Proposed Solar PV Development

Byers Gill Solar
EN010139

8.32 Responses to the Examining Authority's Third Written Questions (ExQ3)

Planning Act 2008

APFP Regulation 5(2)(q)

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

Deadline 7 - January 2025

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Table of Contents

Table of Tables

1. Introduction

1.1. Purpose of this document

1.1.1. The purpose of this document is to provide the responses of RWE (the Applicant) to the Examining Authority's third written questions (EXQ2) issued on 20 December 2024, relating to Byers Gill Solar (the Proposed Development).

1.1.2. The response to questions directed at the Applicant can be found in Table 2-1. Where the responses refer to other documentation not already in the Examination Library, these are provided separately as part of the Deadline 7 submission, or as an appendix to this document. This is made clear in the written response.

2. Responses to the Examining Authority's third written questions

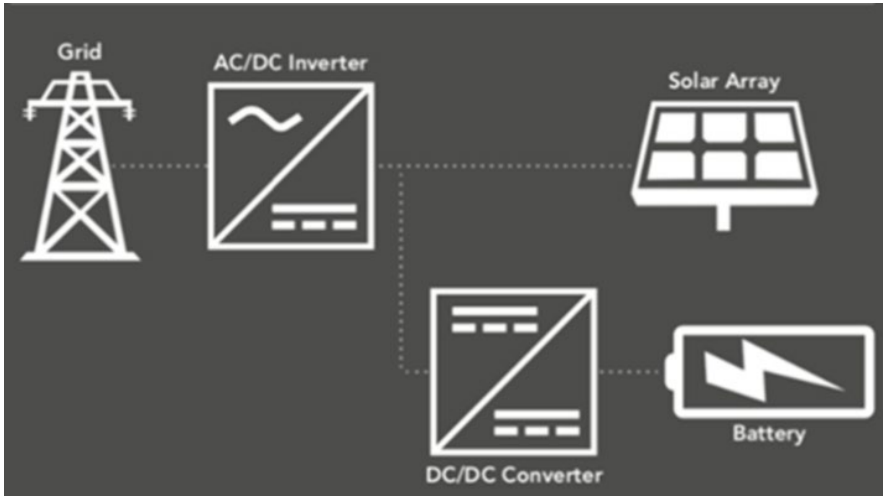
Table 2-1 Applicant's response to the Examining Authority's third written questions

ExQ2	Question to	Question	Applicant's response
1. General and Cross-topic Questions			
GCT.3.1	Applicant	In response to GCT.2.7, the Applicant referred the ExA to [REP1-004] and their response to the Bishopton Villages Action Group (BVAG). However, having reviewed both the Applicant response to GCT.2.7 and [REP1-004] the ExA still feels that the issue raised by BVAG in relation to financial viability or the business case to support the development has been fully responded to. Can the Applicant please address BVAGs concern.	The Overarching National Policy Statement for Energy (NPS EN-1) states at paragraphs 4.1.21 to 4.1.22 that: *"In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of government interventions.* *Where the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained)."* The Applicant has confirmed through its Funding Statement [REP6b-017/8] that it considers the Proposed Development to be a viable proposition and has sufficient funds to deliver it. There are no exceptions of the sort referred to in parenthesis within paragraph 4.1.22 of EN-1 which mean the subject is likely to be of relevance. The Applicant has set out at length in the Energy Generation and Design Evolution Document [REP2-010] and at point ISH2-02, 8.20 Response to Hearing Action Points [REP5-032] how the energy generation of the Proposed Development is achieved and the engineering design variables that affect this. At land assembly, Scoping Opinion, and post statutory consultation stages of the project, financial viability modelling has been undertaken by the Applicant to ensure that Net Present Value (the projected value of the project) is

ExQ2	Question to	Question	Applicant's response
			positive. This is a measure used across the RWE portfolio and the wider renewable energy industry to understand that the capital costs of constructing and decommissioning the project are not greater than the revenue (minus rent, financing costs and other operational outgoings) that the project will generate during its operational life. This is carried out to establish that the project meets return on investment requirements. If this investment did not meet RWE's return on investment requirements, then the value of the project would have been negative and RWE would not have proceeded with the DCO Application. The method of this modelling and its results are commercially sensitive and confidential.
GCT.3.2	Applicant	In relation to glint and glare, can the Applicant confirm if it has considered non-reflective panels as part of the technology used?	All solar panels procured / used by RWE are non-reflective as they are designed to absorb light.
6. Biodiversity, Ecology and the Natural Environment			
BIO.3.1	Applicant	In the response to BIO 2.1 the ExA notes that an otter protection plan will be in the detailed CEMP for construction. Please confirm that water vole will be included in the pre-commencement surveys and following that included in the protection plan? In addition, the ExA notes DBC's recommendation that a pre-commencement start survey to screen out water vole burrows at the location of temporary crossings be incorporated as part of the pre-commencement surveys for otters, which is set out in the latest revision to the oCEMP [REP5-012]. The ExA considers that this should be incorporated in the oCEMP.	The Applicant has engaged with DBC on this matter and has agreed to extend the commitment in the Outline CEMP to include for pre-commencement surveys of water vole in addition to otters. The otter protection plan will also be extended to cover water vole. The proposed update to commitment BD20-CEMP in the Outline CEMP [REP5-012/013] is reflected in the ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 4) submitted at Deadline 7 and will be implemented in an updated CEMP submitted prior to close to Examination.
BIO.3.2	Applicant	The ExA notes the response to BIO.2.2. However, the ExA requires that outline best practice measures relating to invasive non-native plant species be included in the outline CEMP.	The Applicant will submit an updated outline CEMP at Deadline 8 to include an outline of the best practice measures to be implemented as part of the Invasive Plant Species (INNS) Method Statement it secures. This is reflected in the ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 4). These measures are as follows:

