.</p> <p>I trust this is clear however should you have any questions please do not hesitate to contact me.</p>	<p>Noted.</p>
<p>Cadent Gas</p>	<p>Thank you for your email. This application falls outside of Cadent's distribution network. Please contact your local Gas distributor and/or National Grid for comments on this application.</p>	<p>Noted. National Grid Gas was also consulted on the change application and no response was received.</p>

## 5. Conclusion

- 5.1.1. This Report has been submitted in accordance with the Change Application Guidance, which requires that any application for an order granting development consent must be accompanied by a Consultation Report. It provides a detailed account of the change application consultation and engagement activities carried out by the Applicant.
- 5.1.2. Consultation has been undertaken in accordance with the relevant sections of the CA Regulations as statutorily required for Change 1. Consultation has been voluntarily undertaken in the spirit of the EIA Regulations for Change 2.
- 5.1.3. Table 5-1 below provides a summary of the consultation activities carried out, at which time they were carried out and where further details of those activities can be found in this Report.

**Table 5-1 Summary of consultation activities**

Consultation activity	Date	Chapter of Report
<b>Change 1</b>		
Letter sent to relevant consultees identified under the CA Regulations, detailing intention to submit the proposed Change Application.	26 September 2024	Section 3.2 and Appendix A2
Letter sent to relevant consultees identified under the CA Regulations, providing notification of the proposed Change Application.	07 November 2024	Section 3.2 and Appendix A6
Notices published in local and national newspapers	07 November 2024 and 14 November 2024	Section 3.2 and Appendix A8
Site notices displayed across the Proposed Development and on land parcels of unknown ownership included within Change 1.	07 November 2024	Appendix A7
<b>Change 2</b>		
Informal engagement with the relevant local highway authority (i.e. Darlington Borough Council) by written notification and a discussion with DBC's PRoW officer.	11 October 2024	Sections 3.3 and 4.3, Appendix A13
Engagement with the relevant landowner of High House Lane together with High House and Lovesome Farm regarding the upgrade works and use of High House Lane for construction access.	Communications taking place from 14 May 2024. Email confirming consultation 4 November 2024.	Sections 3.3 and 4.3
Letter sent to relevant consultees identified under the EIA Regulations, providing notification of the proposed Change Application.	07 November 2024	Section 3.3, Appendix A12

Consultation activity	Date	Chapter of Report
Notices published in local and national newspapers	07 November 2024 and 14 November 2024	Paragraph 3.2.26 - 3.2.8 and Appendix A8
Site notices displayed across the Proposed Development.	07 November 2024	Appendix A7

- 5.1.4. Overall, the responses received to Change 1 prior to submission were primarily requesting clarification regarding Change 1, with three providing consent for the acquisition of their subsoil interests, and one refusing consent. No matters were raised which would lead the Applicant to conclude that the changes would not improve the Proposed Development or that they should not be taken forward.
- 5.1.5. The responses received to Change 2 during the consultation period did not provide comments on the proposed change, with the exception of one response. As with Change 1, no matters were raised which would lead the Applicant to conclude that the changes would not improve the Proposed Development or that they should not be taken forward.
- 5.1.6. The Applicant submits that it has carried out adequate and meaningful consultation which is proportionate to the nature and extent of the Proposed Changes and has provided interested parties the opportunity to absorb, understand and comment on the Proposed Changes the Proposed Changes in the course of Examination.
- 5.1.7. The Applicant confirms that it will continue to engage with interested parties in respect of the Proposed Changes through the relevant and written representation processes in respect of the Change Application, and the Change Application hearings scheduled for the week commencing 13 January 2025.

## Appendix A1 Change 1 – List of Regulation 7(1)(c) Consultees (Affected Persons)

Name	Address	Plot(s)
Christopher McKeown	Apartment 18 , The Grange , Newfield Drive , Carlisle , CA3 0FD	1/2
The Executors of Lisa Marie Meek	Castle Mews , Scargill , Barnard Castle , DL12 9TA	1/2
Richard Edwin Ord and Robert Benton Ord	Firtree Farm , Brafferton , Darlington , DL1 3LG	1/2
Jill Swinbank	High Grange Farm , Brafferton , Darlington , DL1 3LE	1/2
Myra Vasey McKeown	Pear Tree Cottage , Kirkby Thore , Penrith , CA10 1UH	1/2
Otis Holdings Northern Limited	Clova House Farm , Whiley Hill , Darlington , DL3 0XN	2/2
Derek Ernest Wood	Lea Hall , Stillington , Stockton-On-Tees , TS21 1NG	2/2
Ann Galvin and Peter Bernard Galvin	Oat Hill Farm , Stillington , Stockton-On-Tees , TS21 1NF	2/2
Michael John Banks	Preston Lodge , Stillington , Stockton-on-Tees , TS21 1NF	2/2
David Richard Hewitson and Richard William Hewitson	Hauxley Farm , Stillington , Stockton-on-Tees , TS21 1NF	2/2 and 2/6
Alfreda Joyce Pallister and John William Pallister	1 Grangeside , Redworth , Newton Aycliffe , DL5 6NX	3/6
The Owner	1 The Green , Brafferton , Darlington , DL1 3LA	3/6
William John Denham Kemp	17 The Green , Brafferton , Darlington , DL1 3LA	3/6
Sandra Gallagher	19 Marske Grove , Darlington , DL3 0FD	3/6
Catherine Sarah Thornley and David Boyd	19 The Green , Brafferton , Darlington , DL1 3LA	3/6
David Charles Maxwell Gregory	21 The Green , Brafferton , Darlington , DL1 3LA	3/6
Alexandra Victoria Louise Swainston and Martin Graham Swainston	22A South View , Brafferton , Darlington , DL1 3LB	3/6
Catherine Elizabeth Taylor and James David Daniel	23 The Green , Brafferton , Darlington , DL1 3LA	3/6
Angeline Marie Hutchinson and Stephen Anthony Hutchinson	25 The Green , Brafferton , Darlington , DL1 3LA	3/6
Beatrice Elizabeth Futter and The Executors of Joseph Futter	25A The Green , Brafferton , Darlington , DL1 3LA	3/6
The Executors of Sybil Barry and The Executors of Thomas Alfred Barry	29 The Green , Brafferton , Darlington , DL1 3LA	3/6
Paul Andrew Nimmo	3 The Green , Brafferton , Darlington , DL1 3LA	3/6
The Owner	31 The Green , Brafferton , Darlington , DL1 3LA	3/6
Jordan Frances Clark	6 Picture House Buildings , Billingham , TS23 1HE	3/6
Brenda Gray	6 South View , The Green , Brafferton , DL1 3LB	3/6

Name	Address	Plot(s)
David Hartshorn and Judith Ann Hartshorn	Broadmeadows , 22B South View , Brafferton , Darlington , DL1 3LB	3/6
Gillian Mary Hindley and The Executors of John Norman Hindley	Grange Cottage , 5 The Green , Brafferton , Darlington , DL1 3LA	3/6
Rosemary Diane Hodgeson and Stewart Phillip Hodgdon	Grange Farm , The Green , Brafferton , Darlington , DL1 3LA	3/6
Anne King and John Richard King	Linden Cottage , The Green , Brafferton , Darlington , DL1 3LA	3/6
Brafferton Coatham Mundeville and Brafferton Coatham Mundeville and District Village Hall Association	Lorien , The Green , Brafferton , Darlington , DL1 3LA	3/6
Christopher George Firby	Manor Farm , Brafferton , Darlington , DL1 3LB	3/6
The Owner	Manor Farm , South View , Brafferton , Darlington , DL1 3LB	3/6
Anne Elizabeth Elliot	Planting House , Windlestone Park , Windlestone , Ferryhill , DL17 0LZ	3/6
Andrew Scaife	Railway Crossing Cottage , Whiley Hill , Coatham Mundeville , Darlington , DL3 0XN	3/6
Vera Robinson and William Mackenzie Robinson	Skernedale , The Green , Brafferton , Darlington , DL1 3LA	3/6
Claire Schofield and Peter William Schofield	Stoneridge , The Green , Brafferton , Darlington , DL1 3LA	3/6
Scott Christopher Wright	The Gap , Stockton Road , Sedgefield , Stockton-On-Tees , TS21 3HA	3/6
Carol Proud and David Leslie Proud	The Grange , The Green , Brafferton , Darlington , DL1 3LA	3/6
John James Kemp	Wigdan Walls Farm , St. Helen Auckland , Bishop Auckland , DL14 0LN	3/6
Margaret Ruth Lowrie	Mount Pleasant Farm , Stillington , Stockton-on-Tees , TS21 1NE	7/6
Christopher Robert Nigel Thomson and Pamela Ann Thomson	The Mount , Elstob Lane , Great Stainton , Stockton-on-Tees , TS21 1FR	7/6
Clive Thompson	12 Springfield Avenue , Stockton-On-Tees , TS18 4EH	9/6
Missionbuild Limited	38 West Sunnyside , Sunderland , SR1 1BU	9/6
Dorothy Angela Morris	7 Anesty Court , Bishopston , Stockton-On-Tees , TS21 1NP	9/6
Lynsey Anne Oman and Tristram Lindsey Oman	Dorothea House , Overbeck Farm , Whitton Village , Stockton-On-Tees , TS21 1LQ	9/6
Martin Trevor Corney	Elstob Hall Farm , Great Stainton , Stockton-on-Tees , TS21 1EN	9/6
Ian Smith	Sundial Farm , Bishopston , Stockton-On-Tees , TS21 1HG	9/6
Amanda Louise Riley and Benjamin Timothy Riley	Sundial Farmhouse , Bishopston , Stockton-On-Tees , TS21 1HG	9/6

Name	Address	Plot(s)
Andrew Parsons and Josephine Parsons	The Garth , Little Stainton , Stockton-on-Tees , TS21 1HJ	9/6
David Ralph Brown	Town Farm House , 3 West End , Sedgefield , Stockton-on-Tees , TS21 2BW	9/6
Elizabeth Mary Brown	Town Farm House , 3 West End , Sedgefield , TS21 2BW	9/6
Julian Alan Swinbank	Woogra Farm , Bishopton , Stockton-on-Tees , TS21 1HQ	9/6
J A Swinbank (Agricultural) Limited	Woogra Farm , Bishopton , Stockton-On-Tees , TS21 1HQ	9/6
David Nevison	16 Riverside Drive , Great Burdon , Darlington , DL1 3JW	11/1
Poole Properties (North East) Limited	8 Bishops Way , Stockton-On-Tees , TS19 7JS	11/1
Katie Guastapaglia	8 Leicester Grove , Darlington , DL1 2XW	11/1
Catherine Mary Brannen and Joseph Eric Brannen	Grange Farm , High Street , Bishopton , Stockton-On-Tees , TS21 1EZ	11/1
June Bainbridge and Robert Leslie Bainbridge	Newtown Farm , Bishopton , Stockton-on-Tees , TS21 1EY	11/1
Irene Cartwright	Outhouse Farm , Redmarshall Road , Bishopton , Stockton-On-Tees , TS21 1EX	11/1
June Bainbridge and Robert Leslie Bainbridge	Newtown Farm , Bishopton , Stockton-on-Tees , TS21 1EY	11/10
Stanley David James Hornibrook	9 Wimpole Road , Stockton- On-Tees , TS19 7LP	11/1 and 11/12
Martin Jonathan Houston and Susan Houston	1 Ash Tree Green , Carlton , Stockton-On-Tees , TS21 1QA	12/30
Susan Christine Armstrong	1 Chapel Gardens , Carlton , Stockton-On-Tees , TS21 1QB	12/30
Nicholas Orton and Susan Orton	1 Meadow Walk , Carlton , Stockton-On-Tees , TS21 1QD	12/30
Paul Mason and Sarah Louise Gardner	1 Poplars Lane , Carlton , Stockton-On-Tees , TS21 1QE	12/30
Amanda Jane Charnley and Dean Thomas Charnley	1 Rose Cottages , Carlton , Stockton-On-Tees , TS21 1DY	12/30
Hellens Investments (Carlton) LLP	10 Teal House , Teal Farm Way Teal Farm Park , Washington , NE38 8BG	12/30
Heather Cox and Russell Alexander Cox	2 Ash Tree Green , Carlton , Stockton-On-Tees , TS21 1QA	12/30
Gentoo Homes Limited	2 Emperor House , 2 Emperor Way , Sunderland , SR3 3XR	12/30
Kim Mitchell	2 Manor Cottages , Thorpe Thewles , Stockton-On-Tees , TS21 3JT	12/30
John Stephen Parmley and Vilma Ann Parmley	3 Ash Tree Green , Carlton , Stockton-On-Tees , TS21 1QA	12/30

Name	Address	Plot(s)
Daniel Tristan Thurland and Kate Thurland	3 Rose Cottages , Carlton , Stockton-On-Tees , TS21 1DY	12/30
Steven Brian Foster Mitchell	4 West Row , Sadberge , Darlington , DL2 1RZ	12/30
Andrew John Morley and Emma Louise Morley	9 Duke of Wellington Gardens , Wynard , Billingham , TS22 5FY	12/30
Caroline Jane Goldie and Colin James Goldie	9 Green Leas , Carlton , Stockton-On-Tees , TS21 1EJ	12/30
Heather Louise Hopwood	92 Hollow End Towers , Northumberland Road , Stockport , SK5 8NY	12/30
David Thompson and Linda Thompson	Bielside , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Emma Mary Gaudern and Jemma Claire Morland	c/o E M G Solicitors Ltd , Abbey House , Abbeywoods Business Park , Pity Me , Durham , DH1 5TH	12/30
Town & Village Homes Limited	c/o Government Legal Department (BVD) , 1 Ruskin Square , Croydon , CR0 2WF	12/30
Herbert Brian Mitchell	Cariade , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
John Denis Parks and Maria Parks	Carlton House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Jacqueline Bradburn and Peter James Bradburn	Deepdale , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Shaukat Riasat Khaliq and Wendy Khaliq	Draycott House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Dunelm Homes Limited	Esh House , Bowburn North Industrial Estate , Bowburn , Durham , DH6 5PF	12/30
Kim Andrew and Thomas William Blenkinsopp Andrew	Estholme , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Joan Richardson and John Atchison Richardson	Fairfield Lodge , Letch Lane , Carlton Village , Stockton-On-Tees , TS21 1EA	12/30
John Desmond Wilson and Kathleen Florence Wilson	Farmside Cottage , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Jacqueline Bernadette Casey and Sean Adam Casey	Fernie Cottage , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Bryant Homes Northern Limited	Gate House , Turnpike Road , High Wycombe , HP12 3NR	12/30
Irene Anne Magee	Glen Cottage , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Glynne Johnson and William Paul Johnson	Glenesk , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Andrew Robert Thornton	Grange Barn , Hutton Conyers , Ripon , HG4 5LY	12/30
Jennifer Jayne Garcia-Hall	Grosvenor House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
David James Gale and Nicola Cottle	High Farm House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30



Name	Address	Plot(s)
Donald Harrison and Joyce Harrison	High View , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Ann Casson and Roger John Casson	Holme Farm , Thorpe Road , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Peggland Limited	Hub One , Hartlepool Innovation Centre , Venture Court , Queens Meadow Business Park , Hartlepool , TS25 5TG	12/30
Michelle Ann Holdsworth and Robert Edmund Holdsworth	Hurstleigh , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Punch Partnerships (PML) Limited	Jubilee House , Second Avenue , Burton Upon Trent , DE14 2WF	12/30
Allison Hardy and Philip Hardy	Lilac House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Neil Harrison	Lynfield , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Neal Marshall	Middle Farm , Carlton Village , Stockton-On-Tees , TS21 1DX	12/30
Laura Pennicott and Lewis Pennicott	Old Lilac House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Persimmon Homes (North East) Limited and Persimmon Homes Limited	Persimmon House , Fulford , York , YO19 4FE	12/30
Robert William Webster and Shauna Morsheda Ahmed	Poplars Farm House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Anthony George Robinson and Kim Robinson	Primrose Cottage , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Joyce Stones and Keith Stones	Rosedene Cottage , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Lynne Childs and Paul Childs	Sunnyside , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
John Moran and Rose Marie Moran	The Granary , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Claire Elizabeth Conway and James Conway	The Orchard , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
Susan Pennicott	The Sheiling , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
John Murison and Susan Ann Murison	The Wheelhouse , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/30
David Michael Willis and Rachel Frances Willis	The White House , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Trustees For Methodist Church Purposes	Trustees For Methodist Church Purposes , Central Buildings , Oldham Street , Manchester , M1 1JQ	12/30
Irene Elizabeth Bisp and Simon Lawence Smith	Westview Cottage , Carlton Village , Carlton , Stockton-On-Tees , TS21 1DX	12/30
Margaret Lynne Hole and Simon Jack Hole	10 Derwent Close , Redmarshall , Stockton-On-Tees , TS21 1HS	12/7

Name	Address	Plot(s)
Robert Stephen Bradley	12 Jesmond Grove , Hartburn , Stockton-on-Tees , TS18 5ES	12/7
Glenn Bargewell	22 North Close , Thorpe Thewles , Stockton-On-Tees , TS21 3JY	12/7
Ann Holmes and David Anthony Holmes	23 North Close , Thorpe Thewles , Stockton-On-Tees , TS21 3JY	12/7
Allison Woodhouse and Phillip Roy Woodhouse	4 Coniston Crescent , Redmarshall , Stockton-On-Tees , TS21 1HT	12/7
Nichola Jayne Reeder and Steven Reeder	6 Derwent Close , Redmarshall , Stockton-On-Tees , TS21 1HS	12/7
Anthony Nelson	8 Ferguson Way , Redmarshall , Stockton-On-Tees , TS21 1FB	12/7
Margaret Kirton and Robert Kirton	Greencroft , 1 Drovers Lane , Redmarshall , Stockton-On-Tees , TS21 1EL	12/7
Kathryn Sally-Ann Robson	Parkside Manor , Wellington Drive , Wynyard , Billingham , TS22 5QJ	12/7
Gillian Dagg and Kenneth John Dagg	Rectory Cottage , Redmarshall , Stockton-On-Tees , TS21 1EU	12/7
Tracy Bargewell	Rose House Farm , Redmarshall , Stockton-On-Tees , TS21 1ES	12/7
Peter Charles Robson	Stone Riggs , Bishopton , Stockton-on-Tees , TS21 1EY	12/7
Eric Callender Robson	Stoney Flatt Farm , Bishopton , Stockton-On-Tees , TS21 1EY	12/7
Carol Wade	The Garth , Redmarshall Road , Bishopton , Stockton-On-Tees , TS21 1EX	12/7
Gemma Louise Rigg and John Paul	The Old Rectory , Redmarshall , Stockton-On-Tees , TS21 1EU	12/7
Amanda Jane Blackett and Andrew Blackett	The Stables , Kirk Hill , Redmarshall , Stockton-On-Tees , TS21 1FE	12/7
Thomas Battersby Andrew	High Meadow Farm , Carlton Village , Carlton , Stockton-on-Tees , TS21 1EA	13/1 and 13/3
Catherine Marjorie Wilks	Hill Crest , Letch Lane , Carlton , Stockton-On-Tees , TS21 1ED	13/1
Joan Cole and Paul Edward Cole	Kilglass , Letch Lane , Carlton , Stockton-On-Tees , TS21 1ED	13/1
Anthony John Connolly and The Executors of Erica June Connolly	Roberta , Letch Lane , Carlton , Stockton-On-Tees , TS21 1ED	13/1
Emma Louise Murray and Lee Murray	Rowan Lodge , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EB	13/1
Carlbury Developments Limited	St Andrews House , 119-121 The Headrow , Leeds , LS1 5JW	13/1
Sharon Louise Clarke	The Garth , Letch Lane , Carlton , Stockton-On-Tees , TS21 1ED	13/1
Brian Ellis Mulhearn	The Rush , Letch Lane , Carlton , Stockton-On-Tees , TS21 1ED	13/1

