

Application by RWE Renewables UK Solar and Storage Limited for an Order Granting Development Consent for the Byers Gill Solar Project

Agenda for Issue Specific Hearing 8 (ISH8) on Environmental Matters:

Hearing	Date and Time	Location
Issue Specific Hearing 8 (ISH8) on Environmental Matters <ul style="list-style-type: none"> • Principle of the Proposed Development • Landscape and Visual • Development Consent Order • Cumulative Effects 	Tuesday 14 January 2025 Virtual Registration Process from: 09:30 Event starts: 10:00	By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the Issue Specific Hearing

The main purpose of the ISH8 is to undertake an oral examination of Environmental Matters in relation to Principle of the Proposed Development, Landscape and Visual effects, the draft Development Consent Order (dDCO) and Cumulative effects.

Please note that the ExA has reserved time on **Thursday 16 January 2025** for the continuation of this hearing in the event that all items are not fully explored by the ExA on Tuesday 14 January 2025.

3. Principle of the Proposed Development

The purpose of this item is to examine issues linked to the principle of the Proposed Development, mainly the intended generating capacity for the Proposed Development and the proposed level of overplanting and its implications in relation to land take and the distribution of panel areas.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Energy Generation and Design Evolution Document [REP2-010]
- Examining Authority's Second Written Questions (ExQ2) [PD-011];
- RWE's responses to ExQ2 [REP5-031];
- Response to Hearing Action Points [REP5-032];
- Environmental Statement Chapter 7 Landscape and Visual [AS-028];
- Environmental Statement Figure 7.3 Zone of Theoretical Visibility Study – Panel Areas [APP-064];
- Environmental Statement Figure 7.7 Visual Receptors [APP-069];
- Environmental Statement Appendix 7.6 Residential Visual Amenity Assessment [APP-137];
- Environmental Masterplan (Revision 4) [REP6b-008];

The ExA will explore the Applicant's proposed overplanting ratio of 1.6, as set out in the Applicant's answer to ExQ2 PPD.2.1 [REP5-031], namely the work carried out by the Applicant in reviewing overplanting levels on other solar farms used as comparators in answering ExQ2 PPD.2.1.

The ExA will then ask questions in relation to the comments provided by the Applicant under ISH2-02 as set out in Response to Hearing Action Points [REP5-032], particularly focusing on the Applicant's justification for the use of a 1.6 overplanting ratio as opposed to any other ratio, accepting that Footnote 92 of NPS EN-3 clearly allows for overplanting.

The ExA will also ask the Applicant to comment and explain Figure 1.1 Capacity Factor further, particularly how it demonstrates that the proposed 1.6 overplanting is necessary to secure the best available capacity factor needed to achieve optimal use of the grid connection, as opposed to any other level of overplanting.

The ExA will then ask the Applicant further questions in relation to the proposed number of Panels and the required land take and how the different levels of overplanting will affect overall land take and how this may, in turn, affect the location of extent of panel areas. Please also see item 4 of this Agenda.

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

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

4. Landscape and Visual

The purpose of this item is to examine issues linked with Landscape and Visual matters focusing particularly on the following key outstanding issues:

- the outstanding differences in the methodologies put forward to assess the Landscape & Visual Impacts of the Proposed Development by the Applicant, Darlington Borough Council and the Bishopton Village Action Group;