ExQ2	Question to	Question	Applicant's response
			▪ demarcation fencing to avoid construction activities in areas where the Himalayan Balsam has been identified to avoid encouraging its spread ▪ tool box talks to alert contractors to the issue and the risks ▪ production of an invasive species protocol indicating how the principal contractor will prevent any INNS being introduced on construction plant with avoidance of tracking soil etc onto site
8. Design			
DES.3.1	Applicant	Paragraph 7.2 of Design Approach Document [REP5-025] states that the distribution of the onsite supporting equipment across the Order Limits which is shown on Plate 7-3 overleaf, has been designed in such a way that it is compliant with the industry safety requirements. Would the Applicant explain the type of industry standard that was applied to the distribution of these equipment?	The location of the BESS is defined by constraints applied to the design such as distance from residential properties and avoidance of environmental features. The maximum allowable DC loss in the cables from the panels to the Inverter/BESS means we have to have the BESS/inverter within 500m of the panel. This is a standard that is required to make the design most efficient by reducing electrical losses and maximising the grid connection. Inverters have to be connected to a certain number of panels to work effectively at a minimum a 1:1 ratio DC to AC ratio, so an inverter is required at intervals equal to the amount generated by the solar panels to meet the capacity of the inverter. Inverters have to take a certain number of panels to work effectively at a minimum a 1:1 ratio DC to AC ratio. The design and manufacture of the BESS units themselves is governed by the relevant standards and regulations set out in section 6 of the Outline Battery Safety Management Plan [APP-117].
DES.3.2	Applicant	Paragraph 7.2 of Design Approach Document [REP5-025] also mentions that the Battery Energy Storage System (BESS) has been placed at least 300m from residential properties in the majority of cases, to reduce the visual and noise impact of the infrastructure. Can the Applicant confirm the areas where the BESS would be sited less than 300m from residential properties and what extra mitigations have been proposed to minimise	There are two locations in which a residential property is less than 300m from BESS units. This is in Panel Area F, where the livery property on Cobby Castle Lane is approx. 175m from the western edge of BESS units and Downland Farm is approx.. 222m from the eastern edge of BESS units These are identified as Existing Sensitive Receptor (ESR) 40, and ESRs 38/39 on ES Figure 11.1 [REP4-014] respectively. The BESS is located less than 300m in this location due to constraints of other sensitive receptors such as the primary school and to minimise visibility from, and effects on, Mill Lane.

ExQ2	Question to	Question	Applicant's response
		the impact of such proximity of these areas or residential properties to the BESS?	As set out in ES Chapter 11 Noise and Vibration, no significant operational noise effects would occur through the Proposed Development at these ESRs. As a result of this, no further noise mitigation is proposed for operational noise effects. The Deadline 4 ES Addendum on Construction Noise [REP4-012] provides a more granular assessment of construction noise in response to concerns raised in submissions by Interested Parties, including Cobby Castle Livery. This identifies that PV module construction, assessed on an indicative worst-case, would result in a noise level below the 65dB noise level threshold and would result in a minor adverse effect which is not significant in EIA terms. Considered specifically as an equestrian receptor, it is however likely that ESR40 would experience a significance of effect equal to 'Moderate' for a period of time less than a month. Control measures under commitment NV4-CEMP secured via the outline CEMP at Deadline 5 [REP5-012/13], require that engagement with the livery businesses would be undertaken to manage and minimise such temporary effects, such as by relocating horses to different fields when construction works are ongoing. In terms of effects on residential visual amenity, the BESS would be of the same maximum height as the solar panels and no different or additional mitigation is required for the BESS compared to solar panels. As shown on Sheet 10 and 11 of the Environmental Masterplans [REP6b-008], a community orchard and hedgerow planting would be located between the property at Cobby Castle and the BESS, providing screening. No additional or 'extra' mitigation is considered necessary in this location relating specifically to the distance of the BESS. At Downland Farm to the east, the Masterplans [REP6b-008, Sheet 10) show that visual effects are mitigated through set-backs of the panels from the property and hedgerow infill to provide screening. No additional or 'extra' mitigation is considered necessary in this location relating specifically to the distance of the BESS.
DES.3.3	Applicant	The 1st bullet point in paragraph 7.2,8 of Design Approach Document [REP5-025] states that	This is not an error. The BESS units are connected to the solar PV modules using DC-DC converters. The purpose of this is to stabilise the varying

ExQ2	Question to	Question	Applicant's response
		inverters convert the DC generated by the solar PV modules into alternating current (AC) that can be exported to the national grid. Would the Applicant confirm if the DC-DC converter mentioned in the 3rd bullet point of the same paragraph and annotated on Plate 7-3 should have read DC-AC converter?	voltage generated by the solar PV modules in DC current to ensure the batteries are charged in DC current with an even flow of electricity. The solar PV modules and / or BESS can then discharge into the AC/DC inverter for transmission to the on-site substation and National Grid. An illustration of this is provided below: 
9. Health and Air Quality			
HAQ.3.1	Applicant	At OFHs concerns have been raised by several different IPs regarding the impact that the Proposed Development is likely to have on their general well-being, particularly in relation to stress levels linked to the Proposed Development. Can the Applicant please confirm if these have been considered and how the Applicant has mitigated against these?	The potential effects on health and well-being were considered through the scoping process with PINS, through the Scoping Opinion [APP-121] agreeing that a separate chapter on Human Health is not required and can be scoped out. This opinion was on the basis that potential health impacts are addressed in the individual topic chapters of relevance. It is the Applicant's opinion that potential effects of the Proposed Development which could influence health and well-being have been considered and presented through the relevant topic chapters of the Environmental Statement (ES). This includes Landscape and Visual [AS-028/29] and Land Use and Socioeconomics [APP-032], whilst management plans are secured via the DCO which secure the implementation of