Name	Address	Plot(s)
Willow Bridge Properties Limited	Waterfall Lodge , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	13/1
Catherine Louise Clayton	California Farm , Letch Lane , Carlton , Stockton-On-Tees , TS21 1ED	13/1 and 13/3
Ian Richard Clayton	Holme Farm , Carlton , Stockton-on-Tees , TS21 1DX	13/1 and 13/3
Ineos Manufacturing (Hull) Limited	Hawkslease , Chapel Lane , Lyndhurst , SO43 7FG	13/1, 13/8 and 13/11
The Owner	2 Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Terence Dobbing	3 Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Jeremy Mark Sidgwick and Thomas Allinson Sidgwick	31 Harewood Avenue , Sale , M33 5BX	13/13
Cynthia Emily Reed and Geoffrey Reed	5 Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Desmond Williamson Shaw and June Mary Shaw	6 Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Jacqueline Michele Graves and James Henry Graves	7 Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Mark Antony Arrowsmith and Susan Mchale Arrowsmith	8 Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
David Pinkney and Lynn Alexandra Stewart	9 Armadale Close , Stockton-On-Tees , TS19 7SD	13/13
The Executors of John David Lewis	Crossrigg , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Dorothy Ann Sanderson and Rachael Ann Hampton	Highlands , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Victoria Louise Basford	Highlands , Letch Lane , Carlton , TS21 1EE	13/13
Christopher David Sewell and Donna Kay Sewell	Ingleside , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Mackay Smith and The Executors of Dorothy Smith	Kenilworth , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Margaret Owen	Redwells , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Lynne Hart and Paul Richard Hart	Rose Lea , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Marc Joseph Symington and Samantha Jayne Lindsay Symington	Sunnybrow , Letch Lane , Carlton , Stockton-onTees , TS21 1EE	13/13
Jacqueline Ann Twigger and John Thomas Twigger	Woodleigh , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EE	13/13
Co-operative Group Limited	1 Angel Square , Manchester , M60 0AG	13/18
National Grid Electricity Transmission plc	1-3 Strand , London , WC2N 5EH	13/18
Apex Homes (Ripon) Two Ltd	The Hemington , The Mill House Business Centre , Mill House , Station Road , Castle Donington , Derby , DE74 2NJ	13/18
Stuart Martin Abram Swinbank	Whinfield Farm , Brafferton , Darlington , DL1 3LE	1/2 and 2/2

Name	Address	Plot(s)
National Highways Limited	Bridge House , 1 Walnut Tree Close , Guildford , GU1 4LZ	1/1, 1/2, 3/1 and 3/6
Darlington Borough Council	Town Hall , Feethams , Darlington , DL1 5QT	1/1, 1/2, 2/2, 2/6, 3/1, 3/6, 7/4, 7/5, 7/6, 8/3, 8/6, 9/6, 9/8, 9/15, 10/2, 11/1, 11/10, 11/11, 11/12, 11/16, 12/4, 12/7 and 12/16
Thomas William Cheesmond Kemp	11 The Green , Brafferton , Darlington , DL1 3LA	1/2 and 3/6
Shirley Sharp and Stephen Revis Sharp	Karamea , Redmarshall Road , Bishopton , Stockton-On-Tees , TS21 1EX	11/1 and 12/7
Paul Baker	High Farm , Redmarshall , Stockton on Tees , TS21 1DR	11/1, 12/7 and 12/30
Stockton-on-Tees Borough Council	P. O. Box 11 , Municipal Buildings , Church Road , Stockton-on-Tees , TS18 1LD	12/7, 12/14, 12/18, 12/25, 12/27, 12/30, 13/1, 13/3, 13/5, 13/13, 13/15 and 13/18
Christopher George Riley and Julie McClure	Eveden House , Letch Lane , Carlton , Stockton-On-Tees , TS21 1EB	12/30 and 13/1
Church Commissioners For England	Church House , Great Smith Street , London , SW1P 3AZ	12/7, 12/12, 12/16, 12/18, 12/20, 12/23, 12/30, 13/1, 13/3, 13/13 and 13/15
Norma Andrew	High Meadow Farm , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/7, 13/1 and 13/3
Frank Battersby Andrew	High Meadow Farm , Carlton Village , Carlton , Stockton-On-Tees , TS21 1EA	12/7, 12/25, 13/1, 13/3 and 13/13
Stockton-on-Tees Borough Council	P. O. Box 11 , Municipal Buildings , Church Road , Stockton-on-Tees , TS18 1LB	12/9, 12/10, 12/12, 12/15, 12/17, 12/20, 12/23, 12/24, 13/8, 13/11 and 13/17
Durham Diocesan Board Of Finance	Cuthbert House , Stonebridge , Durham , DH1 3RY	2/2 and 12/7
Durham County Council	County Hall , Aykley Heads , Durham , DH1 5UL	7/4, 7/5, 7/6, 11/1, 11/16, 12/4 and 12/7
Jean Melville Hetherington and Norman Hetherington	Stainton Viewley , Great Stainton , Stockton-on-Tees , TS21 1ND	7/6 and 8/3

Name	Address	Plot(s)
Nicholas Hetherington	Viewley Hill Farm , Great Stainton , Stockton-on-Tees , TS21 1ND	7/6 and 8/3
Demi Hetherington	Viewley Hill Farm , Great Stainton , Stockton-on-Tees , TS21 1ND	7/6 and 8/3
Stewart Eric Chapman	Manor Farm , Little Stainton , Stockton-On-Tees , TS21 1HN	7/6, 8/3, 8/6 and 9/6
Clare Wise Chapman	Manor Farm , Little Stainton , Stockton-On-Tees , TS21 1HN	7/6, 8/3, 9/6, 9/8 and 9/15
Robert Edward Wall	1 Manor Farm Court , Bishopton , Stockton-on-Tees , TS21 1GL	9/6 and 10/2
Stuart William Blythman	8 Anesty Court , Bishopton , Stockton-on-Tees , TS21 1NP	9/6 and 10/2
Northumbrian Water Limited	Northumbria House , Abbey Road , Pity Me , Durham , DH1 5FJ	9/6 and 11/1
Fiona Jayne Hopper	Manor Farm Bungalow , Bishopton , Stockton-on-Tees , TS21 1HN	9/6, 9/15 and 11/1

# Appendix A2 Letter notifying intention to obtain additional compulsory acquisition powers



[INSERT NAME]  
[INSERT ADDRESS]

26 September 2024

Dear [INSERT SALUTATION],

**Byers Gill Solar**

**Minor changes to the Proposed Development affecting persons with an interest in land**

I am writing to you regarding RWE's proposed Byers Gill Solar development (the Proposed Development) which is a proposed renewable energy scheme located between Darlington and Stockton-on-Tees. RWE is seeking to obtain additional compulsory acquisition powers to acquire rights in subsoil land beneath public highways for the purpose of laying underground cables. You are receiving this letter because these additional compulsory acquisition powers would affect subsoil land in which you have an interest.

**Summary of the Proposed Development**

The Proposed Development would cover an area of approximately 490 hectares (ha), and comprise solar photovoltaic (PV) panels, on-site Battery Energy Storage Systems (BESS), associated infrastructure as well as underground cable connections between panel areas and to connect to the existing National Grid Substation at Norton. The Proposed Development would have the capacity to generate over 50 Megawatts (MW) of electricity.

Under the Planning Act 2008 (the Act), RWE is seeking development consent for the Proposed Development. This legislation requires RWE to make an application for a Development Consent Order (DCO) to the Planning Inspectorate (PINS), who act on behalf of the Secretary of State for Energy Security and Net Zero. If granted, a DCO would provide the consent we need to build, operate, and decommission the Proposed Development.

RWE submitted its application for a DCO on Friday 9 February 2024. This application was accepted for examination by PINS on 8 March 2024 and the Applicant provided notification of this acceptance to known persons who at the time held a land interest in the Proposed Development's site area. An Examining Authority (ExA) was appointed by PINS, and examination of the application by the ExA commenced following the Preliminary Meeting held on 23 July 2024.



### **Your land interest**

Since submission of the application, RWE have continued to refine the Proposed Development and are now proposing to make some minor amendments. These changes would affect an underground layer (or 'stratum') of land beneath several public highways in the local area. This stratum of land is referred to as the "subsoil".

We understand that you have an interest in the subsoils beneath a public highway at Lime Lane, Brafferton. This subsoil interest is within the boundary of the Proposed Development and is included in the Book of Reference forming part of the DCO application. We enclose with this letter a copy of [XX] of the Land Plans showing the locations of [INSERT PLOTS].

To clarify, your subsoil interest can exist under a legal presumption (the *ad medium filum* rule) that the ground beneath the surface of unregistered public highways is owned by the owners of land adjacent to the highway. This rule allocates the subsoil rights of such roads to adjoining landowners, up to the centre line of the road.

### **Proposed minor changes affecting your land interest**

RWE is seeking to make minor changes to the DCO application which may affect your subsoil interest.

As set out in the existing DCO application, the Proposed Development requires underground cabling to connect the panel areas to the on-site substation, and then to connect the on-site substation to the National Grid Substation at Norton. Where possible, RWE's preference is to lay these cables along off-road routes. Where this is not possible, the Proposed Development includes an option for RWE to lay cables along on-road routes within existing public highways.

If on-road routes are used, RWE proposes to lay cabling within the stratum of land comprising the public highway, which is publicly owned by the Local Highway Authority. This approach would be similar to the installation of other infrastructure that is typically located within public highways, such as cables and pipes for water, gas, electricity and telecoms. On that basis, the original DCO application did not seek to acquire interests either in the highway land or in the subsoils beneath. All public highway land within the Proposed Development is currently shown shaded white (un-shaded) on the Land Plans, indicating the land is not subject to powers of compulsory acquisition or temporary possession.

Following further review and responses made to questions asked by the ExA during the Examination of the application to date, RWE is seeking to make minor amendments to the DCO application to ensure that it can acquire all the land rights which may become necessary to lay on-road cabling. In particular, RWE is applying to include additional compulsory acquisition powers in the DCO so that, if required, RWE can acquire land rights within the subsoils beneath the public highways. Those rights would ensure that any cables laid within public highways can also pass through the subsoils beneath the highway, in case necessary.

I confirm that RWE's preference remains to lay cables along off-road routes. The additional compulsory acquisition powers would only be exercised to the extent that it becomes necessary for cables to be laid on-road and subsoil land is required for that purpose. If exercised, the proposed powers would not change the design or location of the works required to lay the underground cables as described in the DCO application.





For the avoidance of doubt, the additional compulsory acquisition powers would not enable RWE to acquire more land outside of the existing redline boundary (known as the Order limits) of the Proposed Development. The powers relate only to subsoils beneath land which is already within the Order limits.

If it became necessary to exercise those powers to acquire rights in your subsoil interest, we would provide fixed compensation of £50 (which is standard market value of subsoil land). We will be in touch in due course should we need to progress this option.

To make the proposed changes to the DCO application, RWE will submit a formal Change Application to the ExA and comply with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The Change Application will include revised documents, including the Book of Reference and Land Plans, which will show public highway land shaded blue, indicating the land can be used temporarily and new rights can be acquired permanently.

### **Request for landowner consent**

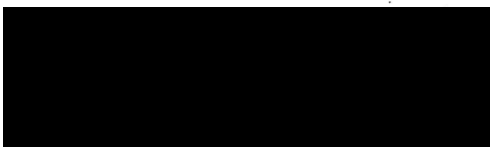
As part of the Change Application process, we seek your consent, as the landowner, to the inclusion of the additional compulsory acquisition powers described over your subsoil interests. If you consent to these powers, I would be grateful to receive your written confirmation via the contact details provided below.

We would like to emphasise that you are receiving this letter because of your subsoil interest in a road which is located within the boundary of the Proposed Development. It does not mean that any other property or land you have an interest in will be directly affected by the Proposed Development unless we have contacted you separately.

We would also like to offer you the opportunity to engage directly with the Project Team, so should you have any queries about this correspondence or the Application, please do not hesitate to contact us using the details provided below.

- Post: FREEPOST Byers Gill Solar (no stamp is required)
- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Telephone: 0800 197 0118

Yours [INSERT SINCERELY/FAITHFULLY],



Michael Baker  
DCO Project Manager, Byers Gill Solar

Enc. Land Plan(s)

## Appendix A3 Change 1 – List of Regulation 7(1)(a) and Regulation 7(1)(d) Consultees

Consultee	Category under PA2008 and the CA Regulations
The Health and Safety Executive	Section 42(1)(a) / Regulation 7(1)(d)
NHS England	Section 42(1)(a) / Regulation 7(1)(d)
North East and North Cumbria Integrated Care Board	Section 42(1)(a) / Regulation 7(1)(d)
Natural England	Section 42(1)(a) / Regulation 7(1)(d)
Historic England	Section 42(1)(a) / Regulation 7(1)(d)
Cleveland Fire Service	Section 42(1)(a) / Regulation 7(1)(d)
County Durham and Darlington Fire and Rescue Service	Section 42(1)(a) / Regulation 7(1)(d)
Durham Police and Crime Commissioner	Section 42(1)(a) / Regulation 7(1)(d)
Cleveland Police and Crime Commissioner	Section 42(1)(a) / Regulation 7(1)(d)
Bishopton Parish Council	Section 42(1)(a) / Regulation 7(1)(d)
Great Stainton Parish Meeting	Section 42(1)(a) / Regulation 7(1)(d)
Little Stainton Parish Meeting	Section 42(1)(a) / Regulation 7(1)(d)
Carlton Parish Council	Section 42(1)(a) / Regulation 7(1)(d)
Redmarshall Parish Council	Section 42(1)(a) / Regulation 7(1)(d)
Stillington and Whitton Parish Council	Section 42(1)(a) / Regulation 7(1)(d)
Mordon Parish Meeting	Section 42(1)(a) / Regulation 7(1)(d)
Grindon and Thorpe Thewles Parish Council	Section 42(1)(a) / Regulation 7(1)(d)
Environment Agency	Section 42(1)(a) / Regulation 7(1)(d)
The Equality and Human Rights Commission	Section 42(1)(a) / Regulation 7(1)(d)
Homes England	Section 42(1)(a) / Regulation 7(1)(d)
The Civil Aviation Authority	Section 42(1)(a) / Regulation 7(1)(d)
Durham County Council	Section 42(1)(a) / Regulation 7(1)(d)
Stockton-on-Tees Borough Council Highways Department	Section 42(1)(a) / Regulation 7(1)(d)
Darlington Borough Council Highways Department	Section 42(1)(a) / Regulation 7(1)(d)
National Highways	Section 42(1)(a) / Regulation 7(1)(d)
The Canal and River Trust	Section 42(1)(a) / Regulation 7(1)(d)
OFGEM	Section 42(1)(a) / Regulation 7(1)(d)
UK Health Security Agency	Section 42(1)(a) / Regulation 7(1)(d)
The Crown Estate	Section 42(1)(a) / Regulation 7(1)(d)
The Forestry Commission	Section 42(1)(a) / Regulation 7(1)(d)
County Durham and Darlington Local Resilience Forum	Section 42(1)(a) / Regulation 7(1)(d)
North East Combined Authority	Section 42(1)(a) / Regulation 7(1)(d)

Consultee	Category under PA2008 and the CA Regulations
Cadent Gas Limited	Section 42(1)(a) / Regulation 7(1)(d)
Eclipse Power Network Limited	Section 42(1)(a) / Regulation 7(1)(d)
Energy Assets Pipelines Limited	Section 42(1)(a) / Regulation 7(1)(d)
Energy Assets Networks Limited	Section 42(1)(a) / Regulation 7(1)(d)
ES Pipelines Ltd	Section 42(1)(a) / Regulation 7(1)(d)
ESP Connections Ltd	Section 42(1)(a) / Regulation 7(1)(d)
ESP Electricity Limited	Section 42(1)(a) / Regulation 7(1)(d)
ESP Networks Ltd	Section 42(1)(a) / Regulation 7(1)(d)
ESP Pipelines Ltd	Section 42(1)(a) / Regulation 7(1)(d)
Fulcrum Electricity Assets Limited	Section 42(1)(a) / Regulation 7(1)(d)
Fulcrum Pipelines Limited	Section 42(1)(a) / Regulation 7(1)(d)
GTC Pipelines Limited	Section 42(1)(a) / Regulation 7(1)(d)
Harlaxton Energy Networks Limited	Section 42(1)(a) / Regulation 7(1)(d)
Harlaxton Gas Networks Limited	Section 42(1)(a) / Regulation 7(1)(d)
Homes England	Section 42(1)(a) / Regulation 7(1)(d)
Independent Pipelines Limited	Section 42(1)(a) / Regulation 7(1)(d)
Independent Power Networks Limited	Section 42(1)(a) / Regulation 7(1)(d)
Indigo Pipelines Limited	Section 42(1)(a) / Regulation 7(1)(d)
Indigo Power Limited	Section 42(1)(a) / Regulation 7(1)(d)
Last Mile Electricity Ltd	Section 42(1)(a) / Regulation 7(1)(d)
Last Mile Gas Ltd	Section 42(1)(a) / Regulation 7(1)(d)
Leep Electricity Networks	Section 42(1)(a) / Regulation 7(1)(d)
Leep Gas Networks Limited	Section 42(1)(a) / Regulation 7(1)(d)
Mua Electricity Limited	Section 42(1)(a) / Regulation 7(1)(d)
National Grid Electricity System Operator Limited	Section 42(1)(a) / Regulation 7(1)(d)
National Grid Electricity Transmission Plc	Section 42(1)(a) / Regulation 7(1)(d)
National Grid Gas Plc	Section 42(1)(a) / Regulation 7(1)(d)
National Highways Historical Railways Estate	Section 42(1)(a) / Regulation 7(1)(d)
Network Rail	Section 42(1)(a) / Regulation 7(1)(d)
NHS England	Section 42(1)(a) / Regulation 7(1)(d)
North East Ambulance Service NHS Foundation Trust	Section 42(1)(a) / Regulation 7(1)(d)
North East and North Cumbria Integrated Care Board	Section 42(1)(a) / Regulation 7(1)(d)
North East Waterways	Section 42(1)(a) / Regulation 7(1)(d)
Northern Gas Networks Limited	Section 42(1)(a) / Regulation 7(1)(d)
Northern Powergrid (Northeast) Limited	Section 42(1)(a) / Regulation 7(1)(d)
Northern Powergrid (Yorkshire) Plc	Section 42(1)(a) / Regulation 7(1)(d)
Northumbrian Water	Section 42(1)(a) / Regulation 7(1)(d)