- a demonstration of how the mitigation hierarchy has been fully applied, with a focus on identifying opportunities for further reducing panel areas close to sensitive visual receptors; and
- regarding the proposed level of overplanting, the ExA may explore options for further mitigation to reduce visual impacts of the Proposed Development.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Transcripts of ISH 4 on Landscape and Visual matters [EV12-003; EV12-005; and EV12-007];
- Response to Rule 17 Environmental Statement Chapter 7 Landscape and Visual (Revision 2) [AS-028];
- Response to Rule 17 Environmental Statement Appendix 7.8 Effects on settings of settlements [AS-030];
- Response to Rule 17 Applicant's Response to Rule 17 Request [AS-031];
- Response to Rule 17 Environmental Statement Appendix 7.4 Viewpoint Analysis – Addendum [APP-032];
- Response to Rule 17 Environmental Statement Chapter 13 Cumulative Effects (Revision 2) [APP-033];
- Third Written Questions (ExQ3) [PD-014];
- Responses to Examining Authority's Third Written Questions (ExQ3) received at Deadline 7 (10 January 2025);
- Environmental Statement Appendix 7.6 Residential Visual Amenity Assessment [APP-137];
- Environmental Masterplan (Revision 4) [REP6b-008].

The ExA will start by asking the Applicant to present the work carried out in response to the Rule 17 request, issued on the 10 December 2024, asking for further information to be submitted in relation to Landscape and Visual matters.

Informed by previous discussions held at the Issue Specific Hearing 4 on Landscape and Visual effects, the Applicant's response to the Rule 17 request, and the Applicant's response to ExQ3, the ExA is likely to want to explore with the Applicant its responses to questions posed by the ExA in relation to the Applicant's assessment of potential effects of the Proposed Development on residential amenity (ExQ3 LSV.3.2, LSV.3.3 and LSV.3.4) due by D7, 10 January 2025.

Subject to the Applicant's answer to the ExQ3 questions mentioned above, the ExA may have further questions on the applicability of the Applicant's Environmental Statement Appendix 7.6 Residential Visual Amenity Assessment [APP-137] and the Environmental Masterplan (Revision 4) [REP6b-008] and will want to explore these documents with the Applicant at the Hearing.

The ExA will ask DBC to set out their current position on Landscape and Visual matters, focusing on:

- outstanding differences in the methodologies with the Applicant to assess the Landscape & Visual Impacts of the Proposed Development. It will assist the

ExA if DBC only discuss differences which lead to a serious variation in the assessment of the impact; and

- identifying specific opportunities for further small reductions in panel areas close to sensitive visual receptors which would lead to a large reduction in visual impact.

The ExA will ask the BVAG to set out their current position on Landscape and Visual matters, focusing on:

- outstanding differences in the methodologies with the Applicant to assess the Landscape & Visual Impacts of the Proposed Development. It will assist the ExA if BVAG only discuss differences which lead to a serious variation in the assessment of the impact; and
- identifying specific opportunities for further small reductions in panel areas close to sensitive visual receptors which would lead to a large reduction in visual impact.

The Applicant will then be given the opportunity to respond to DBC and BVAG's positions.

The ExA then proposes to ask the Applicant to demonstrate how the mitigation hierarchy has been fully applied. The Applicant should focus on justifying that all residual impacts are those that cannot be avoided, reduced or mitigated, with a particular focus on identifying opportunities for further reducing panel areas close to sensitive visual receptors.

In the light of the Applicant's responses to questions under item 3 'Principle of the Proposed Development' regarding the proposed level of overplanting, the ExA may explore options for further mitigation to reduce visual impacts of the Proposed Development.

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

The ExA will then give the Bishopton Villages Action Group (BVAG) the opportunity to comment. The ExA asks that the BVAG concentrates on the main outstanding areas of disagreement on landscape & visual matters.

The ExA will then give an opportunity for other IPs to comment on any issues raised under this point of the Agenda. The ExA requests that the IPs concentrate on the main outstanding areas of disagreement.

5. Draft Development Consent Order (dDCO)

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

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Rule 17 request for further information [PD-015];

- Statement of Reasons in clean [REP6b-014] and tracked versions [REP6b-015];
- Draft Development Consent Order (dDCO) in clean [REP6b-009] and tracked versions [REP6b-010];
- Explanatory Memorandum in clean [REP6b-011] and tracked versions [REP6b-012];
- Statutory Undertakers Position Statement [REP6-016];
- National Gas Transmissions Updated Status of Negotiations with Statutory Undertakers [REP6-035];
- Statement of Commonality [REP6-023].