ExQ2	Question to	Question	Applicant's response
			measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to human health including: ▪ ES Appendix 2.6 Outline CEMP [REP5-012/13] ▪ ES Appendix 2.7 Outline DEMP [REP5-014/15] ▪ ES Appendix 2.8 Outline CTMP [REP5-016/17] ▪ ES Appendix 2.9 Outline Pollution and Spillage Response Plan [APP-113] ▪ ES Appendix 2.13 Outline Battery Fire Safety Management Plan [APP-117] However, it is important to note that these effects may be perceived differently by different individuals and the Applicant has acknowledged previously that some people may find the potential of the Proposed Development, and the planning process, impactful. As set out in the Design Approach Document [REP5-024/25], the Applicant has sought to avoid and reduce effects to existing sensitive receptors (such as private residences) through its design of the Proposed Development, for example through application of panel set-backs and securing parameters via the DCO to situate supporting infrastructure such as BESS at least 300m away from existing sensitive receptors. As recorded in the Consultation Report [APP017], the Applicant has also made changes to the design in response to consultation feedback to reduce effects or perceived effects, such as further increasing setbacks and changing construction routes to avoid Bishopton village or Mill Lane. As stated in section 3.3 of the Planning Statement [APP-163], the Applicant has sought to provide additional benefits to the local community through enhancement measures, including substantial biodiversity net gain (88%); enhanced access and connectivity through approximately 3,600m of permissive paths; and the delivery of a community orchard and forest school/sensory garden facility and car park for the Bishopton and Redmarshall Primary School.
11. Landscape and Visual			
LSV.3.1	Applicant & DBC	With reference to the SoCG with DBC [REP6-004] and the items relating to Glint and Glare (DBC084 – 086).	The Applicant met with the environmental health officer at DBC on 2 October 2024 which included discussion on matters of glint and glare. The

ExQ2	Question to	Question	Applicant's response
		Please would the parties update the ExA on progress with agreeing these items, highlighting specific points of disagreement including suggested modifications to wording in the application documents	Applicant provided an updated position on 4 December 2024 which confirmed that the Applicant does not consider further amendments to the application documents are required. DBC have reviewed this and, following a meeting on 8 January 2025, have provided an update which is under consideration by the Applicant and is to be updated further by both parties by Deadline 8. The position is set out in full in DBC084-086 in the DBC SoCG (Document Reference 8.4.2, Revision 4) submitted at Deadline 7.
LSV.3.2	Applicant	With reference to the Residential Visual Amenity Assessment [APP-137], please explain how this assessment fully considers the impacts that the Proposed Development is likely to have on all sensitive receptors, such as local residents, in accordance with the NPS-EN1, paragraph 5.10.14.	Para 5.10.14 of NPS EN-1 relates to "*visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area*". These are addressed within ES Chapter 7 Landscape and Visual [AS-028/29], which considers all effects on visual receptors in public places – including residents near their homes. Changes to views from homes (private views) are also briefly described in Chapter 7 for each visual receptor group. The Residential Visual Amenity Assessment (RVAA) is an entirely separate technical assessment, addressing the planning matter of residential visual amenity as set out in paragraphs 1 and 2 of the RVAA [APP-137]. The relevant guidance is Landscape Institute Technical Guidance Note 2/19: Residential Visual Amenity Assessment (15 March 2019). The Technical Guidance Note (TGN) identifies that: "*The purpose of carrying out a Residential Visual Amenity Assessment (RVAA) is to form a judgement, to assist decision makers, on whether a proposed development is likely to change the visual amenity of a residential property to such an extent that it becomes a matter of 'Residential Amenity'.*" The guidance further notes that: "*Changes in views and visual amenity are considered in the planning process. In respect of private views and visual amenity, it is widely known that, no one has 'a right to a view.' … It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern. However, there are situations where the effect on the outlook / visual amenity of a residential property is so great that*

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			it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before."
LSV.3.3	Applicant	Can the Applicant also confirm whether the properties included in the Residential Visual Amenity Assessment [APP-137] and identified as requiring detailed assessment in Table 1 Initial Assessment are representative of the worst-case scenario for the properties located in close proximity to a Panel Area (i.e. does the Applicant believe that Hawthorne House located in Great Stainton will be the worst affected property by the development of Panel Area D? And if not for all of them, then which ones?) Can the Applicant also clarify to the ExA where, in the ES, this approach is set out?	The RVAA [APP-137] is appended to the ES, but is a separate technical assessment provided to address the visual aspect of residential amenity – a separate planning matter to EIA. Paragraph 6.17 of GLVIA notes this as follows: "*Effects of development on private property are frequently dealt with mainly through 'residential amenity assessments'. These are separate from LVIA…*". This was made clear at paragraphs 7.7.18 to 7.7.20 of the scoping report [APP-120], as follows: "*A number of residential properties may have views of the Proposed Development. This will be taken account of, with appropriate mitigation provided via the layout planting proposals."* "*It is not anticipated that the effects on any individual property would exceed the threshold which would necessitate detailed residential visual amenity assessment as described in Landscape Institute Technical Guidance Note 2/19: Residential Visual Amenity Assessment (15 March 2019), however, this will be considered within the RVAA. The assessment will include both existing properties and consented and proposed dwellings (whether new-build or conversion) within 100m of the solar PV module areas (i.e., excluding the underground cable routes and grid connection).* *The RVAA does not form part of the ES and will be provided as a separate* *technical assessment to inform the planning statement which will draw together the RVAA and all other effects on private residential amenity."* That approach is standard - it is not adversely commented on by PINS's scoping report [APP-121]. The establishment of an RVAA study area is discussed at 4.16 to 4.17 of the RVAA guidance (LI TGN 02/19), which indicates that requests for wider study areas are often "*based on the misconception that if a significant effect has been identified in the LVIA adjacent to a property at 2.5km it will also potentially*

ExQ2	Question to	Question	Applicant's response
			lead to reaching the Residential Visual Amenity Threshold. … development types including potentially very large but lower profile structures and developments such as road schemes and housing are unlikely to require RVAA, except potentially of properties in very close proximity (50-250m) to the development. For example, when assessing effects of overhead transmissions lines, generally only those properties within 100 – 150 metres of the finalised route are potentially considered for inclusion in a RVAA" As set out within the guidance (LI TGN 02/19 Residential Visual Amenity Assessment, footnote 7) "*RVAA is only concerned with those properties in the highest magnitude category*", and thus the scoping and assessment process is aimed at focussing on this group. Taking account of the 3.5m height parameter for the solar areas and the advice set out above, a 100m study area for the RVAA was agreed as part of scoping – see Scoping Report, para 7.7.19 [APP-120]. The RVAA also considers the same development design parameters and stages as ES Chapter 7 Landscape and Visual [AS-028/29]. In this way the RVAA considers the closest properties and 'worst case' design parameters. Other properties may have more open views of the Proposed Development, but would be at a greater distance, and it is not considered that effects at these homes would be overbearing or overwhelming, thereby potentially exceeding the RVA threshold. In the specific example of Great Stainton, this opinion is informed by site visits to a number of homes and gardens at the request of local residents.
LSV.3.4	Applicant	Further to LSV.3.3. Can the Applicant clarify if the ExA should consider each one of the residential properties identified as requiring detailed assessment in Table 1 Initial Assessment as representative of the worst-case scenario for the properties located in a given settlement? In addition, can the Applicant please provide confirmation where this is set out in the ES and which settlement, or group of residential properties, each one	See responses above to LSV 3.2 and 3.3. The LVIA in ES Chapter 7 Landscape and Visual [AS-028/29] provides the assessment of worst-case effects on visual receptors including local residents. The consideration of effects on private views is a separate matter covered by the RVAA [APP-137]. The properties considered in the RVAA, are not 'representative' of effects on other homes or local residents – they are specific assessments addressing the matter of private visual amenity for the homes closest to, and likely to be most affected by, the Proposed Development.