Consultee	Category under PA2008 and the CA Regulations
Optimal Power Networks Ltd	Section 42(1)(a) / Regulation 7(1)(d)
Quadrant Pipelines Limited	Section 42(1)(a) / Regulation 7(1)(d)
Scotland Gas Networks Plc	Section 42(1)(a) / Regulation 7(1)(d)
Southern Gas Networks Plc	Section 42(1)(a) / Regulation 7(1)(d)
Squire Energy Limited	Section 42(1)(a) / Regulation 7(1)(d)
The Canal and River Trust	Section 42(1)(a) / Regulation 7(1)(d)
The Electricity Network Company Limited	Section 42(1)(a) / Regulation 7(1)(d)
The Environment Agency	Section 42(1)(a) / Regulation 7(1)(d)
UK Power Distribution Limited	Section 42(1)(a) / Regulation 7(1)(d)
Utility Assets Limited	Section 42(1)(a) / Regulation 7(1)(d)
Vattenfall Networks Limited	Section 42(1)(a) / Regulation 7(1)(d)
Wales and West Utilities Ltd	Section 42(1)(a) / Regulation 7(1)(d)
Yorkshire Water	Section 42(1)(a) / Regulation 7(1)(d)
Zayo (Telecomms)	Section 42(1)(a) / Regulation 7(1)(d)
BT Openreach	Section 42(1)(a) / Regulation 7(1)(d)
Atkins/Vodafone	Section 42(1)(a) / Regulation 7(1)(d)
Virgin	Section 42(1)(a) / Regulation 7(1)(d)
MUA Gas Limited	Section 42(1)(a) / Regulation 7(1)(d)
Cumbria County Council	Section 42(1)(b) / Regulation 7(1)(a)
Cumberland Council	Section 42(1)(b) / Regulation 7(1)(a)
Darlington Borough Council	Section 42(1)(b) / Regulation 7(1)(a)
Durham County Council	Section 42(1)(b) / Regulation 7(1)(a)
Gateshead Council	Section 42(1)(b) / Regulation 7(1)(a)
Hartlepool Borough Council	Section 42(1)(b) / Regulation 7(1)(a)
Middlesbrough Council	Section 42(1)(b) / Regulation 7(1)(a)
North Yorkshire Council	Section 42(1)(b) / Regulation 7(1)(a)
Northumberland County Council	Section 42(1)(b) / Regulation 7(1)(a)
Redcar and Cleveland Borough Council	Section 42(1)(b) / Regulation 7(1)(a)
Stockton-on-Tees Borough Council	Section 42(1)(b) / Regulation 7(1)(a)
Sunderland City Council	Section 42(1)(b) / Regulation 7(1)(a)
Westmorland and Furness Council	Section 42(1)(b) / Regulation 7(1)(a)
Yorkshire Dales National Park Authority	Section 42(1)(b) / Regulation 7(1)(a)
Tees Valley Combined Authority	Section 42(1)(b) / Regulation 7(1)(a)

# Appendix A4 Change 1 Change Application Notice

# NOTICE OF PROPOSED CHANGES TO AN ACCEPTED DEVELOPMENT CONSENT ORDER

## Byers Gill Solar Development Consent Order

*Regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010*

We are writing to you with regards to our Byers Gill Solar project and to invite you to respond to the representation period relating to Change 1 of the Change Application.

### 1 CONTEXT

- 1.1 RWE Renewables UK Solar And Storage Limited, Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB (the “**Applicant**”) made an application for a development consent order to the Secretary of State for Energy Security and Net Zero c/o the Planning Inspectorate on 8 February 2024 (the “**DCO application**”). This application was accepted for examination by the Planning Inspectorate (on behalf of the Secretary of State) on 8 March 2024. The reference number applied to the DCO application is EN010139.
- 1.2 Notice is hereby given that the Planning Inspectorate has accepted an application made by the Applicant to amend the DCO application as submitted, including changes to the areas of land which would be subject to compulsory acquisition (the ‘**Change Application**’).
- 1.3 The change proposal has arisen as a result of engagement between the Applicant and the ExA during Examination concerning the Applicant’s approach to delivering the on-road cable routes and the consistency of that approach with other consented DCO schemes.
- 1.4 The Applicant submitted a Notification of the Applicant’s intention to submit a Change Application on 27 September 2024 [AS-021] (“**the Notification Letter**”) which provides details and background to the request for the proposed change. The Notification Letter confirms that it is the Applicant’s intention to publicise the Change Application in accordance with the spirit of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, although the regulations do not apply to the Change Application. The Examining Authority confirmed, in its response to the Notification Letter on 11 October 2024, that the Applicant’s proposed consultation was appropriate and proportionate [PD-007].
- 1.5 The Change Application and supporting documents were submitted to the Planning Inspectorate on 18 October 2024 and the Change Application was accepted into Examination on 1 November 2024.
- 1.6 The Applicant has requested two changes to the DCO application; however, this correspondence relates to Change 1 only. Separate correspondence has been sent to relevant consultees regarding Change 2.

### 2 SUMMARY OF THE DCO APPLICATION

- 2.1 Byers Gill Solar consists of a solar farm capable of generating over 50MW Alternating Current (AC) of electricity with co-located battery energy storage system (“**BESS**”), located between Darlington and Stockton-on-Tees in north-east England (the “**Proposed Development**”). The Proposed Development is approximately 490ha and comprises six Panel Areas (groups of solar photovoltaic (PV) panels) (Panel Areas A-F). The solar PV panels would be mounted on a metal frame in groups, fixed in position with panels facing south. An on-site substation would be located within Panel Area C.
- 2.2 The Proposed Development includes up to 32.5km of 33kilovolt (kV) underground cabling between the Panel Areas and the on-site substation, as well as approximately 10km of 132kV underground cable to connect the Proposed Development to the grid connection at the existing Norton substation (located to the north-west of Stockton-on-Tees). This cabling could be placed either within roads or through off-road options.

- 2.3 A range of supporting infrastructure is required for the Proposed Development, comprising: BESS; transformers and inverters; storage containers to hold this equipment; and security measures such as fencing, CCTV and lighting.
- 2.4 A map showing the location of the Proposed Development can be viewed on the Planning Inspectorate's National Infrastructure Planning website at the following address:  
  
<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>
- 2.5 The DCO application is for EIA development as defined under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 2.6 The DCO, if granted, would enable the acquisition new rights over land and contain powers for the possession and use of land on a temporary basis (to facilitate the construction of the Proposed Development).

**3 CHANGE 1: ACQUISITION OF NEW RIGHTS OVER SUBSOIL INTERESTS**

- 3.1 Change 1 comprises changes to the draft DCO (Document Reference 3.1, Rev 3) and associated compulsory acquisition documents to allow the Applicant to compulsorily acquire new rights over subsoil land beneath highway plots within the existing Order Limits.
- 3.2 The land plots where new subsoil rights will be required are set out in in the Table 1 below. The location of those plots is shown on sheets 1, 2, 3, 7, 8, 9,10, 11, 12 and 13 of the Land Plans (Revision 3) [CR1-005] available on the Planning Inspectorate's National Infrastructure Planning website under the Documents tab:  
  
[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010139/EN010139-000720-2.4%20Land%20Plans%20\(Revision%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010139/EN010139-000720-2.4%20Land%20Plans%20(Revision%203).pdf)
- 3.3 Change 1 will upgrade the rights sought over the subsoil interests from 'land not subject to powers of compulsory acquisition or temporary possession' (shown shaded white) to 'land to be used temporarily and new rights to be acquired permanently' (shown shaded blue).
- 3.4 The need for Change 1 has been identified following engagement between the Applicant, the ExA and Darlington Borough Council (as local highways authority) during Examination. Change 1 would provide assurance to the Secretary of State (SoS) that, if it becomes necessary for the Applicant to lay cabling within the subsoils of publicly adopted highways to deliver the on-road cabling, the Applicant may acquire all necessary land rights in those subsoils for that purpose.
- 3.5 The Funding Statement [APP-016] submitted with the DCO application confirms that the Applicant has sufficient funds to finance the cost of the Proposed Development and this includes compensation for any additional acquisition of subsoil rights through Change 1.
- 3.6 More information regarding Change 1 can be found in the Change Application Summary Report [CR1-012] and the Statement of Purpose, which is provided on the Applicant's website (<https://byersgillsolarfarm.co.uk/documents/>).

**Table 1–Highway plots affected by Change 1**

1/1	1/2	2/2	2/6	3/1	3/6	7/4	7/5	7/6	8/3
8/6	9/6	9/8	9/15	10/2	11/1	11/10	11/11	11/12	11/16
12/4	12/7	12/9	12/10	12/12	12/14	12/15	12/16	12/17	12/18
12/20	12/23	12/24	12/25	12/27	12/30	13/1	13/3	13/5	13/8
13/11	13/13	13/15	13/17	13/18					

## 4 COPIES OF APPLICATION DOCUMENTS

- 4.1 Copies of the Change Application and supporting documents submitted with the Change Application (including the amended Land Plans, amended Statement of Reasons, amended Book of Reference, amended draft Development Consent Order, Explanatory Memorandum, and Summary Report) (together, the “**Change Application Documents**”) can be viewed and downloaded free of charge online on the Byers Gill Solar page of the Planning Inspectorate’s National Infrastructure Planning website under the Documents tab:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

- 4.2 A Statement of Purpose, a non-technical summary of the proposed changes, is provided on the Applicant’s website, alongside copies of the Change Application Documents:

<https://byersgillsolarfarm.co.uk/documents/>

- 4.3 The Change Application Documents listed above will be available on the above websites until at least 16 December 2024.

- 4.4 An electronic copy of the Change Application Documents can also be provided free of charge on a USB memory stick, upon request. To request a USB, please contact the Applicant using the contact details provided below.

- 4.5 All Change Application Documents are available for public inspection at the following places and times:

Venue	Opening Hours*	
Darlington Library, Crown St, Darlington DL1 1ND Tel: 01325 349610	Monday	9 am – 6 pm
	Tuesday	9 am – 6 pm
	Wednesday	9 am – 5 pm
	Thursday	10 am – 6 pm
	Friday	9 am – 5 pm
	Saturday	9 am – 4 pm
	Sunday	Closed
Norton Library, 87 High Street, Norton, TS20 1AE Tel: 01642 528019	Monday	9:30 am – 5 pm
	Tuesday	9:30 am – 5 pm
	Wednesday	9:30 am – 7 pm
	Thursday	9:30 am – 5 pm
	Friday	9:30 am – 7 pm
	Saturday	9:30 am – 1 pm
	Sunday	Closed

\*Please note that opening hours are subject to change. Please check and confirm opening times with the venue if planning a visit.

- 4.6 The full suite of Change Application Documents can be made available in hard copy format on request to the Applicant at a cost of £405 per copy. For any bespoke or hard copy document requests (for example in large print, audio or braille formats) please contact the Applicant using the contact details below, who will provide the cost. Copies of individual documents are also available on request and a reasonable copying charge may apply.

- 4.7 If you have any questions about the Change Application or wish to request copies of the Change Application Documents on a USB, you can email [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com), write to FREEPOST Byers Gill Solar, or contact the Applicant by telephone on 0800 197 0118.

## 5 MAKING A REPRESENTATION ON THE CHANGE APPLICATION

- 5.1 Under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, any person may submit a representation on the Change Application to the Planning Inspectorate during the representation period (including giving notice of any interest in the Change



Application or the land affected by it or making any comment on or objection to the Change Application).

- 5.2 Any representation relating to the Change Application must be submitted on the Planning Inspectorate's registration form and give the grounds on which it is made. The Registration and Relevant Representation Form can be accessed and completed online from 14 November 2024 on the Planning Inspectorate's website:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139>

- 5.3 Forms or representations completed in hard-copy should be sent to The Planning Inspectorate, National Infrastructure Directorate, Temple Quay House, Temple Quay, Bristol BS1 6PN. The Planning Inspectorate reference for the DCO application (EN010139) should be quoted in any correspondence.

- 5.4 **Please note that all representations must be received by the Planning Inspectorate by 23:59 on 16 December 2024.**

- 5.5 If you require guidance, or other methods to obtain and complete a copy of the Planning Inspectorate's Registration and Relevant Representation Form, please contact the Planning Inspectorate by telephone 0303 444 5000 or email [byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk).

- 5.6 Relevant Representations will be made public and will be subject to the Planning Inspectorate's privacy policy at:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

- 5.7 If you have any issues viewing the files, please notify us by replying to this correspondence as soon as possible.

We look forward to hearing from you.

Yours faithfully,

Michael Baker  
DCO Project Manager  
RWE

# Appendix A5 Statement of Purpose



**RWE**

Byers Gill Solar

# Change Application Statement of Purpose

November 2024

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<b>2. Overview of Changes</b>	<b>2</b>
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# 1. Introduction

## Purpose of this document

This document has been produced by RWE Renewables UK Solar and Storage Limited ('RWE' or 'the Applicant') to provide information on proposed changes to the Development Consent Order (DCO) Application for Byers Gill Solar ('the Proposed Development').

In summary, these changes are:

- the inclusion of provisions in the draft DCO for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing boundary of the Proposed Development (Change 1); and
- a minor extension of the boundary of the Proposed Development and Work No. 3 within Panel Area A to include and cover part of an existing private access track known as High House Lane (Change 2).

RWE is carrying out consultation on the proposed changes and this document seeks to provide a non-technical description of each change, why they have been made and what they seek to achieve.

## Context

RWE submitted a DCO application seeking consent for Byers Gill Solar on 8 February 2024 (the 'Change Application'). The application is currently under examination by a panel of Inspectors (the 'Examining Authority' or 'ExA') from the Planning Inspectorate.

On 18 October 2024, RWE submitted a change application to the ExA to be considered alongside the ongoing examination process. The Change Application Summary Report [CR1-012] accompanying the application explains in detail the changes being sought, the reasons for them, and the consultation and publicity process that must be undertaken if the ExA accept the application. The application comprised of a number of DCO application documents that were revised and updated to show the change [CR1-001 to CR1-018].

## 2. Overview of Changes

The change application relates to two proposed changes to the DCO. These are described in overview below and in more detail in Sections 3 and 4 of this document.

### **Change 1 – acquisition of new rights over subsoil interests.**

The DCO application seeks permission for the compulsory acquisition of rights over land. This means that RWE can access the land required for off-road cable routes to develop Byers Gill Solar without needing the permission of a landowner.

Change 1 seeks further compulsory acquisition powers to ensure that on-road cable routes can be installed if required. The change **only seeks to include compulsory acquisition of rights in subsoil land beneath public highways within the existing boundary of the Proposed Development**

Subsoil land is the layer of soil beneath the road, which if not owned by the highway authority, generally belongs to properties either side of the road. The rights being sought are on highways already within the DCO application boundary.

**The Applicant will only be carrying out works on, in or underneath the highway when installing on-road cable routes. Those works were set out in the original DCO application and Change 1 does not involve any new or different works being carried out.**

### **Change 2 – High House Lane**

Change 2 seeks a minor extension of the DCO application boundary at High House Lane, in Brafferton. Whilst part of High House Lane is already included in the DCO application boundary, RWE has identified a need to include a further section of the lane to ensure that it has the necessary consent to carry out minor upgrade works to the lane. This is because the section of the lane is currently an earth track, and in order to use it temporarily for construction access, it will need to be surfaced with crushed rock or gravel.

The “Land Plans showing Proposed Land Changes” drawings, provided separately on the Byers Gill Solar website, show the land within the DCO boundary that is affected by Change 1 and Change 2. Extracts of these plans are provided in Sections 2 and 3 of this document in respect of each change.

## This consultation

It is important to note that whilst there are two changes proposed as part of RWE's change application, they each follow a different process for the receipt of feedback.

**Change 1** is regarding the inclusion of provisions in the draft DCO for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing DCO boundary. For this reason, the Applicant is required to carry out statutory consultation in accordance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

Any representation relating to Change 1 must be submitted on the Planning Inspectorate's registration form and give the grounds on which it is made. This can be accessed and completed online from 14 November 2024 on the Planning Inspectorate's website:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139>

Those parties who are impacted by Change 1 have been contacted directly. If you believe that you have land impacted by Change 1 but that you have not been contacted, please contact RWE at the details below:

- Post: FREEPOST Byers Gill Solar (no stamp is required)
- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Telephone: 0800 197 0118

**Change 2** does not involve a request for additional compulsory acquisition powers and therefore the requirement to carry out statutory consultation under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 does not apply.

However, in recognition that Change 2 could have environmental implications, RWE is voluntarily carrying out consultation in the spirit of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. For this reason, the RWE is publicising the Change Application and is now carrying out voluntary consultation with relevant consultees in respect of Change 2. This voluntary consultation is running at the same time as the statutory consultation for Change 1.

The remainder of this document provides further detail on the proposed changes, the environmental assessment of Change 2, and information on how to respond to the consultation.

### 3. Change 1: Acquisition of New Rights over Subsoil Interests

#### Description of Proposed Change

As outlined above, Change 1 comprises changes to the draft DCO and associated compulsory acquisition documents to allow RWE to compulsorily acquire new rights over subsoil land beneath highway plots within the existing DCO boundary.

The land plots where new subsoil rights will be required are set out in the table below.