The ExA has published a Rule 17 request for further information [\[PD-015\]](#) in relation to the dDCO. Consequently, the issues to be covered under this item of the Agenda will depend greatly on the Applicant's response to the ExA's request and may change from the items included below.

The ExA will conduct a review of the latest version of the dDCO, due to be received by the 08 January 2025 and will then ask further clarifications from the Applicant on the detailed wording of any articles or specific sections of the dDCO.

The ExA will ask the Applicant to confirm how, in light of the latest change request, the dDCO has been updated in order to accommodate and reflect the expansion of the Order limits and, consequently, of powers, particularly in relation to Schedule 3 - Streets subject to Street Works, Schedule 4 - Alteration of Streets, Schedule 2A Counter-notice requiring purchase of land.

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

The ExA will then ask for an update from the Applicant in relation to Schedule 11 Protective Provisions and will ask for comments from any Statutory Undertakers. The ExA will expect these to all be finalised or close to be finalised, considering the ExA's statutory duty to complete the Examination by the end of the period of six months.

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

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

6. Cumulative Effects

The purpose of this item is to examine issues linked with the assessment of the cumulative effects of the Proposed Development, focusing particularly on outstanding issues.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Transcripts of ISH 7 on Cumulative Effects [EV15-003; and EV15-005];
- Response to Rule 17 Applicant's Response to Rule 17 Request [AS-031];
- Response to Rule 17 Environmental Statement Chapter 13 Cumulative Effects (Revision 2) [APP-033];
- Third Written Questions (ExQ3) [PD-014];
- Responses to Examining Authority's Third Written Questions (ExQ3) received at Deadline 7 (10 January 2025).

The ExA will start by asking the Applicant to present the work carried out in response to the Rule 17 request, issued on the 10 December 2024, asking for further information to be submitted in relation to Cumulative Effects.

Informed by previous discussions held at the Issue Specific Hearing 7 on Cumulative Effects, the Applicant's response to the Rule 17 request, and the Applicant's response to ExQ3, the ExA is likely to want to explore with the Applicant its responses to questions posed by the ExA in relation to the Applicant's assessment of Cumulative Effects of the Proposed Development (ExQ3 CU.3.2 and CU.3.3) due by D7, 10 January 2025.

The ExA will ask DBC to set out their current position on Cumulative Effects, focusing on outstanding differences with the Applicant. It will assist the ExA if DBC only discuss differences which lead to a serious variation in the assessment of the impact.

The ExA will ask BVAG to set out their current position on Cumulative Effects, focusing on outstanding differences with the Applicant. It will assist the ExA if BVAG only discuss differences which lead to a serious variation in the assessment of the impact.

The Applicant will then be given the opportunity to respond to DBC and BVAG's positions.

The ExA will give the Local Host Authorities (LHAs) the opportunity to comment. The ExA asks that the LHAs concentrate on the main outstanding areas of disagreement.

The ExA will then give an opportunity for other IPs to comment on any issues raised under this point of the Agenda. The ExA requests that the IPs concentrate on the main outstanding areas of disagreement.

7. Review of issues and actions arising

8. Any other business

9. Closure of the Hearing

Attendees

The ExA would find it helpful if the following parties could attend this Hearing:

- the Applicant;
- Darlington Borough Council (DBC);
- Bishopton Parish Council;
- Great Stainton Parish Meeting;
- Bishopton Villages Action Group (BVAG);
- Statutory Consultees with any outstanding issues;
- Statutory Undertakers with any outstanding issues;
- IPs who submitted comments on any of the topics proposed to be covered at this Hearing.

All IPs are invited to attend the ISH and make oral representations. However, this is subject to the ExA's power to control the Hearing. Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible by completing the [Event Participation Form](#).

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Arrangements Conference

Parties who have registered to attend virtually, and Invitees, will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: byersgillsolar@planninginspectorate.gov.uk

Tel: 0303 444 5000