ExQ2	Question to	Question	Applicant's response
		of the properties included in Table 1 are supposed to represent?	Having assessed those properties most likely to be affected in residential visual amenity terms, the conclusion of the RVAA [APP-137] at paragraph 25 is that: "*14 individual properties have been considered in detail within this assessment with 3 (Oat Hill Farm, Hilltop House and Cobby Castle Forge) being identified as experiencing Substantial effects when considered in detail. In each case, it is not considered that the impact would be sufficient to reach the RVA threshold. The assessment concludes that in no case would the effects be of such nature and / or magnitude that they potentially affect living conditions at any property to the point that it becomes an unattractive place to live, when judged objectively in the public interest.*"
LSV.3.5	Applicant	The ExA notes that in ES Chapter 7 Landscape & Visual, the threshold for significance is set at moderate to major, but everywhere else in the Environmental Statement, including in ES Chapter 13 Cumulative Effects, the threshold for significance is moderate. Please explain why ES Chapter 7 takes a different threshold for significance and the justification for why it is not consistent throughout the Environmental Statement? Additionally, please explain in ES Chapter 13 Cumulative Effects, whether the conclusion of no significant landscape and visual cumulative effects is based on a moderate or moderate to major negative effect?	There is no requirement for a consistent threshold for significance either throughout an ES or across all LVIAs (as set out in the Applicant's response to the Rule 17 Request [AS-031], page 9). Practitioners for each technical topic use tried and tested methodologies as this is more robust than reinventing a new methodology for each ES, and this in practice means that different topics may use different terms and thresholds given that the team of technical specialists will vary for each ES prepared. GLVIA3 discusses this topic at Paragraphs 3.32-3.34, indicating that inter alia: *"There are no hard and fast rules about what effects should be deemed 'significant', but LVIAs should always distinguish clearly between what are considered to be the significant and non-significant effects…* *It is not essential to establish a series of thresholds for different levels of significance…*" As set out in the Applicant's response to the Rule 17 Request [AS-031, page 9] the meaning of a 'Moderate' effect in the LVIA [AS-028/29] is 'the highest category of non-significant effect'. Effects thus identified would not become significant if the threshold were changed – they would simply be categorised as the new 'highest category of non-significant effect' – Moderate/minor. i.e.

ExQ2	Question to	Question	Applicant's response
			the level of effect assigned reflects the judgement of the assessor that the effect is not significant, and that would not change. In relation to ES Chapter 13 Cumulative Effects, it is confirmed at paragraph 13.2.9 [AS-033/34] that moderate or major effects are deemed to be significant in EIA terms (see paragraph 1.5.3 of the Cumulative Effects Technical Note [REP6-021].
LSV.3.6	DBC & BVAG	Having reviewed the Applicant's response (due 20th December) to the ExA's request for further information regarding its Landscape and Visual assessment [PD-012]; please would the parties submit details of the outstanding matters of dispute with the Applicant.	
12. Land Use and Socioeconomics			
LUS.3.1	Applicant	In response to the ExA during the ISH6 that was conducted on 27 November 2024, the Applicant has stated that the assumed employment profile will be influenced by engagement with the contractor, but also engagement locally. Would the Applicant now provide a comprehensive detailing the arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local authorities schools and colleges and training programmes?	As discussed at ISH6, the potential for local employment opportunities should be considered in the context of the assessment in Chapter 9 of the ES [APP-032] and the nature of the proposed development / the likely construction period which is only between 12-18 months. This context means that the potential benefits are not likely to be as large when compared to other types of energy infrastructure projects, for example nuclear power stations or large-scale transmission infrastructure. This is reflected in the overall conclusions of ES Chapter 9 [APP-032] which reports a potential minor beneficial effect in relation to employment and supply-chain. This is not therefore reported as a 'significant' benefit in EIA terms and the Applicant is not relying on this benefit in making a case for the Proposed Development. Statutory consultees, including Darlington Borough Council (DBC) have not questioned this conclusion or sought anything further in terms of employment or supply chain commitments. The Applicant remains committed to working with DBC following the appointment of a contractor, should consent be granted. This will enable engagement with the local supply chain and jobs market to maximise local employment where the Proposed Development provides an opportunity.

ExQ2	Question to	Question	Applicant's response
			This could also include educational engagement opportunities and links with local schools and colleges. However, in this context, the Applicant does not consider it necessary or appropriate for any further express measure or control to be included within the dDCO or its control documents.
LUS.3.2	Applicant	Table 9-6 of ES Chapter 9 Land use and Socioeconomics [APP-032] shows that 7 per cent of the 456Hectares occupied by the panel and cable areas of the Proposed Development is Best and Most Valuable (BMV) agricultural land. Paragraph 9.8.17 of ES Chapter 9 Land use and Socioeconomics [APP-032] then mentions that the area of productive agricultural land resulting from construction activities may be reduced if grazing by livestock is continued beneath the panels. Would the Applicant explain how it would ensure that grazing within the panel areas following the construction of the Proposed Development would be maintained throughout the life span of the Proposed Development, citing also examples of where such methods had been used successfully?	Table 9-6 of ES Chapter 9 [APP-032] provides a summary of the ALC results for the entire Order Limits and not just the panel areas and cable routes. These results are presented in detail through ES Appendix 9-1 [APP-150] and shown on ES Figure 9-5 [APP-083]. As highlighted in previous submissions, some of the BMV agricultural land within the Order Limits (including an area of Grade 3a land near West House Farm, and some of the Grade 2 land to the east of Bishopton Primary School) is proposed for use a mitigation / enhancement and not panel areas / cables. Where BMV land is proposed within Panel Areas, areas are largely 'islands' of BMV (Grade 3a) land within a wider area of Grade 3b and therefore it would not be practical to fully avoid. In any case, it is proposed that the areas within the Panels are planted with a species rich grass or wildflower mix. This will require a hay cut in late summer / early autumn and therefore, whether cut with machine or grazed, the land will be subject to low intensive practices. In relation to cable routes that effect BMV land, this land will be returned to agriculture following installation and therefore remain as part of the productive land. The assessment in Chapter 9 [APP-032] at paragraph 9.8.10 states that *"subject to demand, agricultural uses including sheep grazing may resume within the panel areas once construction is complete".* As outlined in ISH6, agreements for such grazing are not yet in place and therefore were not relied upon as part of the assessment / would be considered an enhancement. It is referred