**Table 3-1 Highway plots affected by Change 1**

1/1	1/2	2/2	2/6	3/1	3/6	7/4	7/5	7/6	8/3
8/6	9/6	9/8	9/15	10/2	11/1	11/10	11/11	11/12	11/16
12/4	12/7	12/9	12/10	12/12	12/14	12/15	12/16	12/17	12/18
12/20	12/23	12/24	12/25	12/27	12/30	13/1	13/3	13/5	13/8
13/11	13/13	13/15	13/17	13/18					

The location of those plots is shown on sheets 1, 2, 3, 7, 8, 9,10, 11, 12 and 13 of the Land Plans (Revision 3) [CR1-005] available on the Planning Inspectorate's National Infrastructure Planning website under the Documents tab:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010139/EN010139-000720-2.4%20Land%20Plans%20\(Revision%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010139/EN010139-000720-2.4%20Land%20Plans%20(Revision%203).pdf)

Change 1 will upgrade the rights sought over the subsoil interests from 'land not subject to powers of compulsory acquisition or temporary possession' (shown shaded white) to 'land to be used temporarily and new rights to be acquired permanently' (shown shaded blue).

#### Reason for change

The need for Change 1 has been identified following engagement between the RWE, the ExA and Darlington Borough Council (as local highways authority) during Examination. Change 1 would provide assurance to the Secretary of State (SoS) that, if it becomes necessary for RWE to lay cabling within the subsoils of publicly adopted highways to deliver the on-road cabling, RWE may acquire all necessary land rights in those subsoils for that purpose.

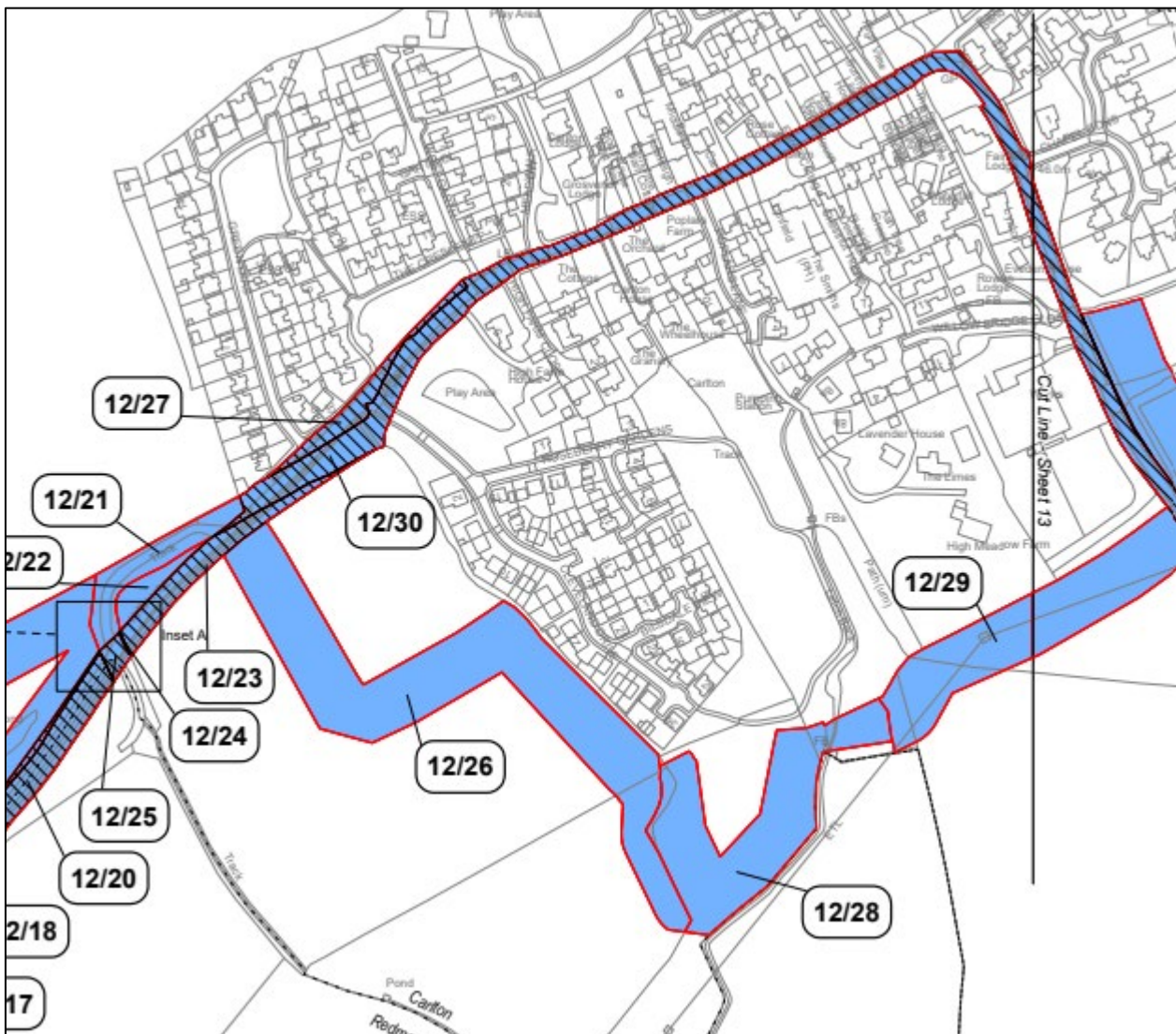
The main DCO application confirms that RWE's preferred approach to laying cabling for the Proposed Development is to use off-road routes. The land rights for those routes are currently under negotiation with landowners. RWE would only seek to lay cables along on-road routes, using the compulsory acquisition powers requested in Change 1, to the extent that it is not possible to lay cables along off-road routes at the point of construction.



## Extract of plan showing changes

RWE has produced “Land Plans showing Proposed Land Changes” drawings which are provided separately on the Byers Gill Solar website. These show all of the plots of land affected by Change 1, depicted through black hatching. The extract below, in Carlton village, demonstrates this, with Change 1 impacting on-road cable route land only.

**Figure 1: extract of Land Plans depicting land plots affected by Change 1 with hatching**



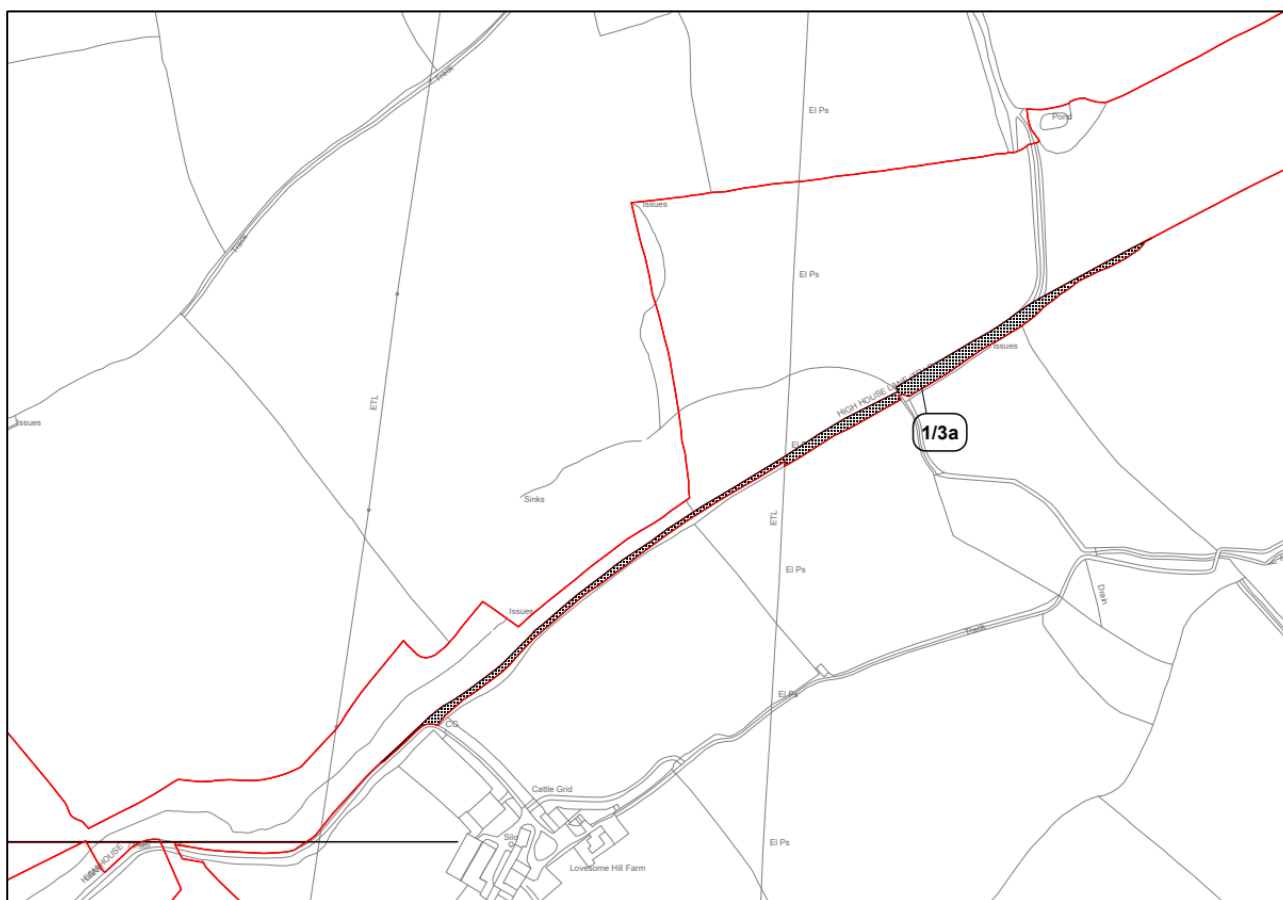
## 4. Change 2: High House Lane

### Description of proposed change

As outlined above, Change 2 proposes a small extension to the current boundary of the Proposed Development to include a greater length of High House Lane.

The specific section to be included is between the entrance to Lovesome Hill Farm, and where High House Lane turns north towards High House and enters Panel Area A. This is shown in the hatched area (plot 1/3a) on Figure 2 below.

**Figure 2: Change 2 – extract of Land Plans showing additional land to be included along High House Lane**



High House Lane is required for access to Panel Area A during construction and occasionally during operation. The track is currently an earth track. RWE is therefore proposing to resurface this section with crushed rock or gravel to ensure it is suitable for use by the Proposed Development. No other works within the section of High House Lane subject to Change 2 are proposed. There are no additional works to or removal of hedgerows or other vegetation, nor any need to carry out works to drainage features, install culverts, or fencing / gates.

The work required under the DCO application is categorised into numbered 'Works'. These set out what types of activities would be undertaken during the construction period, if consent is granted.

The works and the additional piece of land as shown on Figure 2 above would be included in Work No.3, specifically 3(d), which covers “improvement, maintenance and use of existing private tracks”. This is shown on the updated Works Plans (Document Reference 2.2, Revision 3) [CR1-003], which have been provided as part of the change application.

It is also important to highlight that RWE is not seeking to compulsorily acquire or purchase this piece of land. The proposals have been brought forward in voluntary agreement with the landowner.

## Reason for change

The purpose of Change 2 is to ensure that RWE has the required consent to carry out works to upgrade the section of High House Lane identified on Figure 2. This is so that it can be used as an access route for construction vehicles to deliver materials and personnel to the section of Panel Area A which is to the south of High House.

Panel Area A is comprised of several sections in the vicinity of Brafferton village. The section of Panel Area A to the north of High House Lane is largely to be serviced from the main Panel Area A construction compound, situated south of Brafferton. This means that not all construction vehicles required to build Panel Area A would use High House Lane. This access is needed specifically to aid construction of the section of Panel Area A to the north of High House Lane.

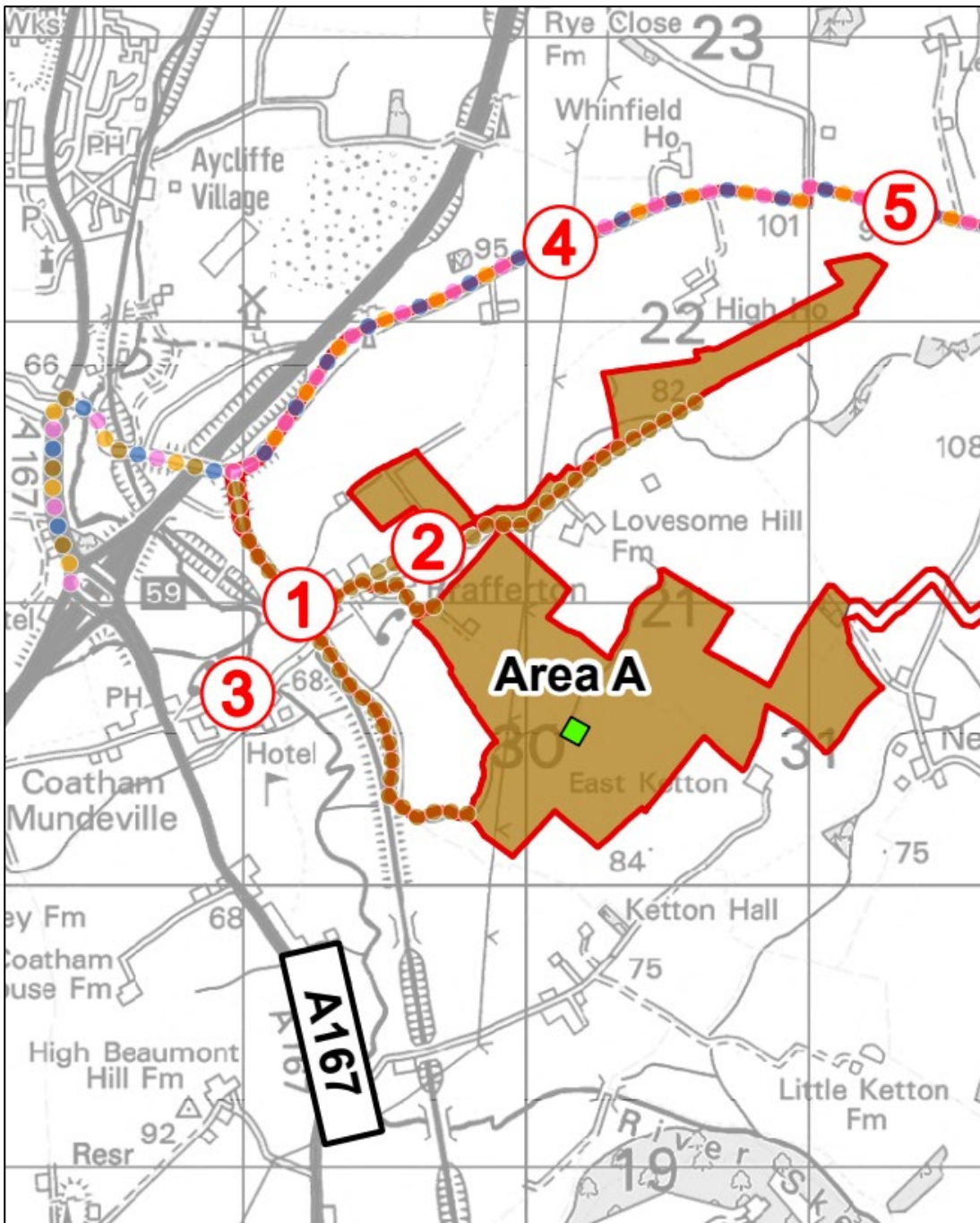
The number of vehicle trips which are estimated to use High House Lane are estimated to be:

- Up to 2 heavy goods vehicles (HGV) movements (1 HGV trip) a day;
- A small number of HGVs carrying larger items such as inverters, battery energy storage systems (BESS) and switchgear, which would amount to 12 HGV trips during the entire construction period;
- A series of light goods vehicles, such as minibuses, to deliver the workforce. It is assumed that this would be approximately 2-3 trips per day, during a 30-day period.

RWE had always planned for this access to be used in construction and therefore the number of vehicles using the track were taken account of in the DCO application and its supporting assessments. Change 2 does not change the number of vehicles expected to use the track, however it introduces works (surfacing of the track) that could impact the environmental assessment.

Figure 3 overleaf is an extract from ES Figure 12.1 Proposed Access Routes and Survey Locations [CR1-018] which depicts the proposed access at Area A via the brown dotted line (note: the numbered points relate to traffic survey locations are not relevant to this change).

Figure 3 Extract of ES Figure 12.1 to show access routes to Panel Area A [CR1-018]



## Environmental impacts of Change 2

The main DCO application is accompanied by an Environment Statement (ES) which reports on the Environmental Impact Assessment (EIA) undertaken for the Proposed Development. This assesses the likely environmental effects of the Proposed Development and reports on any effects that are likely to be significant (whether adverse or beneficial).

As part of the change application, it is important for RWE to consider whether or not the proposed changes would result in any new beneficial or adverse significant environmental effects compared to that already reported in the ES. The proposed changes would not result in any new or different likely significant effects compared to those reported in the existing ES.

To inform this, RWE undertook a 'screening' exercise. The screening exercise looked to identify any effects that could potentially arise from Change 2 during the construction, operational and decommissioning stages of the Proposed Development. Importantly, it considered whether or not these would be significant in their impact.

The purpose of the screening exercise was to determine whether or not a further assessment should be undertaken on any specific topic which forms part of the ES.

The exercise concluded that all ES topics could be screened out for further consideration except for Socioeconomics and Public Rights of Way as reported in ES Chapter 9 Land Use and Socioeconomics [APP-032]. This is due to the interaction of Change 2 with Footpath No.9 in Brafferton, in which the surfacing works could require a temporary closure ('stopping up') of the footpath.

The full screening exercise can be found in Appendix 2 of Notification of Applicant's intention to submit a Change Application [AS-021].

## Detailed assessment on land use and socioeconomics

As the topic of land use and socioeconomics required further consideration, RWE undertook this assessment and reported it in the Change Application Summary Report [CR1-012] submitted with the change application. It considered how Change 2 would impact on the different aspects of the assessment reported in Environmental Statement Chapter 9 Land Use and Socioeconomics [APP-032].

ES Chapter 9 assesses impact of the Proposed Development on:

- Socioeconomics;
- Recreational and community facilities;
- Development land;
- Public rights of way; and
- Agricultural land and soil resource

Change 2 results in no change to the assessment of construction, operational or decommissioning effects on socioeconomics, recreational and community facilities, development land or agricultural land and soil resource.

High House Lane was previously identified as a location whereby access for construction would be sought, however, the assessment on the Public Right of Way network was limited to direct effects

on routes which sat within the DCO application boundary. Change 2 extends the DCO application boundary at High House Lane and therefore brings in a larger section of Footpath No.9 in Brafferton.