ExQ2	Question to	Question	Applicant's response
			to by the Applicant as a possibility, rather than a fixed measure which would be implemented. The Applicant has previously provided examples of where sheep grazing is being used on other solar schemes, most recently in page 15 of the Deadline 6 document [REP6-020], as follows: ▪ Higher Hill, Butleigh, Somerset (sheep) - BA6 8TW ▪ Yeowood Solar Farm, North Somerset (chickens, laying hens) -BS49 5JL ▪ Park Farm, Leicestershire (sheep) - DE12 7HD ▪ Wymeswold Solar Farm, Leicestershire (sheep) - LE12 5TY ▪ Eastacombe Farm, Devon (sheep) - EX31 3HX ▪ Wyld Meadow Farm, Bridport, Dorset (sheep) - EX13 5UH ▪ Newlands Farm, Axminster, Devon (sheep) - EX13 5RX ▪ Fenton Home Farm, Haverfordwest, Pembrokeshire (sheep) -SA62 4PY ▪ Trevemper Farm, Newquay, Cornwall (sheep) - TR8 5EN ▪ Benbole Farm, Wadebridge, Cornwall (geese) - PL30 3EF ▪ Twitch Hill Solar, Shropshire (sheep) - TF10 9AE ▪ Manor Farm, Eggington Solar, Leighton Buzzard (sheep) - LU7 9NE These examples demonstrate that sheep grazing is being used on other solar schemes, which support the *prospect* (but not certainty) that such measures could be introduced for the Proposed Development.
LUS.3.3	Applicant	At the ISH6 on 27 November 2024 and as stated in the Applicant's Post-hearing submissions [REP6-017], the Applicant confirmed that there could also be a potential benefit from sheepgrazing or hay-cutting in the panel areas, although this is not reported in the assessment because it is not currently a secured commitment. Given that the potential for sheep grazing on the affected portions of BMV land within the panel areas would help in mitigating the impact the Proposed Development would have on their use for agriculture, would the Applicant now confirm how the use of this	The potential of sheep grazing is not relied upon in the assessment within Chapter 9 of the ES [APP-032] as agreements for grazing are not currently in place and would only be signed should consent be granted. The habitat in between the panels would require a hay cut as part of its maintenance and this is described within the oLEMP [REP5-020] and was considered within the assessment work. Benefits to biodiversity through hay-cutting (or grazing) are set out in paragraph 3.2.5 of the oLEMP [REP5-020] and form part of the ecological benefits and enhancement provided by the Proposed Development and secured via the DCO.

ExQ2	Question to	Question	Applicant's response
		land for grazing up to the decommissioning stage would be maintained and secured in the DCO requirements?	
LUS.3.4	Applicant	In its post-hearing submission's [REP6-036] response to Paragraphs 9.10.55, 9.10.71 and 9.10.72 of ES Chapter 9 Land Use and Socioeconomics [APP-032], quoting also other relevant representation, BVAG states that regarding the purported benefits of 'leaving land undisturbed' (or 'resting' soil), it is not good for arable land to be left uncultivated for more than 3 to 5 years and if the aim is to maintain fertility for future use, it is necessary to practice regular crop rotation. Would the Applicant explain how the agricultural capability of the soil within the Order Limits of the Proposed Development be safeguarded up to its decommissioning date?	The Applicant does not agree that leaving land undisturbed is not good for arable land or soil health. Regular crop rotation is necessary for ongoing arable production, in order to minimise and spread the risks of diseases and pests, but it is not necessary if land is to be converted from arable land to pasture or woodland. The Government is prepared to pay farmers £489 per hectare each year under the Sustainable Farming Incentive scheme to convert arable land to low input grassland[1]. This is a substantial sum which would clearly be an irresponsible use of public finances if it harmed soil health or fertility. Recent empirical evidence of the soil health benefits of converting arable land to pasture is also available from the UK's leading provider of agronomic analysis, with the laboratory's 2024 annual soil summary report based on data from over 25,000 soil samples collected between June 2023 and May 2024. The 2023-2024 soil summary provided at Deadline 6 in Appendix A1 of REP6-020 confirms that: "*Analysing soil for organic matter is essential as it helps determine soil health and productivity. Soil organic matter (SOM) enhances nutrient cycling, improves soil structure, and boosts water retention, all of which are vital for sustainable agriculture production*". The soil summary found "significant contrasts in SOM levels" between arable and grassland soils, with arable soils, which are often subjected to intensive cultivation, showing an average SOM of 5.4%, with values ranging from 1.7% to 10.4%. Grassland soils, in contrast, had an average SOM of 10.5%, and wider variability.