As a result, there is potential for a change in the impacts to public rights of way, as considered under ES Chapter 9 Land Use and Socioeconomics [APP-032], and therefore RWE has carried out an assessment on the proposed larger extent of Footpath No.9 in Brafferton. The assessment of effects in the table below therefore focuses on impacts to public rights of way, specifically Footpath No.9 in Brafferton.

**Table 1: Assessment of effects on public rights of way**

Stage	Summary of effect	Significance of effect
Construction	<ul style="list-style-type: none"> <li>▪ A longer section of Footpath No.9 in Brafferton would fall within the project boundary</li> <li>▪ This would therefore mean that proposals to manage vehicle movements, signage and other general control measures would be introduced along this section</li> <li>▪ The works are likely to require short, temporary closure of the Footpath to enable the proposed resurfacing</li> <li>▪ The Outline ProW Management Plan (Document Reference 6.4.2.15, Revision 2) has been provided to include management measures to ensure that the Footpath remains safe for recreational use during the construction stage</li> </ul>	<ul style="list-style-type: none"> <li>▪ Remains as a minor adverse effect, which is not significant</li> </ul>
Operation	<ul style="list-style-type: none"> <li>▪ The proposed resurfacing of Footpath No.9 would improve the overall condition and accessibility of the footpath for recreational use</li> </ul>	<ul style="list-style-type: none"> <li>▪ Would bring a minor beneficial effect to a small section of the public right of way network, which is not significant</li> </ul>
Decommissioning	<ul style="list-style-type: none"> <li>▪ The proposed change would not lead to any changes to the assessment of decommissioning effects and the results remain as outlined in ES Chapter 9 Lane Use and Socioeconomics [APP-032]</li> </ul>	

## Conclusion

RWE has assessed the potential environmental effects of Change 2. It is concluded that the change would not result in any new or different likely significant effects on the environment.

## 5. Consultation

### How to respond to consultation

#### Change 1

Those parties who are impacted by Change 1 have been contacted directly. Any representation relating to Change 1 **must** be submitted on the Planning Inspectorate's registration form and give the grounds on which it is made. This can be accessed and completed online from 14 November 2024 on the Planning Inspectorate's website:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139>

If you believe that you have land impacted by Change 1 but that you have not been contacted, please contact RWE at the details below:

- Post: FREEPOST Byers Gill Solar (no stamp is required)
- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Telephone: 0800 197 0118

#### Change 2

RWE is voluntarily undertaking consultation on the proposals under Change 2. Should you want to respond to the consultation on Change 2 (including giving notice of any interest in the Change Application or the land affected by it, or making any comment on or objection to the Change Application), you can do so in writing to either of the following:

Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)

Freepost: FREEPOST Byers Gill Solar (no stamp is required)

Byers Gill Solar Website: <https://byersgillsolarfarm.co.uk/have-your-say/>

#### Deadline for responses

Please note that responses to the consultation must be received by RWE Renewables UK Solar And Storage Limited **no later than 23:59 on 16 December 2024**.

#### Copies of application documents

This document, the Land Plans showing Proposed Land Changes, and the Change Application documents can be viewed on RWE's website:

<https://byersgillsolarfarm.co.uk/documents/>

Additionally, copies of the Change Application and supporting documents submitted with the Change Application can be viewed and downloaded free of charge online on the Byers Gill Solar page of the Planning Inspectorate's National Infrastructure Planning website under the Documents tab: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

An electronic copy of the Change Application Documents can also be provided free of charge on a USB memory stick, upon request. To request a USB, please contact the Applicant using the contact details provided above.

All Change Application Documents are available for public inspection at the following places and times:

Venue	Opening Hours	
Darlington Library, Crown St, Darlington DL1 1ND Tel: 01325 349610	Monday Tuesday Wednesday Thursday Friday Saturday Sunday -	9 am – 6 pm 9 am – 6 pm 9 am – 5 pm 10 am – 6 pm 9 am – 5 pm 9 am – 4 pm Closed
Norton Library, 87 High Street, Norton, TS20 1AE Tel: 01642 528019	Monday Tuesday Wednesday Thursday Friday Saturday Sunday -	9.30am – 5 pm 9.30 am – 5 pm 9.30 am – 7 pm 9.30 am – 5 pm 9.30 am – 7 pm 9.30 am – 1 pm Closed



## 6. Next steps

Following the end of the consultation, RWE will consider and respond to all comments received. Responses will be summarised and responded to in a Consultation Report that will be submitted to the ExA for consideration as part of the Examination.

Copies of all responses will be submitted to the Planning Inspectorate with the Consultation Report and will be made public, subject to the Planning Inspectorate's privacy policy at: <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

# Appendix A6 Change Request 1 Covering Letter



FAO First Name Last

Address Line 1

Address Line 2

City

Post Code

7 November 2024

Dear Sir/Madam,

**Byers Gill Solar – Notice of Proposed Changes to an Accepted Development Consent Order**

**Regulation 7, Infrastructure Planning (Compulsory Acquisition) Regulations 2010**

Further to my letter dated 26 September 2024, I am writing to you regarding an update on RWE's proposed Byers Gill Solar (the "Proposed Development").

Under the Planning Act 2008 (the "Act"), RWE is seeking development consent for the Proposed Development. This legislation requires RWE to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (the DCO application), to get the consent we need to build, operate, and decommission the Proposed Development.

RWE submitted its application for a DCO on Friday 9 February 2024. This application was accepted for examination by PINS (on behalf of the Secretary of State) on 8 March 2024. The examination commenced on 23 July 2024 and is due to close on 23 January 2025.

Purpose of this letter

The purpose of this letter is to update you on the proposed change application explained in the letter dated 26 September 2024 which may affect your interest in the subsoils beneath public roads.

On 27 September, RWE submitted a letter [AS-021] into Examination to notify all Interested Parties and PINS of RWE's intention to request changes to the DCO application ("Change Notification"). PINS responded to RWE's letter of intention on 11 October [PD-007]. RWE then submitted a full Change Application and supporting documents to PINS on 18 October 2024 and the Change Application was accepted by PINS on 1 November 2024.



The Change Application requests two changes to the DCO application. These are described in summary below and in further detail in the Change Summary Report [CRI-012] submitted on 18 October 2024 and in the enclosed notice:

- a) the inclusion of provisions in the draft DCO for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing Order limits (**Change 1**); and
- b) a minor extension of the Order limits and Work No. 3 within Panel Area A to include and cover part of an existing private access track known as High House Lane (**Change 2**).

Change 1 seeks additional compulsory acquisition powers to be included in the DCO application so that RWE can acquire rights in subsoil land. For this reason, RWE is required to provide notice of the Change Application to all relevant consultees which are prescribed by regulation 7 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the “2010 Regulations”).

RWE is writing to you because you have been identified as a relevant consultee for Change 1 under the 2010 Regulations as being within one or more of the following categories:

- all local authorities (as previously consulted) within section 43 of the Act;
- a person with an interest in the land affected by the proposed change;
- a person listed in Column I of Schedule 2 of the CA Regulations.

Please, therefore, find enclosed with this letter:

- Formal Notice of the Change Application. This notice relates to **Change 1** only. Separate correspondence has been sent to relevant consultees regarding Change 2; and
- A Statement of Purpose. This is a non-technical summary of the proposed changes to supplement the documents submitted by RWE for the Change Application. The enclosed Notice includes details of how to freely access and inspect copies of the Change Application and all supporting documents.

**You are invited to submit representations to the Planning Inspectorate in respect of the proposed Change 1.**

**Full details of how to submit a representation to the Planning Inspectorate are set out in the enclosed Notice.**

**Please note any representations must be received by the Planning Inspectorate by 23:59 on 16 December 2024.**

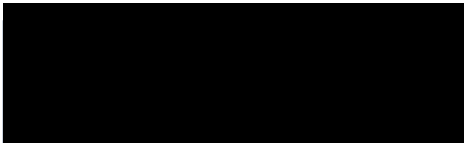


If you require further guidance on how to submit a representation to the Planning Inspectorate, please contact the Planning Inspectorate by telephone 0303 444 5000 or email [byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk).

For any queries regarding this correspondence or the Change Application, please contact us using the following details:

- Post: FREEPOST Byers Gill Solar (no stamp is required)
- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Telephone: 0800 197 0118

Your Sincerely,



Michael Baker  
DCO Project Manager, Byers Gill Solar  
Email: [██████████@rwe.com](mailto:██████████@rwe.com)

Enclosed: Change Application Notice, Statement of Purpose

# Appendix A7 Regulation 8 Notice

**NOTICE OF PROPOSED CHANGES TO AN ACCEPTED DEVELOPMENT CONSENT ORDER  
- REGULATION 8 OF THE INFRASTRUCTURE PLANNING (COMPULSORY ACQUISITION)  
REGULATIONS 2010**

**Byers Gill Solar Development Consent Order**

**NOTICE OF CHANGE APPLICATION**

An application for development consent order (the “**DCO application**”) under Section 37 of the Planning Act 2008 was submitted by RWE Renewables UK Solar And Storage Limited, Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB (the “**Applicant**”) to the Secretary of State for Energy Security and Net Zero c/o the Planning Inspectorate on 8 February 2024 and was accepted on 8 March 2024. The reference number applied to the DCO application is EN010139.

Notice is hereby given that the Planning Inspectorate has accepted an application made by the Applicant to amend the DCO application as submitted, including changes to the areas of land which would be subject to compulsory acquisition (the “**Change Application**”).

**SUMMARY OF THE DCO APPLICATION**

Byers Gill Solar consists of a solar farm capable of generating over 50MW Alternating Current (AC) of electricity with co-located battery energy storage system (“**BESS**”), located between Darlington and Stockton-on-Tees in north-east England (the “**Proposed Development**”). The Proposed Development is approximately 490ha and comprises six Panel Areas (groups of solar photovoltaic (PV) panels) (Panel Areas A-F). The solar PV panels would be mounted on a metal frame in groups, fixed in position with panels facing south. An on-site substation would be located within Panel Area C.

The Proposed Development includes up to 32.5km of 33kilovolt (kV) underground cabling between the Panel Areas and the on-site substation, as well as approximately 10km of 132kV underground cable to connect the Proposed Development to the grid connection at the existing Norton substation (located to the north-west of Stockton-on-Tees). This cabling could be placed either within roads or through off-road options.

A range of supporting infrastructure is required for the Proposed Development, comprising: BESS; transformers and inverters; storage containers to hold this equipment; and security measures such as fencing, CCTV and lighting.

A map showing the location of the Proposed Development can be viewed on the Planning Inspectorate’s National Infrastructure Planning website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

The DCO application is for EIA development as defined under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The DCO, if granted, would enable the acquisition new rights over land and contain powers for the possession and use of land on a temporary basis (to facilitate the construction of the Proposed Development).

**THE CHANGE APPLICATION**

The Applicant submitted a Notification of the Applicant’s intention to submit the Change Application on 27 September 2024 [AS-021] (“**the Notification Letter**”) providing details and background to the request for the proposed changes. The Notification Letter confirms that it is the Applicant’s intention to publicise the Change Application in accordance with the spirit of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, although the regulations do not apply to the Change Application.

The Examining Authority confirmed, in its response to the Notification Letter on 11 October 2024, that the Applicant's proposed consultation was appropriate and proportionate [PD-007].

The proposed changes to the Proposed Development are a result of engagement between the Applicant and the Examining Authority during Examination and as a result of ongoing engagement between the Applicant and Interested Parties and the Applicant and the landowner of High House Lane during Examination.

The Change Application and supporting documents were submitted to the Planning Inspectorate on 18 October 2024 and the Change Application was accepted into Examination on 1 November 2024.

## CONSULTATION ON PROPOSED CHANGES

The Applicant is seeking two changes, Change 1 (acquisition of new rights over subsoil interests) and Change 2 (affecting High House Lane). A summary of each change and the need for each change is set out below. Further detail of each change can be found in the Change Application Summary Report [CR1-012]. A Statement of Purpose, which is a non-technical summary of the changes proposed, is also provided on the Applicant's website: <https://byersgillsolarfarm.co.uk/documents/>.

The Applicant considers that none of the proposed changes, either individually or cumulatively, would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant's screening and detailed consideration of the environmental implications of the proposed changes are set out in the Notification Letter [AS-021] and Change Application Summary Report [CR1-012].

### Change 1: Acquisition of new rights over subsoil interests

Change 1 comprises changes to the draft DCO [CR1-013] and associated compulsory acquisition documents to allow the Applicant to compulsorily acquire new rights over subsoil land beneath highway plots within the existing Order Limits.

The land plots where new subsoil rights will be required are set out in in the Table 1 below. Change 1 will upgrade the rights sought over the subsoil interests from 'land not subject to powers of compulsory acquisition or temporary possession' to 'land to be used temporarily and new rights to be acquired permanently'.

The need for Change 1 has been identified following engagement between the Applicant, the ExA and Darlington Borough Council (as local highways authority) during Examination. Change 1 would provide assurance to the Secretary of State (SoS) that, if it becomes necessary for the Applicant to lay cabling within the subsoils of publicly adopted highways to deliver the on-road cabling, the Applicant may acquire all necessary land rights in those subsoils for that purpose.

**Table 1 - Highway plots affected by Change 1**

1/1	1/2	2/2	2/6	3/1	3/6	7/4	7/5	7/6	8/3
8/6	9/6	9/8	9/15	10/2	11/1	11/10	11/11	11/12	11/16
12/4	12/7	12/9	12/10	12/12	12/14	12/15	12/16	12/17	12/18
12/20	12/23	12/24	12/25	12/27	12/30	13/1	13/3	13/5	13/8
13/11	13/13	13/15	13/17	13/18					

### Change 2: High House Lane

Change 2 comprises a minor extension to the Order Limits and Work No.3 within Panel Area A to include a section of an existing private access track known as High House Lane. The location and extent of the change to the Order Limits is shown in the Statement of Purpose and in the Land Plans [CR1-005] submitted as part of the Change Application documents.

The need for Change 2 has been identified as a result of ongoing engagement with Interested Parties and the landowner of High House Lane during Examination of the DCO application.



The purpose of Change 2 is to ensure that the Applicant has all necessary authorisation for the Applicant’s proposals to carry out upgrade works to that section of High House Lane for use as a construction access. The section of High House Lane for inclusion in the Order Limits is currently an earth track and it is proposed to surface this section of access track with crushed rock or gravel.

No other works within the section of High House Lane subject to Change 2 are proposed and Change 2 will not grant the Applicant any additional compulsory acquisition powers.

**COPIES OF APPLICATION DOCUMENTS**

Copies of the Change Application and supporting documents submitted with the Change Application (including the amended Land Plans, amended Statement of Reasons, amended Book of Reference, amended draft Development Consent Order, Explanatory Memorandum, and Summary Report) (together, the “**Change Application Documents**”) can be viewed and downloaded free of charge online on the Byers Gill Solar page of the Planning Inspectorate’s National Infrastructure Planning website under the Documents tab:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

A Statement of Purpose, a non-technical summary of the proposed changes, is provided on the Applicant’s website, alongside copies of the Change Application Documents:

<https://byersgillsolarfarm.co.uk/documents/>

The Change Application Documents listed above will be available on the above websites until at least 16 December 2024.

An electronic copy of the Change Application Documents can also be provided free of charge on a USB memory stick, upon request. To request a USB, please contact the Applicant using the contact details provided below.

All Change Application Documents are available for public inspection at the following places and times:

Venue	Opening Hours*	
Darlington Library, Crown St, Darlington DL1 1ND Tel: 01325 349610	Monday	9 am – 6 pm
	Tuesday	9 am – 6 pm
	Wednesday	9 am – 5 pm
	Thursday	10 am – 6 pm
	Friday	9 am – 5 pm
	Saturday	9 am – 4 pm
	Sunday	Closed
Norton Library, 87 High Street, Norton, TS20 1AE Tel: 01642 528019	Monday	9:30 am – 5 pm
	Tuesday	9:30 am – 5 pm
	Wednesday	9:30 am – 7 pm
	Thursday	9:30 am – 5 pm
	Friday	9:30 am – 7 pm
	Saturday	9:30 am – 1 pm
	Sunday -	Closed

\*Please note that opening hours are subject to change. Please check and confirm opening times with the venue if planning a visit.

The full suite of Change Application Documents can be made available in hard copy format on request to the Applicant at a cost of £405 per copy. For any bespoke or hard copy document requests (for example in large print, audio or braille formats) please contact the Applicant using the contact details below, who will provide the cost. Copies of individual documents are also available on request and a reasonable copying charge may apply.

**Applicant’s contact details**

If you have any questions about the Change Application or wish to request copies of the Change Application Documents on a USB, you can email [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com), write to FREEPOST Byers Gill Solar, or contact the Applicant by telephone on 0800 197 0118.

### **MAKING A REPRESENTATION IN RESPECT OF CHANGE 1 (ACQUISITION OF NEW RIGHTS OVER SUBSOIL INTERESTS)**

Under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, any person may submit a representation in respect of Change 1 of the Change Application to the Planning Inspectorate during the representation period (including giving notice of any interest in the Change Application or the land affected by it or making any comment on or objection to the Change Application).

Any representation relating to Change 1 must be submitted on the Planning Inspectorate's registration form and give the grounds on which it is made. The Registration and Relevant Representation Form can be accessed and completed online from 14 November 2024 on the Planning Inspectorate's website:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139>

Forms or representations completed in hard-copy should be sent to The Planning Inspectorate, National Infrastructure Directorate, Temple Quay House, Temple Quay, Bristol BS1 6PN. The Planning Inspectorate reference for the DCO application (EN010139) should be quoted in any correspondence.

**Please note that all representations must be received by the Planning Inspectorate by 23:59 on 16 December 2024.**

If you require guidance, or other methods to obtain and complete a copy of the Planning Inspectorate's Registration and Relevant Representation Form, please contact the Planning Inspectorate by telephone 0303 444 5000 or email [byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk).

Relevant Representations will be made public and will be subject to the Planning Inspectorate's privacy policy at:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

### **RESPONDING TO THE CONSULTATION IN RESPECT OF CHANGE 2 (HIGH HOUSE LANE)**

The Applicant is carrying out a consultation in respect of Change 2 during the representations period in respect of Change 1.

Any person wanting to respond to the consultation on Change 2 (including giving notice of any interest in the Change Application or the land affected by it, or making any comment on or objection to the Change Application) must do so in writing to either of the following:

- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Freepost: FREEPOST Byers Gill Solar
- Byers Gill Solar Website: <https://byersgillsolarfarm.co.uk/have-your-say/>

**Please note that responses to the consultation must be received by RWE Renewables UK Solar And Storage Limited no later than 23:59 on 16 December 2024.**

The Applicant will consider and respond to all comments received. Responses will be summarised and responded to in a Change Application Consultation Report that will be submitted to the Planning Inspectorate for consideration as part of the Examination.

Copies of all responses will be submitted to the Planning Inspectorate with the Change Application Consultation Report and will be made public and will be subject to the Planning Inspectorate's privacy policy as above.

# Appendix A8 Published Regulation 8 Notices







**DEPARTMENT FOR TRANSPORT  
TOWN AND COUNTRY PLANNING ACT 1990**

The Secretary of State gives notice of an Order made under Section 247 of the above Act entitled "The Stopping up of Highway (East Midlands) (No.22) Order 2024" authorising the stopping up of an irregular shaped western part width of Church Street comprising the car parking area adjoining the eastern boundary of the Fitzgerald Arms public house at Naseby in the County of Northamptonshire. This is to enable development as permitted by West Northamptonshire Council, under reference 2023/7137/FULL.

Copies of the Order may be obtained, free of charge, from the Secretary of State, National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR or nationalcasework@dft.gov.uk (quoting NATTRAN/EM/S247/5747). They may also be inspected during normal opening hours at Welford Post Office, 29-31 High Street, Welford, Northampton, NN6 6HT.

Any person who wishes to challenge the validity of the decision to make the Order may apply to the High Court within 6 weeks from 07 November 2024.

S. Zamenzadeh, Casework Manager (4749761)

**NOTICE OF PROPOSED CHANGES TO AN ACCEPTED  
DEVELOPMENT CONSENT ORDER - REGULATION 8 OF THE  
INFRASTRUCTURE PLANNING (COMPULSORY ACQUISITION)  
REGULATIONS 2010**

**BYERS GILL SOLAR DEVELOPMENT CONSENT ORDER  
NOTICE OF CHANGE APPLICATION**

An application for development consent order (the "DCO application") under Section 37 of the Planning Act 2008 was submitted by RWE Renewables UK Solar And Storage Limited, Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB (the "Applicant") to the Secretary of State for Energy Security and Net Zero c/o the Planning Inspectorate on 8 February 2024 and was accepted on 8 March 2024. The reference number applied to the DCO application is EN010139.

Notice is hereby given that the Planning Inspectorate has accepted an application made by the Applicant to amend the DCO application as submitted, including changes to the areas of land which would be subject to compulsory acquisition (the 'Change Application').

**SUMMARY OF THE DCO APPLICATION**

Byers Gill Solar consists of a solar farm capable of generating over 50MW Alternating Current (AC) of electricity with co-located battery energy storage system ("BESS"), located between Darlington and Stockton-on-Tees in north-east England (the "Proposed Development"). The Proposed Development is approximately 490ha and comprises six Panel Areas (groups of solar photovoltaic (PV) panels) (Panel Areas A-F). The solar PV panels would be mounted on a metal frame in groups, fixed in position with panels facing south. An on-site substation would be located within Panel Area C.

The Proposed Development includes up to 32.5km of 33kilovolt (kV) underground cabling between the Panel Areas and the on-site substation, as well as approximately 10km of 132kV underground cable to connect the Proposed Development to the grid connection at the existing Norton substation (located to the north-west of Stockton-on-Tees). This cabling could be placed either within roads or through off-road options.

A range of supporting infrastructure is required for the Proposed Development, comprising: BESS; transformers and inverters; storage containers to hold this equipment; and security measures such as fencing, CCTV and lighting.

A map showing the location of the Proposed Development can be viewed on the Planning Inspectorate's National Infrastructure Planning website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

The DCO application is for EIA development as defined under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The DCO, if granted, would enable the acquisition new rights over land and contain powers for the possession and use of land on a temporary basis (to facilitate the construction of the Proposed Development).

**THE CHANGE APPLICATION**

The Applicant submitted a Notification of the Applicant's intention to submit the Change Application on 27 September 2024 [AS-021] ("the Notification Letter") providing details and background to the request for the proposed changes. The Notification Letter confirms that it is the Applicant's intention to publicise the Change Application in accordance with the spirit of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, although the regulations do not apply to the Change Application.

The Examining Authority confirmed, in its response to the Notification Letter on 11 October 2024, that the Applicant's proposed consultation was appropriate and proportionate [PD-007].

The proposed changes to the Proposed Development are a result of engagement between the Applicant and the Examining Authority during Examination and as a result of ongoing engagement between the Applicant and Interested Parties and the Applicant and the landowner of High House Lane during Examination.

The Change Application and supporting documents were submitted to the Planning Inspectorate on 18 October 2024 and the Change Application was accepted into Examination on 1 November 2024.

**CONSULTATION ON PROPOSED CHANGES**

The Applicant is seeking two changes, Change 1 (acquisition of new rights over subsoil interests) and Change 2 (affecting High House Lane). A summary of each change and the need for each change is set out below. Further detail of each change can be found in the Change Application Summary Report [CR1-012]. A Statement of Purpose, which is a non-technical summary of the changes proposed, is also provided on the Applicant's website: <https://byersgillsolarfarm.co.uk/documents/>.

The Applicant considers that none of the proposed changes, either individually or cumulatively, would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant's screening and detailed consideration of the environmental implications of the proposed changes are set out in the Notification Letter [AS-021] and Change Application Summary Report [CR1-012].

**Change 1: Acquisition of new rights over subsoil interests**

Change 1 comprises changes to the draft DCO [CR1-013] and associated compulsory acquisition documents to allow the Applicant to compulsorily acquire new rights over subsoil land beneath highway plots within the existing Order Limits.

The land plots where new subsoil rights will be required are set out in the Table 1 below. Change 1 will upgrade the rights sought over the subsoil interests from 'land not subject to powers of compulsory acquisition or temporary possession' to 'land to be used temporarily and new rights to be acquired permanently'.

The need for Change 1 has been identified following engagement between the Applicant, the ExA and Darlington Borough Council (as local highways authority) during Examination. Change 1 would provide assurance to the Secretary of State (SoS) that, if it becomes necessary for the Applicant to lay cabling within the subsoils of publicly adopted highways to deliver the on-road cabling, the Applicant may acquire all necessary land rights in those subsoils for that purpose.

**Table 1 - Highway plots affected by Change 1**

1/1	1/2	2/2	2/6	3/1	3/6	7/4	7/5	7/6	8/3	8/6	9/6	9/8	9/15	10/2	11/1
11/10	11/11	11/12	11/16	12/4	12/7	12/9	12/10	12/12	12/14	12/15	12/16	12/17	12/18	12/20	12/23
12/24	12/24	12/25	12/27	12/30	13/1	13/3	13/5	13/8	13/11	13/13	13/15	13/17	13/18		

**Change 2: High House Lane**

Change 2 comprises a minor extension to the Order Limits and Work No.3 within Panel Area A to include a section of an existing private access track known as High House Lane. The location and extent of the change to the Order Limits is shown in the Statement of Purpose and in the Land Plans [CR1-005] submitted as part of the Change Application documents.

The need for Change 2 has been identified as a result of ongoing engagement with Interested Parties and the landowner of High House Lane during Examination of the DCO application.

The purpose of Change 2 is to ensure that the Applicant has all necessary authorisation for the Applicant's proposals to carry out upgrade works to that section of High House Lane for use as a construction access. The section of High House Lane for inclusion in the Order Limits is currently an earth track and it is proposed to surface this section of access track with crushed rock or gravel.

No other works within the section of High House Lane subject to Change 2 are proposed and Change 2 will not grant the Applicant any additional compulsory acquisition powers.

**COPIES OF APPLICATION DOCUMENTS**

Copies of the Change Application and supporting documents submitted with the Change Application (including the amended Land Plans, amended Statement of Reasons, amended Book of Reference, amended draft Development Consent Order, Explanatory Memorandum, and Summary Report) (together, the “**Change Application Documents**”) can be viewed and downloaded free of charge online on the Byers Gill Solar page of the Planning Inspectorate’s National Infrastructure Planning website under the Documents tab:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

A Statement of Purpose, a non-technical summary of the proposed changes, is provided on the Applicant’s website, alongside copies of the Change Application Documents:

<https://byersgillsolarfarm.co.uk/documents/>

The Change Application Documents listed above will be available on the above websites until at least 16 December 2024.

An electronic copy of the Change Application Documents can also be provided free of charge on a USB memory stick, upon request. To request a USB, please contact the Applicant using the contact details provided below.

All Change Application Documents are available for public inspection at the following places and times:

Venue	Opening Hours*	
Darlington Library, Crown St, Darlington DL1 1ND Tel: 01325 349610	Monday	9 am – 6 pm
	Tuesday	9 am – 6 pm
	Wednesday	9 am – 5 pm
	Thursday	10 am – 6 pm
	Friday	9 am – 5 pm
	Saturday	9 am – 4 pm
	Sunday	Closed
Norton Library, 87 High Street, Norton, TS20 1AE Tel: 01642 528019	Monday	9:30 am – 5 pm
	Tuesday	9:30 am – 5 pm
	Wednesday	9:30 am – 7 pm
	Thursday	9:30 am – 5 pm
	Friday	9:30 am – 7 pm
	Saturday	9:30 am – 1 pm
	Sunday -	Closed

\*Please note that opening hours are subject to change. Please check and confirm opening times with the venue if planning a visit.

The full suite of Change Application Documents can be made available in hard copy format on request to the Applicant at a cost of £405 per copy. For any bespoke or hard copy document requests (for example in large print, audio or braille formats) please contact the Applicant using the contact details below, who will provide the cost. Copies of individual documents are also available on request and a reasonable copying charge may apply.

**Applicant’s contact details**

If you have any questions about the Change Application or wish to request copies of the Change Application Documents on a USB, you can email [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com), write to FREEPOST Byers Gill Solar, or contact the Applicant by telephone on 0800 197 0118.

**MAKING A REPRESENTATION IN RESPECT OF CHANGE 1 (ACQUISITION OF NEW RIGHTS OVER SUBSOIL INTERESTS)**

Under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, any person may submit a representation in respect of Change 1 of the Change Application to the Planning Inspectorate during the representation period (including giving notice of any interest in the Change Application or the land affected by it or making any comment on or objection to the Change Application).

Any representation relating to Change 1 must be submitted on the Planning Inspectorate’s registration form and give the grounds on which it is made. The Registration and Relevant Representation Form can be accessed and completed online from 14 November 2024 on the Planning Inspectorate’s website:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139>

Forms or representations completed in hard-copy should be sent to The Planning Inspectorate, National Infrastructure Directorate, Temple Quay House, Temple Quay, Bristol BS1 6PN. The Planning Inspectorate reference for the DCO application (EN010139) should be quoted in any correspondence.

**Please note that all representations must be received by the Planning Inspectorate by 23:59 on 16 December 2024.**

If you require guidance, or other methods to obtain and complete a copy of the Planning Inspectorate’s Registration and Relevant Representation Form, please contact the Planning Inspectorate by telephone 0303 444 5000 or email [byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk).

Relevant Representations will be made public and will be subject to the Planning Inspectorate’s privacy policy at:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices>

**RESPONDING TO THE CONSULTATION IN RESPECT OF CHANGE 2 (HIGH HOUSE LANE)**

The Applicant is carrying out a consultation in respect of Change 2 during the representations period in respect of Change 1.

Any person wanting to respond to the consultation on Change 2 (including giving notice of any interest in the Change Application or the land affected by it, or making any comment on or objection to the Change Application) must do so in writing to either of the following:

- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Freepost: FREEPOST Byers Gill Solar
- Byers Gill Solar Website: <https://byersgillsolarfarm.co.uk/have-your-say/>

**Please note that responses to the consultation must be received by RWE Renewables UK Solar And Storage Limited no later than 23:59 on 16 December 2024.**

The Applicant will consider and respond to all comments received. Responses will be summarised and responded to in a Change Application Consultation Report that will be submitted to the Planning Inspectorate for consideration as part of the Examination.

Copies of all responses will be submitted to the Planning Inspectorate with the Change Application Consultation Report and will be made public and will be subject to the Planning Inspectorate’s privacy policy as above. (4746925)

**Property & land****PROPERTY DISCLAIMERS****NOTICE OF DISCLAIMER UNDER SECTION 1013 OF THE COMPANIES ACT 2006****DISCLAIMER OF WHOLE OF THE PROPERTY**

T S ref: BV22004663/2/JZM

1 In this notice the following shall apply:

Company Name: **BILSTON KEY INDUSTRIAL ESTATE MANAGEMENT COMPANY LIMITED**

Company Number: 02150022

Interest: freehold

Title number: WM254164

Property: The Property situated at Land and buildings on the North East side of Oxford Street, Bilston being the land comprised in the above mentioned title

Treasury Solicitor: The Solicitor for the Affairs of Her Majesty’s Treasury of 1 Ruskin Square, Croydon CR0 2WF (DX 325801 Croydon 51).

2 In pursuance of the powers granted by Section 1013 of the Companies Act 2006, the Treasury Solicitor as nominee for the Crown (in whom the property and rights of the Company vested when the Company was dissolved) hereby disclaims the Crown’s title (if any) in the property, the vesting of the property having come to his notice on 16 September 2024.

Assistant Treasury Solicitor

4 November 2024

(4745465)

**NOTICE OF DISCLAIMER UNDER SECTION 1013 OF THE COMPANIES ACT 2006****DISCLAIMER OF WHOLE OF THE PROPERTY**

T S ref: BV22303456/6/NYS

1 In this notice the following shall apply:

Company Name: **REGIS UK LIMITED**

Company Number: 02603786

Interest: leasehold

Title number: NYK424033



## Appendix A9 Change 2 – List of Schedule 2 Consultees (APFP Regulations)

Consultee	Consultee
The Health and Safety Executive	Energy Assets Networks Limited
NHS England	ES Pipelines Ltd
North East and North Cumbria Integrated Care Board	ESP Connections Ltd
Natural England	ESP Electricity Limited
Historic England	ESP Networks Ltd
Cleveland Fire Service	ESP Pipelines Ltd
County Durham and Darlington Fire and Rescue Service	Fulcrum Electricity Assets Limited
Durham Police and Crime Commissioner	Fulcrum Pipelines Limited
Cleveland Police and Crime Commissioner	GTC Pipelines Limited
Bishopton Parish Council	Harlaxton Energy Networks Limited
Great Stainton Parish Meeting	Harlaxton Gas Networks Limited
Little Stainton Parish Meeting	Homes England
Carlton Parish Council	Independent Pipelines Limited
Redmarshall Parish Council	Independent Power Networks Limited
Stillington and Whitton Parish Council	Indigo Pipelines Limited
Mordon Parish Meeting	Indigo Power Limited
Grindon and Thorpe Thewles Parish Council	Last Mile Electricity Ltd
Environment Agency	Last Mile Gas Ltd
The Equality and Human Rights Commission	Leep Electricity Networks
Homes England	Leep Gas Networks Limited
The Civil Aviation Authority	Mua Electricity Limited
Durham County Council	National Grid Electricity System Operator Limited
Stockton-on-Tees Borough Council Highways Department	National Grid Electricity Transmission Plc
Darlington Borough Council Highways Department	National Grid Gas Plc
National Highways	National Highways Historical Railways Estate
The Canal and River Trust	Network Rail
OFGEM	NHS England
UK Health Security Agency	North East Ambulance Service NHS Foundation Trust
The Crown Estate	North East and North Cumbria Integrated Care Board
The Forestry Commission	North East Waterways
County Durham and Darlington Local Resilience Forum	Northern Gas Networks Limited
North East Combined Authority	Northern Powergrid (Northeast) Limited

Consultee	Consultee
Cadent Gas Limited	Northern Powergrid (Yorkshire) Plc
Eclipse Power Network Limited	Northumbrian Water
Energy Assets Pipelines Limited	Optimal Power Networks Ltd
Quadrant Pipelines Limited	
Scotland Gas Networks Plc	
Southern Gas Networks Plc	
Squire Energy Limited	
The Canal and River Trust	
The Electricity Network Company Limited	
The Environment Agency	
UK Power Distribution Limited	
Utility Assets Limited	
Vattenfall Networks Limited	
Wales and West Utilities Ltd	
Yorkshire Water	
Zayo (Telecomms)	
BT Openreach	
Atkins/Vodafone	
Virgin	
MUA Gas Limited	

## Appendix A10 Change 2 – Section 42(1)(d) consultees

Consultee
Christopher George Firby
Thomas Anthony Swinbank
Janice Swinbank
Northern Powergrid (Northeast) plc
JBM Solar Projects 29 Limited
Myra Vasey McKeown
Christopher McKeown
The Executor of David Neville Lawson
Oliver Mark Lawson
Francesca Elaenor Vassall Lawson

# Appendix A11 Change 2 Change Application Notice

# NOTICE OF PROPOSED CHANGES TO AN ACCEPTED DEVELOPMENT CONSENT ORDER

## Byers Gill Solar Development Consent Order

We are writing to you with regards to our Byers Gill Solar project and to invite you to respond to our consultation relating to Change 2 of the Change Application.

### 1. CONTEXT

- 1.1 RWE Renewables UK Solar And Storage Limited, Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB (the “**Applicant**”) made an application for a development consent order to the Secretary of State for Energy Security and Net Zero c/o the Planning Inspectorate on 8 February 2024 (the “**DCO Application**”). This application was accepted for examination by the Planning Inspectorate (on behalf of the Secretary of State) on 8 March 2024. The reference number applied to the DCO application is EN010139. We have since made an application to amend the DCO application as made and are consulting on these proposals (the “**Change Application**”).
- 1.2 The Applicant submitted a Notification of the Applicant’s intention to submit a Change Application on 27 September 2024 [AS-021] (“**the Notification Letter**”) which provides details and background to the request for the proposed change. The Notification Letter confirms that it is the Applicant’s intention to publicise the Change Application in accordance with the spirit of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, although the regulations do not apply to the Change Application. The Examining Authority responded confirmed, in its response to the Notification Letter on 11 October 2024, that the Applicant’s proposed consultation was appropriate and proportionate to the Notification Letter on 11 October 2024 [PD-007]
- 1.3 The Change Application and supporting documents were submitted to the Planning Inspectorate on 18 October 2024 and the Change Application was accepted into Examination on 1 November 2024
- 1.4 The Applicant has requested two changes to the DCO application; however, this correspondence relates to Change 2 only. Separate correspondence has been sent to relevant consultees regarding Change 1.