[1] https://www.gov.uk/government/publications/sustainable-farming-incentive-scheme-expanded-offer-for-2024/sfi-scheme-information-expanded-offer-for-2024#annex-b-summary-of-the-initial-expanded-sfi-offer-from-summer-2024

ExQ2	Question to	Question	Applicant's response
			The soil summary concludes that grassland soils are healthier and more resilient, benefiting from reduced soil disturbance and the addition of organic inputs, such as plant residues and manure from grazing animals. Grassland soils act as significant carbon sinks due to their higher SOM content, and "*Preserving and enhancing SOM in these soils through sustainable practices such as rotational grazing and minimising soil disturbance is essential to maintain and/or further increase carbon sequestration*".
LUS.3.5	Applicant	At the ISH6 on 27 November 2024 and as stated in the Applicant's Post-hearing submissions [REP6-017], the Applicant submitted that it would not be necessary to explore the movement of panels away from BMV land on the basis of Natural England's relevant representation [RR-373], in which it states that "the solar panels could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards". Would the Applicant explain the suitable soil management techniques to be adopted to safeguard the land quality up to the decommissioning stage of the Proposed Development?	The Applicant has submitted an outline Soil Resources Management Plan (oSRMP) with the application [APP-116] and this document provides a framework for the final Management Plan which is secured through Requirement 10 of the draft DCO [REP6-002]. This Requirement was updated at Deadline 6 to include consultation with Natural England, following a request from Darlington Borough Council. The outline Soil Resources Management Plan [APP-116] sets principles for soils management which are committed to at this stage of the planning process, as well as outlining what additional information will be included within the detailed management plan. This further information includes methods of management, soil handling, reinstatement and monitoring which will be further developed and agreed once exact volumes are known as part of the detailed design process. The final Soil Resources Management Plan will be consulted on with Natural England and signed off by the LPA under Requirement 10 and it is the Applicant's view that this provides adequate controls over the proposed soil management which will be subject to further consideration and approval as part of the detailed design process.
13. Noise and Vibration			
NV.3.1	Applicant	Can the Applicant confirm, at operational stage, what will be the average typical level of noise generated by the Panels (if any) and also generated by the Battery Energy Storage System (if any) and how it compares	The solar panels themselves do not emit noise. The cooling systems associated with the electrical infrastructure (transformers, inverters and BESS units) supporting the solar panels are the primary source of noise. The specific noise levels predicted at the nearby existing sensitive receptors (< 40

<table>
<tr><th>ExQ2</th><th>Question to</th><th>Question</th><th>Applicant's response</th></tr>
<tr><td></td><td></td><td>with other levels of noises that IPs are more likely to have a knowledge of (as a comparator)?</td><td>dB) are equivalent to a noise level below that experienced in a typical quiet residential neighbourhood. Or domestically, the hum of a modern, quiet refrigerator.</td></tr>
<tr><td>NV.3.2</td><td>Applicant</td><td>BS5228-2, as quoted in Paragraph 11.10.14 of ES Chapter 11 Noise and Vibration [APP-034] indicates that the threshold of perception of vibration is generally accepted to be between a PPV (Peak Particle Velocity) of 0.14 and 0.3mm/sec. Having the Applicant confirmed, as set out in Paragraph 11.10.22, that the worst-case scenario earthworks and construction works may take place at a distance of approximately 15metres from existing residential properties, can the Applicant estimate what the PPV (mm/s) at 15metres distance for the different machineries would be and explain what effect any calculated vibration level greater than the acceptable limits of between 0.14 and 0.3mm/sec would have on the prevailing residential buildings and the relevant mitigation measures?</td><td>As stated in Chapter 11 Noise and Vibration [APP-034], vibration levels of between 0.14 and 0.3 mm/s PPV are considered to be the levels at which vibration is just perceptible. A PPV level of 1.0 mm/s is considered to be significant in terms of vibration at the receptors.

As the PPV levels of typical machinery are based on measurements, it is difficult to predict the levels at intermediate distances. However, BS5228-2 Table E.1 presents formulae that can predict vibration of various activities. Using the formulae the following values are predicted as presented in the table below.

<table>
<tr><th rowspan="2">Equipment</th><th colspan="3">PPV (mm/s) at distance from source</th></tr>
<tr><th>10m</th><th>20m</th><th>15m</th></tr>
<tr><td>25-30 tonne excavator</td><td>0.175</td><td>0.075</td><td>0.10</td></tr>
<tr><td>25 tonne dumptruck (Volvo A25), loaded</td><td>1.000</td><td>0.150</td><td>0.59</td></tr>
<tr><td>25 tonne dumptruck (Volvo A25), empty</td><td>0.225</td><td>0.050</td><td>0.15</td></tr>
<tr><td>Dozer</td><td>1.050</td><td>0.400</td><td>0.59</td></tr>
<tr><td>Vibrating roller drum, Vibrator on</td><td>4.470</td><td>3.270</td><td>3.270 - 4.470</td></tr>
<tr><td>Vibrating roller drum, Vibrator off</td><td>0.500</td><td>0.150</td><td>0.30</td></tr>
<tr><td>Loading shovel</td><td>1.025</td><td>0.150</td><td>0.61</td></tr>
</table>

It is predicted that all the equipment listed above would produce vibration levels below what is considered significant at a distance of 15m, with the exception of the vibratory roller with vibrator on. However, the plant listed above would only be used in construction of the on-site substation and BESS</td></tr>
</table>

ExQ2	Question to	Question	Applicant's response
			compounds, none of these compounds are in close proximity to the existing sensitive receptors considered in the assessment and therefore vibration levels would likely be at levels which are imperceptible at the ESRs. It is likely that push press piling, or CFA piling would be used to insert the solar panel mounts in locations close to the order limits which could be as close as 15m to the nearest ESR. BS5228-2 states that: "*F3.2.4 Continuous flight auger injected piling and pressed-in piling* *The levels of vibration associated with continuous flight auger injected piling and pressed-in piling are minimal, as processes do not involve rapid acceleration or deceleration of tools in contact with the ground but rely to a large extent on steady motions.*" Case study examples from BS5228-2 Table D.6 (104) suggest vibration levels at distances between 10-15m are significantly below 1 mm/s PPV. Therefore, it is considered that vibration levels from the installation of solar panels will not be significant at the nearest ESRs. Furthermore, the installation of solar panel mounts in any one location, is likely to be a very short duration activity.
NV.3.3	Applicant	Table 11-12 of ES Chapter 11 Noise and Vibration [APP-034] indicates the measured vibration levels of similar plants to be used by the Proposed Development under normal operating conditions. Would the Applicant confirm if Vibrating Roller Drum or similar equipment with its built-in vibrator activated, which has a much higher PPV than the acceptable limits of between 0.14 and 0.3mm/sec would be used and if so, how would its impact be mitigated?	Please see response to NV.3.2 above.
NV.3.4	Applicant	Referring to ES Figure 11.1 Sensitive Receptor Location Plan [REP4-014], which shows those existing sensitive receptors (ESR) whose noise impact have been considered. Considering the proximity of Panel Area C	Carr House is ESR23. It has therefore been assessed within ES Chapter 11 Noise and Vibration [APP-034], which confirms that no significant operational noise effects would occur through the Proposed Development, whilst the Deadline 4 ES Addendum on Construction Noise [REP4-012]