### 2. SUMMARY OF THE DCO APPLICATION

- 2.1 Byers Gill Solar consists of a solar farm capable of generating over 50MW Alternating Current (AC) of electricity with co-located battery energy storage system (“**BESS**”), located between Darlington and Stockton-on-Tees in north-east England (the “**Proposed Development**”). The Proposed Development is approximately 490ha and comprises six Panel Areas (groups of solar photovoltaic (PV) panels) (Panel Areas A-F). The solar PV panels would be mounted on a metal frame in groups, fixed in position with panels facing south. An on-site substation would be located within Panel Area C.
- 2.2 The Proposed Development includes up to 32.5km of 33kilovolt (kV) underground cabling between the Panel Areas and the on-site substation, as well as approximately 10km of 132kV underground cable to connect the Proposed Development to the grid connection at the existing Norton substation (located to the north-west of Stockton-on-Tees). This cabling could be placed either within roads or through off-road options.
- 2.3 A range of supporting infrastructure is required for the Proposed Development, comprising: BESS; transformers and inverters; storage containers to hold this equipment; and security measures such as fencing, CCTV and lighting.
- 2.4 A map showing the location of the Proposed Development can be viewed on the Planning Inspectorate’s National Infrastructure Planning website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

2.5 The DCO application is for EIA development as defined under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

2.6 The DCO, if granted, would enable the acquisition new rights over land and contain powers for the possession and use of land on a temporary basis (to facilitate the construction of the Proposed Development).

### **3. CHANGE 2: HIGH HOUSE LANE**

3.1 Change 2 comprises a minor extension to the Order Limits and Work No.3 within Panel Area A to include a section of an existing private access track known as High House Lane. The location and extent of the change to the Order Limits is shown in the Statement of Purpose and in the Land Plans [CR1-005] submitted as part of the Change Application documents.

3.2 The need for Change 2 has been identified as a result of ongoing engagement with Interested Parties and the landowner of High House Lane during Examination of the DCO application.

3.3 The purpose of Change 2 is to ensure that the Applicant has all necessary authorisation for the Applicant's proposals to carry out upgrade works to that section of High House Lane for use as a construction access. The section of High House Lane for inclusion in the Order Limits is currently an earth track and it is proposed to surface this section of access track with crushed rock or gravel.

3.4 No other works within the section of High House Lane subject to Change 2 are proposed and Change 2 will not grant the Applicant any additional compulsory acquisition powers.

3.5 The Applicant considers that Change 2 does not have the potential to give rise to any new or different likely significant effects beyond those reported in the Environmental Statement submitted with the DCO application.

3.6 The Applicant carried out a screening exercise to identify the potential environmental implications of Change 2 in respect of each topic of the Environmental Statement as submitted with the DCO application. This is set out in Appendix 2 of the Change Notification Letter. The exercise concluded that all ES topics could be screened out for further consideration except for Socioeconomics and Public Rights of Way as reported in ES Chapter 9 Land Use and Socioeconomics [APP-032], due to the interaction of Change 2 with Footpath No.9. The Applicant's detailed consideration of the impact of Change 2 in respect of ES Chapter 9 [APP-032] is set out in Section 4 of the Change Application Summary Report (available as below).

3.7 More information regarding Change 2 can be found in the Change Application Summary Report [CR1-012] and the Statement of Purpose, which is provided on the Applicant's website (<https://byersgillsolarfarm.co.uk/documents/>).

### **4. COPIES OF APPLICATION DOCUMENTS**

4.1 Copies of the Change Application and supporting documents submitted with the Change Application (including the amended Land Plans, amended Statement of Reasons, amended Book of Reference, amended draft Development Consent Order, Explanatory Memorandum, and Summary Report) (together, the "**Change Application Documents**") can be viewed and downloaded free of charge online on the Byers Gill Solar page of the Planning Inspectorate's National Infrastructure Planning website under the Documents tab:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents>

4.2 A Statement of Purpose, a non-technical summary of the proposed changes, is provided on the Applicant's website, alongside copies of the Change Application Documents:

<https://byersgillsolarfarm.co.uk/documents/>

- 4.3 The Change Application Documents listed above will be available on the above websites until at least 16 December 2024.
- 4.4 An electronic copy of the Change Application Documents can also be provided free of charge on a USB memory stick, upon request. To request a USB, please contact the Applicant using the contact details provided below.
- 4.5 All Change Application Documents are available for public inspection at the following places and times:

Venue	Opening Hours*	
Darlington Library, Crown St, Darlington DL1 1ND Tel: 01325 349610	Monday	9 am – 6 pm
	Tuesday	9 am – 6 pm
	Wednesday	9 am – 5 pm
	Thursday	10 am – 6 pm
	Friday	9 am – 5 pm
	Saturday	9 am – 4 pm
	Sunday	Closed
Norton Library, 87 High Street, Norton, TS20 1AE Tel: 01642 528019	Monday	9:30 am – 5 pm
	Tuesday	9:30 am – 5 pm
	Wednesday	9:30 am – 7 pm
	Thursday	9:30 am – 5 pm
	Friday	9:30 am – 7 pm
	Saturday	9:30 am – 1 pm
	Sunday	Closed

\*Please note that opening hours are subject to change. Please check and confirm opening times with the venue if planning a visit.

- 4.6 The full suite of Change Application Documents can be made available in hard copy format on request to the Applicant at a cost of £405 per copy. For any bespoke or hard copy document requests (for example in large print, audio or braille formats) please contact the Applicant using the contact details below, who will provide the cost. Copies of individual documents are also available on request and a reasonable copying charge may apply.
- 4.7 If you have any questions about the Change Application or wish to request copies of the Change Application Documents on a USB, you can email [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com), write to FREEPOST Byers Gill Solar, or contact the Applicant by telephone on 0800 197 0118.

## 5. HAVE YOUR SAY

- 5.1 Any person wanting to respond to the consultation on Change 2 (including giving notice of any interest in the Change Application or the land affected by it, or making any comment on or objection to the Change Application) must do so in writing to either of the following:

- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Freepost: FREEPOST Byers Gill Solar
- Byers Gill Solar Website: <https://byersgillsolarfarm.co.uk/have-your-say/>

- 5.2 **Please note that responses to the consultation must be received by RWE Renewables UK Solar And Storage Limited no later than 23:59 on 16 December 2024.**

## 6. NEXT STEPS

- 6.1 The Applicant will consider and respond to all comments received. Responses will be summarised and responded to in a Consultation Report that will be submitted to the Planning Inspectorate for consideration as part of the Examination.

6.2 Copies of all responses will be submitted to the Planning Inspectorate with the Consultation Report and will be made public and will be subject to the Planning Inspectorate's privacy policy at:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

6.3 If you have any issues viewing the files, please notify us by replying to this correspondence as soon as possible.

We look forward to hearing from you.

Yours faithfully,

Michael Baker  
DCO Project Manager  
RWE



# Appendix A12 Change Request 2 Covering Letter



!!

FAO First Name Last

Address Line 1

Address Line 2

City

Post Code

7 November 2024

Dear Sir/Madam,

## **Byers Gill Solar – Notice of Proposed Changes to an Accepted Development Consent Order**

### **Voluntary Consultation on Change 2**

I am writing to you regarding an update on RWE's proposed Byers Gill Solar (the "Proposed Development").

Under the Planning Act 2008 (the "Act"), RWE is seeking development consent for the Proposed Development. This legislation requires RWE to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO), to get the consent we need to build, operate, and decommission the Proposed Development.

RWE submitted its application for a DCO on Friday 9 February 2024. This application was accepted for examination by PINS (on behalf of the Secretary of State) on 8 March 2024. The examination commenced on 23 July 2024 and is due to close on 23 January 2025.

#### Purpose of this letter

On 27 September, RWE submitted a letter [AS-021] into Examination to notify all Interested Parties and PINS of RWE's intention to request changes to the DCO application ("Change Notification"). PINS responded to RWE's letter of intention on 11 October [PD-007]. RWE then submitted a full Change Application and supporting documents to PINS on 18 October 2024 and the Change Application was accepted by PINS on 1 November 2024.



The Change Application requests two changes to the DCO application. These are described in summary below and in further detail in the Change Summary Report [CRI-012] submitted on 18 October 2024 and in the enclosed notice:

- a) the inclusion of provisions in the draft DCO for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing Order limits (**Change 1**); and
- b) a minor extension of the Order limits and Work No. 3 within Panel Area A to include and cover part of an existing private access track known as High House Lane (**Change 2**).

This correspondence relates to **Change 2** only.

Change 2 does not involve a request for additional compulsory acquisition powers and therefore the requirement to carry out statutory consultation under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“CA Regs”) does not apply.

However, in recognition that Change 2 could have environmental implications, the Applicant has carried out environmental screening and is voluntarily carrying out consultation in the spirit of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regs”). The Applicant considers that the proposed changes would not result in any new or different likely significant effects compared to those reported in the existing Environmental Statement.

This approach to consultation for Change 2 was proposed in the Applicant’s Change Notification and considered by PINS in its response to the Change Notification to be an appropriate and proportionate approach to consultation.

For this reason, the Applicant is publicising the Change Application and is now carrying out voluntary consultation with relevant consultees in respect of Change 2. This voluntary consultation is running at the same time as the Applicant’s statutory consultation for Change 1. For the avoidance of doubt, this correspondence relates only to Change 2.

RWE is writing to you because you have been identified as a relevant consultee for Change 2 under the EIA Regs as being within one or more of the below categories or as potentially interested in Change 2:

- a consultee notified to the Applicant under regulation 11(1)(c) of the Environmental Impact Assessment (EIA) Regulations;
- an organisation prescribed (and consulted previously) under section 42(1)(a) of the Act and related regulations;
- all local authorities (as previously consulted) within section 43 of the Act;
- a person with an interest in the additional Order land affected by the proposed change;
- a property which utilises the access on High House Lane affected by the proposed change.



Please therefore find enclosed with this letter:

- Notice of the Change Application. This relates to **Change 2** only. Separate correspondence has been sent to relevant consultees regarding Change 1.

The additional environmental information supporting the Change Application is contained in the following documents which may be accessed via the link set out in the enclosed Notice:

- A Statement of Purpose. This is a non-technical summary of the proposed changes to supplement the documents submitted by RWE for the Change Application. The enclosed Notice includes details of how to freely access and inspect copies of the Change Application and all supporting documents.
- Notification Letter. Appendix 2 of the Notification Letter sets out the Applicant's preliminary environmental screening to identify the potential environmental implications for each topic of the Environmental Statement submitted with the DCO application. The exercise concluded that all ES topics could be screened out for further consideration except for Socioeconomics and Public Rights of Way as reported in ES Chapter 9 Land Use and Socioeconomics [APP-032].
- Change Application Summary Report. Section 4 of the Summary Report provides the Applicant's detailed consideration of the impact of Change 2 in respect of ES Chapter 9 [APP-032] only.

**You are invited to respond to the Applicant's consultation in respect of Change 2.**

**Full details of how to submit a response directly to the Applicant are set out in the enclosed Notice.**

**Please note that any responses to consultation must be received by the Applicant by 23:59 on 16 December 2024.**

If you require further guidance on how to submit a representation to the Planning Inspectorate, please contact the Planning Inspectorate by telephone 0303 444 5000 or email [byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk).

For any queries regarding this correspondence or the Change Application, please contact us using the following details:

- Post: FREEPOST Byers Gill Solar (no stamp is required)
- Email: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)
- Telephone: 0800 197 0118

Yours Sincerely,



Michael Baker  
DCO Project Manager, Byers Gill Solar  
Email: @rwe.com

Enclosed: Change Application Notice

# Appendix A13 Email notification to Darlington Borough Council regarding Change 1

**From:**  
**To:**  
**Cc:**  
**Subject:** Re: Byers Gill - Access drawings  
**Date:** 11 October 2024 12:34:00

---

Hi Lisa, Arthur,

Further to our meeting on Tuesday and following Nicola's email below, I wanted to draw your attention to the Applicant's notification of intent to submit a change application. This notification was made to the ExA on 27 September and was published shortly afterwards on the PINS website: [EN010139-000667-Byers Gill Solar Combined.pdf \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/EN010139-000667-Byers_Gill_Solar_Combined.pdf).

It sets out that the proposed changes relate to:

1. Addition to the compulsory acquisition rights being sought, to include rights over subsoil interests of highway land plots
2. A minor extension to the Order Limits and Work No 3 at Panel Area A (Brafferton) to include a section of an existing private access track known as High House Lane. The section of High House Lane is not adopted highway and forms part of the Panel Area A land that has already been secured via land agreement, however the change brings the resurfacing works of the lane into the Proposed Development. Footpath No.9 runs along this lane, and therefore the Applicant proposes to clarify the public rights of way management measures as part of the change application, to ensure the priority and safety of users of that footpath during construction. The works to the lane would improve the overall quality of the PRow post construction.

Detailed information on the proposed changes is provided in the notification letter linked above. The ExA is currently reviewing this and once we receive advice from them, we are expecting to submit the full application for the change to the Examination imminently. As the relevant highway authority, we wanted to draw your attention to this matter if not already aware, and offer the opportunity to discuss further if helpful.

At the meeting we also discussed the impact on the Local Road Network during the peak hours. In the updated Transport Statement, we extracted the peak hour base flows from the 2023 traffic surveys and included them as Appendix A in the updated document: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010139/EN010139-000608-RWE%20-%20Any%20further%20information%20requested%20by%20the%20ExA%20under%20Rule%2017%20of%20the%20Examination%20Rules%208.pdf>. This data confirms that the roads in the study area are operating well within theoretical link flow capacity.

We have looked at the Transport Assessment submitted for the Gately Moor development (22/00727/FUL) and can't see any information on traffic profile, but we would refer to Table 3.1 in the Transport Statement. This shows the average forecast for construction vehicle trips (6 per panel area, 36 in total) but notes that the larger panel areas may attract 8 HGV trips per day. The oCTMP outlines measures to encourage deliveries to avoid the peak hours. The hours of construction (08:00 – 18:00) will result in the majority of the construction workforce arriving either side of the network peak hours. Therefore, given the relatively low overall number of HGV trips and measures to discourage travel during the network peaks, the Proposed Development is not expected to have a noticeable impact on the local road network during the network peak hours.

I hope the above is helpful and please let me know if you'd like to discuss further. It would also be useful to understand any initial feedback on the Access Drawings shared by Nicola, if you have any.

Many thanks

Dave

**David Brown**  
Associate Director | Cities Planning & Design  
BSc(Hons), MSc, MRTPI, MIED

**Arup**  
4 Pierhead Street Cardiff CF10 4QP United Kingdom  
d: m:  
[www.arup.com](http://www.arup.com)

Connect with me on [LinkedIn](#)  
Follow [@ArupUKMEA](#)

---

# Appendix A14 Copies of consultation responses



**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RWE - Byers Gill Solar development - Acquisition of rights over Council Land  
**Date:** 03 October 2024 14:40:05  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[Letter from Ardent dated 26th September 2024.pdf](#)  
[Letch Lane Plan.pdf](#)  
[Redmarshall Road Plan.pdf](#)

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This document was classified as: OFFICIAL

This document was classified as: OFFICIAL

Good afternoon,

By way of introduction my name is [REDACTED], and I work within the Valuation and Property Team at Stockton-on-Tees Borough Council. I have been forwarded the attached letter in relation to the acquisition of rights over land for the Byers Gill Solar development.

After reviewing the plans attached, it is evident RWE intends to either:

- Use Council land temporarily.
- Acquire new rights over Council land permanently.

Specifically, I note some of the land highlighted blue on the plan and located adjacent to Letch Lane falls within the Council's ownership. The relevant plot numbers for this section of land are [REDACTED] and [REDACTED].

In the first instance, please could you advise what rights RWE wish to acquire over Council land.

I look forward to hearing from you with regards to the above.

Kind Regards,

[REDACTED]  
Valuation Assistant  
Stockton-on-Tees Borough Council

Telephone: [REDACTED]



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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** [REDACTED]  
**Date:** 11 October 2024 08:25:34  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)  
[Scanned from a Xerox Multifunction Printer.pdf](#)

---

Good Morning,

We have received the attached letter, but we sold our interest here 21st December 2023 to [REDACTED].

Kind Regards

[REDACTED]  
Programme Support Manager (Estates)  
Co-op Property

Email: [REDACTED]

Website: [REDACTED]

-  
I am a trained Psychological Safety First Aider. Please reach out to me if you need any support or just a chat, I am always here to help 

**Letters:** [REDACTED]  
**Parcels:** [REDACTED]  
[REDACTED]

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\*\*\*\*\*

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[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Byers Gill Solar - S50 query  
**Date:** 03 October 2024 11:49:31  
**Attachments:** [image843367.png](#)  
[300924 - Byers Gill Solar Maps.pdf](#)  
[300924 - Byers Gill Solar.pdf](#)

---

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Hi

I have received a copy of the attached and was hoping to find out some more information with regards to the apparatus which needs to be installed in the highway; I am looking at this from a Section 50 point of view.

Would you be able to send through any plans which show where any new apparatus will be installed in the highway with what surface location ie carriageway /verge; I appreciate this may change as things move along more.

Thanks

[REDACTED]

[REDACTED]

**Streetworks Officer**

**Services Group**

Darlington Borough Council

[REDACTED]

[REDACTED]

Tel: [REDACTED]

Email: [lou@darlington.gov.uk](mailto:lou@darlington.gov.uk)

[REDACTED]



**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Byers Gill Solar Rectory Cottage Redmarshall  
**Date:** 02 October 2024 14:31:51

---

Hi

I have written in the past regarding my concerns relating to any engineering works carried out in the vicinity of our home, [REDACTED], which is a Grade II listed building. My concerns centre around any works that may have an adverse effect on the foundations and structure of our home.

It seems that we have little or no power to influence any planned works, as any powers governing the works will be compulsory.

I would appreciate your commitment to guarantee the stability and structure of our home, plus any redress that we will be guaranteed in the event of any damage.

Regards

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Consent as Landowner  
**Date:** 07 October 2024 18:55:37

---

From:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

To: [REDACTED] [REDACTED] DCO Project Manager, Byers Gill Solar, RWE

Dear Mr [REDACTED]

Thankyou for your letter of 26<sup>th</sup> September 2024. As landowners, we are happy to give our consent to the inclusion of the additional compulsory acquisition powers described over our subsoil interests as set out in your land plan.

We wish you every success with the project [REDACTED]  
[REDACTED]

Best wishes

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FAO [REDACTED] RE letter to resident  
**Date:** 04 October 2024 08:27:54  
**Attachments:** [19144\\_1728026854200.jpg](#)

---

I have recieved a rather confusing letter I would like to discuss exactly whatvit actually means. See below. To me it sounds as though you may be encroaching on my property?? Id like clarification as to what this jargon filled letter means! For clarification until i understand it I am NOT consenting to anything.