ExQ2	Question to	Question	Applicant's response
		to 'Carr House', which abuts its southeastern periphery, would the Applicant confirm if the noise impact of this building has been considered and if any of the buildings labelled ESR23 and ESR24 is indeed Carr House?	further confirms no significant effects would occur in relation to construction noise.
NV.3.5	Applicant	Referring also to the Applicant's SOCG with DBC [REP6-004], in view that DBC was also concerned with the non-inclusion of West House Farm and Downland Farm at the northern area of Panel F, would the Applicant confirm if the noise impact on these properties have been evaluated and if they are denoted as ESR41 and ESR42 on ES Figure 11.1 Sensitive Receptor Location Plan [REP4-014]?	The Applicant provided an update on this matter as raised in the DBC LIR [REP2-008] at Deadline 4, through its submission of amendments to the ES Appendix 14.1 BS4142 Assessment Calculations [REP4-005] and ES Figure 11.1 Sensitive Receptor Location Plan [REP4-014], which had accidentally omitted these ESRs. Downland Farm is depicted by ESRs 38 and 39, whilst West House Farm is ESR 42. The three ESRs have therefore been assessed within ES Chapter 11 Noise and Vibration [APP-034], which confirms that no significant operational noise effects would occur through the Proposed Development, whilst the Deadline 4 ES Addendum on Construction Noise [REP4-012] further confirms no significant effects would occur in relation to construction noise.
NV.3.6	Applicant	In relation to ES Figure 11.1 Sensitive Receptor Location Plan [REP4-014], would the Applicant signpost where the whole ESR's on this map have been described and confirm whether the noise and vibration impact of the Proposed Development on all the ESR's in its Order Limits have been assessed?	The ESR's depicted on Figure 11.1 [REP4-014] are described in ES Chapter 11 Noise and Vibration [APP-034] as receptors of moderate sensitivity (Table 11-2/paragraph 11.10.8) which are all residential receptors (paragraph 11.10.51). Further analysis with respect of construction noise and the equestrian uses at some ESRs has been provided in the ES Addendum on Construction Noise [REP4-012]. All ESRs depicted on Figure 11.1 have been assessed. The Applicant highlights the clarification provided at Deadline 4 and listed in ES Errata and Management Plans Proposed Updates (Document Reference 8.11, Revision 4) which states that paragraph 11.6.1 of ES Chapter 11 should refer to 43 ESRs (i.e. all ESRs) and not 35 ESRs.
NV.3.7	Applicant	Paragraph 1.2.3 of ES Addendum - Construction Noise [REP4-012] states that two methods of cable installation have been considered within the assessment: Trenched cabling and Horizontal Directional Drilling (HDD). HDD locations have not been finalised; however, it is likely that the main method of cable installation will be open-cut trenching, with HDD methods only being employed	As a worst-case, construction noise has been assessed for two different methods; open trenching and Horizontal Directional Drilling (HDD). It is likely that cable ploughing will be used in areas where trenching would occur, i.e. across open fields. It is likely that cable ploughing will produce similar noise emissions to trenching, however, due to the greater distances covered in a given time (speed), the cable plough is likely to have a lower noise impact

ExQ2	Question to	Question	Applicant's response
		where the cabling is required to pass under a road or watercourse. A third method using a cable plough could also be implemented, which would reduce noise impacts further. Given that the Applicant confirmed at the ISH on 27 November 2024 that cable plough method will be predominantly used, would the Applicant revise this document to reflect the commitment to mainly use cable plough method unless in sections where it is impossible and highlight the area where the Applicant believes this method will not be deployed?	at any nearby existing sensitive receptor, than those predicted in the assessment. The commitment to do so is secured through Table 8-1 of the Design Approach Document [REP5-024/25] via Requirement 3 of the draft DCO. That secures the use of cable plough for off-road cable routes as a preference, and use of conventional trenching or HDD where this is not possible.
14. Resource and Waste Management			
RWM.3.1	Applicant	Concerns have been raised at several different Hearings, including the OFHs, in relation to the safety of Battery Energy Storage System (BESS) proposed, particularly considering its proximity to some residential dwellings (Carr House, for example), and the vulnerability of the BESS to flooding and fire. The ExA notes the submission of the Outline Battery Fire Safety Management Plan (oBFSMP) [APP-117]. Can the Applicant please confirm what work has been carried out in order to prevent flooding of the BESS system and what measures does the Applicant propose to prevent this?	The BESS units are located outside of the flood zones and as such are not vulnerable to flooding. This measure is secured in Table 8-1 of the Design Approach Document [REP5-024/25] via Requirement 3 of the draft DCO.
RWM.3.2	Applicant	The Outline Battery Fire Safety Management Plan (oBFSMP) [APP-117] states that the BESS has been placed at least 300m from residential properties in the majority of cases, to reduce the visual and noise impact of the infrastructure. Can the Applicant also please confirm how it has considered the need to reduce the risk of fire to residential properties from the BESS and,	BESS are placed 300m from residential receptors to minimise impacts from noise. There are no minimum standards set for the distance of BESS from residential properties for the purposes of fire hazard reduction. Impacts from potential fire/explosion in relation to the BESS has been assessed within ES Appendix 2.5 Major Accidents and Disasters Assessment [APP-104]. It concludes that the reasonable worst-case risks relating to BESS are managed to an acceptable level taking into account the mitigation proposed and secured through the DCO. The oBFSMP [APP-117] has been