Regards

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Landowner consent request  
**Date:** 29 September 2024 19:56:19

---

Dear Sir

I confirm that I consent to the inclusion of the additional compulsory acquisition powers over my subsoil interests, as described in your letter of 26 September 2024.

I believe, however, that my interest lies in plots [REDACTED] and [REDACTED], and not in [REDACTED] as stated in your letter.

Yours sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Change of application  
**Date:** 02 October 2024 14:57:44

---

Dear Mr [REDACTED]

I have recently received a letter about change of application in the solar development about the subsoil interests. I would like to give my consent to any changes that needs to be made. Any further queries please do not hesitate to contact me. Kind regards [REDACTED]  
[REDACTED]



**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Subsoil interest  
**Date:** 03 October 2024 12:00:20

---

Hello

We do NOT give consent to the inclusion of the additional compulsory acquisition powers described over our subsoil interests.

Regards

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Byers Gill Solar - [REDACTED]  
**Date:** 06 November 2024 12:53:10  
**Attachments:** [image001.jpg](#)

---

FAO of [REDACTED]

Dear Mr [REDACTED]

I refer to your letter addressed to [REDACTED] dated 26<sup>th</sup> September 2024 and I enquire to the current position with the cable easement over my client's land?

My client has instructed me to engage in relation to negotiating the required cable easement with RWE if it is still the case of requiring this cable route.

I look forward to hearing from you.

Kind regards

[REDACTED]  
Rural Chartered Surveyor and RICS Registered Valuer

[REDACTED]  
[REDACTED]  
[REDACTED]



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**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: PE Ref: [REDACTED]  
**Date:** 22 October 2024 12:26:38  
**Attachments:** [image001.png](#)  
[23185922.pdf](#)

---

Dear sirs

Please see attached the scanned copies letter which you sent to National Highways concerning your DCO application.

Please can I ask for clear plans showing just the land and/or rights required from National Highways so that we can review and come back to you?

Please let me know if you have any questions I can help with.

Kind Regards,

[REDACTED]  
Estates Adviser (Property Disposals)  
[REDACTED]  
Web: [REDACTED]

---

**From:** [REDACTED]  
**Sent:** 07 October 2024 16:13  
**To:** [REDACTED]  
**Subject:** PE Ref: [REDACTED]

Good Afternoon,

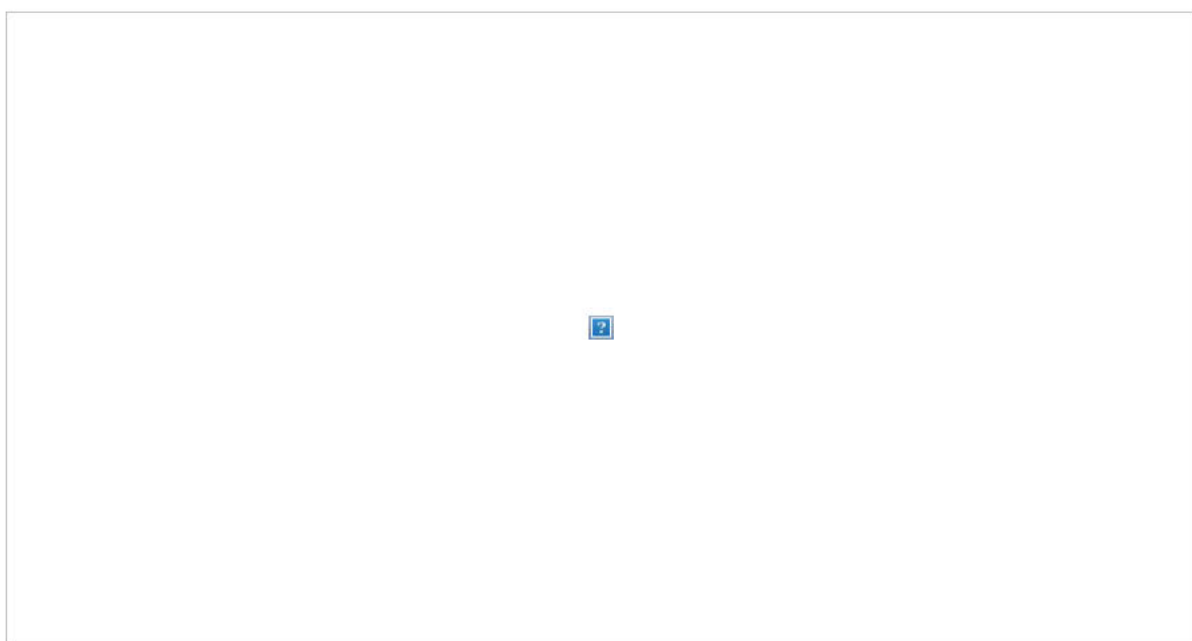
We have received the attached correspondence into our inbox. My understanding is that Rich has spoken to Helen about this and wanted me to flag that within the email.

A brief summary is RWE are proposing a new renewable energy scheme namely Byers Gill Solar Development. They got in touch as they require rights in the subsoil land beneath the public highway for the purpose of laying underground cables.

The location looks to be a side road address being Land at [REDACTED]

The title numbers are: [REDACTED]

Below is a screenshot of Spatial Portal showing the location identified on the plan provided by the customer.



I will advise CCC this has been passed over to your team.

Kind regards

[Redacted]

[Redacted]

**Property Enquiries Case Manager**  
Finance and Business Services

[Redacted]

Mobile:

Web: [Redacted]

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[Redacted]

[Redacted]


Consider the environment. Please don't print this e-mail unless you really need to.

To: [enquiries@byersgillsolar.com](mailto:enquiries@byersgillsolar.com)

Good morning

In the letter dated 7<sup>th</sup> November which was sent to affected parties it was made clear we could enquire further into the 'Voluntary Consultation on Change 2'.

We enclose the map 1/3a which was also sent to us by RWE (enclosed). This shows the area affected by Change 2.

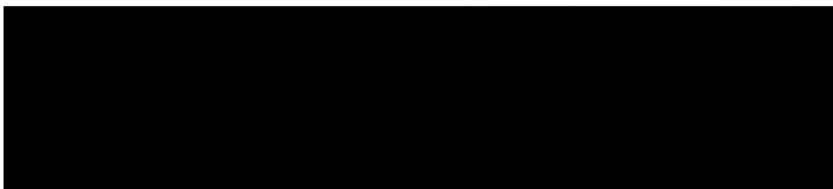
We therefore would like to ask the following questions. Our deadline for answers is November 25<sup>th</sup>. Contact: 

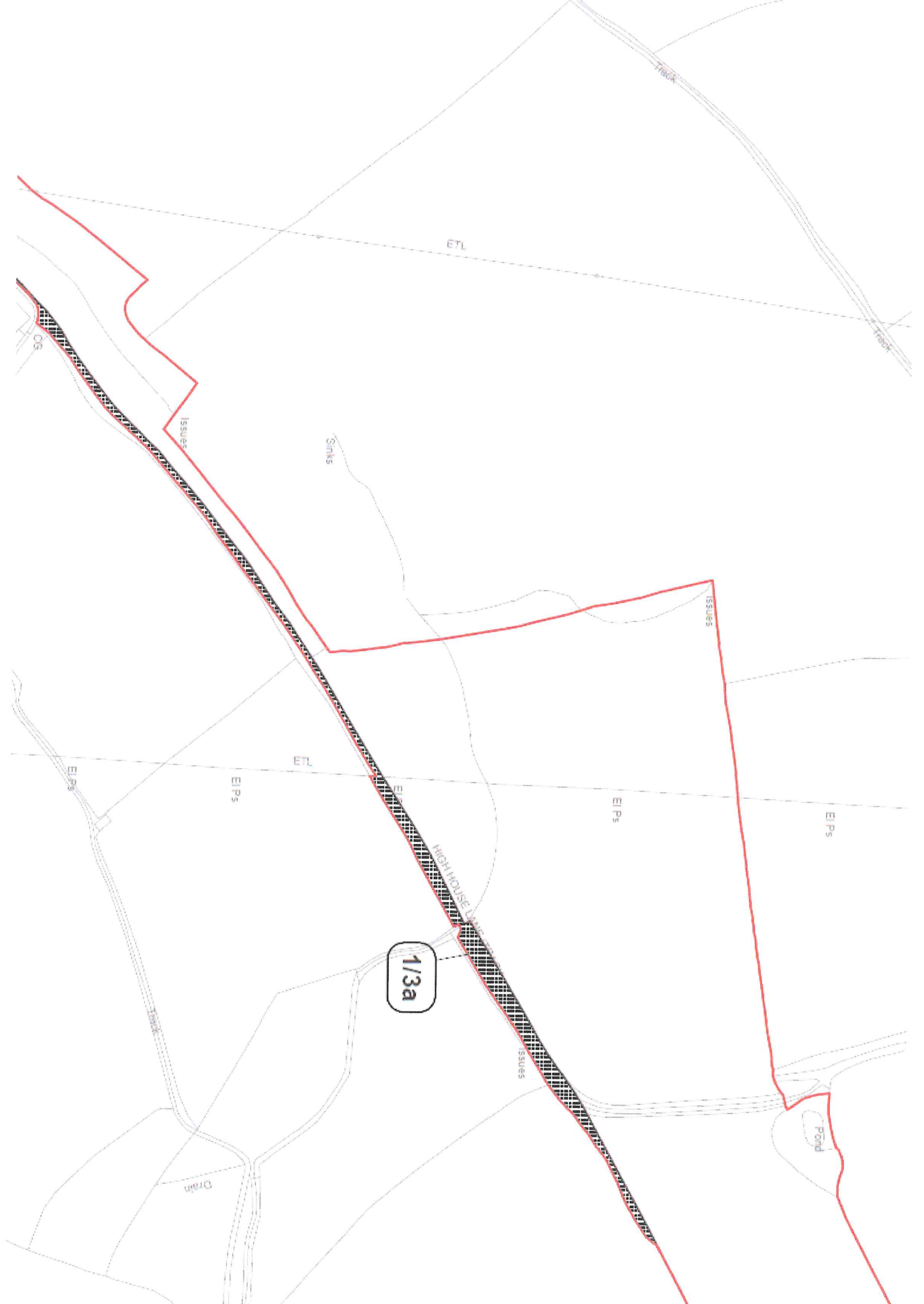
- It is not clear from the map where the construction traffic will enter the site. Will it enter on the line of the present gate which is situated in the left hand corner of the site or will construction traffic proceed on the gravelled Lane to enter via an the embedded part of this Lane (lined only) which is within the actual site?

If it is the second of the above will there be provision to gravel that part of the Lane which is within the site and what amount of hedging will be removed to facilitate distribution of the construction traffic both east and west?

- It has been suggested in documentation there would be no new drainage work connected to the preparation of the Lane. Is that the case?
- Before the commencement of the preparation by gravelling will there be a drainage assessment of the shaded area on the map?
- Can you explain to us the meaning of the term used in quote "there will be no work" done on the gravelled area?  
Is the word 'work' used here as in the listings eg. Works 1,2,3 etc?
- Is there an intent by RWE to resurface/'re-gravel' the area shown as such in the map? (All indications are we are dealing with at least a 40 year 'window').
- Finally, does RWE envisage that this preparation will extend the period of time available for the installation of solar? We are aware you may be working here under a time limit determined by the climate. Summer was suggested as appropriate. From long experience of driving on this Lane May to October equates to summer.

Regards





**From:** [REDACTED]  
**To:** [Byers Gill Solar](#)  
**Subject:** RE: DCO: [REDACTED] Byers Gill Solar - Change Request Application Notification  
**Date:** 12 November 2024 13:41:43  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.gif](#)

You don't often get email from [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com). [Learn why this is important](#)

Thank you for your email.

This application falls outside of Cadent's distribution network. Please contact your local Gas distributor and/or National Grid for comments on this application.

### **National Gas**

-

[REDACTED]

### **National Grid**

[REDACTED]

### **Gas Distribution Networks**

-

SGN- [REDACTED]

Wales and West Utilities (WWU)- [REDACTED]

Northern Gas Networks (NGN)- [REDACTED]

Kind Regards,

Customer Centre  
Plant Protection  
Customer Performance

Cadent Gas Ltd. [REDACTED]

[REDACTED]

[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)



[cadentgas.com](http://cadentgas.com)

### **Self Service for Plant Enquiries:**

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** CONSULTATION ON PLANNING MATTERS  
**Date:** 08 November 2024 13:04:00  
**Attachments:** [image001.png](#)  
[RWE Renewables UK - Byers Gill Solar.pdf](#)

---

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## CONSULTATION ON PLANNING MATTERS

While the CAA has a duty to provide aviation safety advice when requested, it is not a statutory consultee for planning applications (unless its own property is affected). In order to reduce the time devoted to unnecessary consultations, the following guidance aims to clarify requirements.

Other than the consultation required by Section 110 of the Localism Act 2011, it is **not** necessary to consult the CAA about:

- Strategic Planning Documents (e.g., Local Development Framework and Core Strategy documents) other than those with direct aviation involvement (e.g. Regional Renewable Energy Plans);
- Waste Plans
- Screening Options
- Low-rise structures, including telecommunication masts. With the exception of wind turbine developments, the CAA is unlikely to have any meaningful input related to applications associated with structures of a height of 100 feet or less that are situated away from aerodromes or other landing sites
- Orders affecting Rights of Way or Footpaths
- Sub-surface developments
- General planning applications not affecting CAA property
- Solar Photovoltaic Panels (SPV)

In all cases where the above might affect an airport, the **airport operator** is the appropriate consultee.

Where the above might affect a NATS installation the consultee is:

NATS

[REDACTED]

**Please be advised that we will no longer respond to future correspondence received regarding the above subjects.** Where consultation is required under Section 110 of the Localism Act 2011 the CAA will only respond to specific questions (but will nevertheless record the receipt of all consultations).

It **is** necessary to consult the CAA in the following situations:

- When a Local Planning Authority is minded to grant permission for a development to which a statutorily safeguarded airport or NATS Plc has objected, Email (preferred option) [REDACTED] or write to:

[REDACTED]





- When a Local Planning Authority is considering a proposed development involving wind turbines, email [redacted] (preferred option) or write to:



- When a development involves structures of a height of 90 metres or more, lasers or floodlights, email [redacted] (preferred option) or write to:



Further information on consultation requirements can be found on the CAA website, including document entitled [Guidance on CAA Planning Consultation Requirements](#).

Please could you ensure that your Planning Officers are aware of these principles and the revised policy and that **any associated procedures are amended with immediate effect**.

Yours faithfully



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 \*\*\*\*\*

**From:** [REDACTED] on behalf of [REDACTED]  
**To:** [REDACTED]  
**Subject:** New submission from Feedback questionnaire - Second Consultation  
**Date:** 18 November 2024 16:45:18

## COMMENTS ON CHANGE 2

### 1) Do you have any other comments on change 2?

We have studied the impacts of Change 2 and confirm that in terms of Historic England's area of interest in terms of impact of this change on the historic environment including the significance of heritage assets and any contribution made by their setting that we have no comments to make.

## ABOUT YOU

### 2) In what capacity are you responding to this consultation on Byers Gill Solar?

Statutory organisation (please specify in the text box below)

#### Name

[REDACTED]

#### Organisation (if applicable)

Historic England

#### Email

[REDACTED]

#### Phone number

[REDACTED]

#### Address

[REDACTED]

[Map It](#)

#### Postcode

[REDACTED]

#### Consent



I agree to the [privacy policy](#). (opens in new tab)

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Plant Enquiry  
**Date:** 20 November 2024 11:09:35  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)

---

Hi,

I can confirm that Indigo are not affected by these works

Thank you

[REDACTED]

[REDACTED] | Asset Engagement Officer

**Please note our dedicated completions Inbox Email:**

[REDACTED]

**Indigo Networks**

[REDACTED]

-

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Please make a note of our new address below and we kindly ask that you update your records accordingly.

A close-up of a logo   Description automatically generated



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---

**From:** [REDACTED]  
**Sent:** Tuesday, November 19, 2024 9:49 AM  
**To:** [REDACTED]  
**Subject:** RE: Plant Enquiry

Good morning [REDACTED]

We have followed up your enquiry with the project team. The grid reference is 434013 (easting), 521735 (northing). Please also follow this link to the project Location plan: [EN010139-000717-2.1 Location Plan \(Revision 3\).pdf](#)

If you have any further questions, please do not hesitate to get in touch.

Kind regards,

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 14 November 2024 13:27  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Plant Enquiry

Hi,

Can you please provide a postcode or coordinates for this so that I can check this on our systems ?

Thank you

[REDACTED]

[REDACTED] | Asset Engagement Officer

**Please note our dedicated completions Inbox Email:**

[REDACTED]

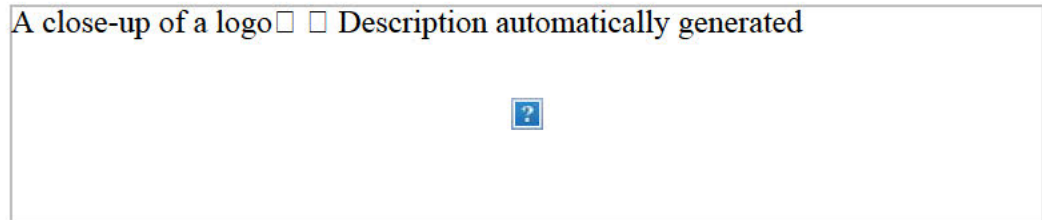
Indigo Networks

[REDACTED]

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: [REDACTED]\_MOD\_Response\_Byers\_Gill\_Solar\_[REDACTED]  
**Date:** 19 November 2024 16:03:13

---

[REDACTED]  
**Development Project Manager**  
**RWE Renewables Europe & Australia GmbH**  
Development UK & IRE, Solar & Storage UK

Address: 14 Bird Street, London, W1U 1BU  
Mobile: +44 (0) [REDACTED]  
Email: [REDACTED]  
Website: [uk.rwe.com/our-energy/solar-power/](http://uk.rwe.com/our-energy/solar-power/)

---

**From:** [REDACTED]  
**Sent:** Tuesday, November 19, 2024 3:07 PM  
**To:** [REDACTED]  
**Subject:** [EXT] [REDACTED]\_MOD\_Response\_Byers\_Gill\_Solar\_DIO\_[REDACTED]

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Good afternoon [REDACTED]

Thank you for consulting the Ministry of Defence (MOD) on Notice of Proposed Changes to an Accepted Development Consent Order reference Byers Gill Solar Project, MOD reference DIO [REDACTED]

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I can confirm that, following review of the application documents, the proposed development falls outside of MOD safeguarded areas and does not affect other defence interests. The MOD, therefore, has no objection to the development proposed.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Best wishes,

[REDACTED] Estates Safeguarding Officer