ExQ2	Question to	Question	Applicant's response
		if 300m is considered appropriate, why it is considered appropriate in relation to fire hazard?	developed with regard to the National Fire Chief's Council (NFCC) Grid Scale Battery Energy Storage System planning – Guidance for Fire and Rescued Services, and in consultation with County Durham and Darlington Fire and Rescue Service (CDDFRS). As reflected in the SoCG with DBC (Document Reference 8.4.2, Revision 4), the development of the outline BFSMP and its proposed discharge at detailed design is an agreed matter between the Applicant and DBC.
RWM.3.3	Applicant	The Applicant states in the oBFSMP [APP-117] that it is working on the assumption that the BESS will be using Lithium Iron Phosphate (LFP) battery technology. Can the Applicant please confirm, based on the assumed technology how likely it is that these will be combustible?	The likelihood of the proposed technology being combustible is extremely low. The Department for Energy Security and Net Zero updates on a regular basis the Renewable Energy Planning Database. From the quarterly extract (dated July 2024) the data has been filtered for BESS installations in the UK and to inform the following : 1. As of July 2024, there are approx. 110 BESS sites still in operation across the UK, 8 having been decommissioned and a further 84 under construction. 2. The total energy capable of being stored is estimated at 128GW 3. Since 2006 BESS have operated (those now decommissioned + those in operation) for approximately 5.4 million hours (data details 5,366,880 hours) which is equivalent to 540 years of operation. 4. There has currently been only one reported UK BESS fire that required FRS attendance, this occurred at Carnegie Road, Liverpool in Sept 2020. 5. This equates to 1.86-07 (0.000000186) failures per hour (fph) for BESS fires in the UK. To date nobody in the UK has been injured or killed in a BESS incident. BESS are designed to industry specific guidelines and subject to UK legislation.
15. Traffic and Transport			

ExQ2	Question to	Question	Applicant's response
TT.3.1	Applicant	As an action ensuing from ISH3 on 15 October 2024, the Applicant was to provide evidence to support the Applicant's assumption (within the outline Construction Traffic Management Plan (oCTMP) [APP-112]) that construction staff will access the site using vehicles with an average occupancy of 7-persons, and consider including within the oCTMP: ▪ vehicle occupancy surveys at a similar site to substantiate the forecasted vehicular traffic and as a measure to monitor compliance. However, paragraph 5.3.13 of ES Appendix 2.8 Construction Traffic Management Plan [REP5-017] simply states that the Applicant will undertake monitoring of this measure through vehicle occupancy surveys. Would the Applicant explain how this action provides credible answer to the required supplementary data analysis above to justify the projected construction workers' vehicle numbers?	The Applicant responded to Action Point ISH3-01 at Deadline 5 [REP5-030] by directing the ExA to other solar schemes, comprising of both DCO schemes and those determined by Darlington and Stockton LPAs, which propose or commit to using shared transport. This evidences that the assumption used by the Applicant within the outline CTMP [REP5-016/17] is appropriate and reasonable, and in line with the approach to construction worker transport proposed in many other schemes. In addition, the Applicant included a direct commitment at paragraph 5.3.13 in the revised outline CTMP at Deadline 5 [REP5-016/17] to monitor the proposed approach through vehicle occupancy surveys. This is enforceable by the LPA. The Applicant acknowledges the clarification via ExQ3 that the ExA request the outline CTMP to include vehicle occupancy surveys from other sites. The Applicant has a small number of solar sites under construction that are not DCO-scale and from which relevant data cannot be extracted. The Applicant does not have access to surveys from other developers. The Applicant does not consider that a commitment in the outline CTMP to include vehicle occupancy surveys from other sites is appropriate or necessary, and is potentially unenforceable given it would rely on third parties providing such data. The Applicant considers that the request would not meet the six tests of planning conditions as set out in paragraph 55 of the National Planning Policy Framework (NPPF) and therefore does not propose to include this amendment to any further updates to the outline CTMP.
TT.3.2	Applicant	As an action emanating from ISH3 on 15 October 2024, the Applicant was to confirm a cleat-cut commitment to provide shared transport in the form of minibuses for construction workers travelling to and from the site. Would the Applicant signpost where this can be found within the ES Appendix 2.8 Construction Traffic Management Plan [REP5-017] or any other relevant document?	The following measures in the outline CEMP [REP5-012/13] provide clear commitments to the use of shared transport: ▪ CC6-CEMP which states: "*Liaising with construction personnel for the potential to implement staff minibuses and car sharing options.*" ▪ CC7-CEMP which states: *"Implementing a Travel Plan to reduce the volume of construction staff and employee trips to the Proposed Development.*" ▪ TT8-CEMP which states *'the consolidation of construction worker trips if possible'.* In addition, the outline CTMP [REP5-016/17] states the following:

ExQ2	Question to	Question	Applicant's response
			▪ *"it is anticipated that construction staff will access the site via large cars (seven seaters) or minibuses"* (paragraph 5.3.12) ▪ *"Car sharing/the use of minibuses will be encouraged for local construction workers and the employee trip demand has therefore been based on an average car occupancy rate of 7 persons per vehicle; this factor has been informed by experience from solar farms elsewhere.*" (paragraph 5.3.13) ▪ *"Construction personnel will be encouraged to car-pool, or to travel to the Proposed Development in minibuses."* (paragraph 7.5.2)
TT.3.3	Applicant	In response to ExQ1 GCT 1.9, Network Rail asked for both Requirements 5 (decommissioning traffic management plan) and 6 (Construction Traffic Management Plan (CTMP)) in the draft Order to be updated to include consultation with Network Rail prior to their approval, consequential to the potential impacts of the proposed construction traffic and abnormal loads routes on rail bridges. While Paragraph 1.1.4 of ES Appendix 2.8 (CTMP) [REP5-017] was modified to this effect, neither Requirement 5 of the dDCO nor the ES Appendix 2.7 Outline Decommissioning Environmental Management Plan (oDEMP) [REP5-015] contains this Network Rail requirement. Would the Applicant amend both oDEMP and Requirement 5 of the dDCO to include consultation with Network Rail at the decommissioning stage also in relation to the proposed construction traffic and abnormal loads routes?	The Applicant would note that the Outline Decommissioning Environmental Management Plan (oDEMP) [REP5-015] does contain a requirement to engage with Network Rail, at 3.2.1. As a result of that change, and the modification to paragraph 1.1.4 of the CTMP [REP5-017] (as noted in the ExA's question), Network Rail has withdrawn its objection to the Proposed Development [AS-026] . Network Rail has accepted that there is no need for Requirement 5 of the DCO to be amended.
16. Water Environment & Flood Risk			
WFR.3.1	Applicant	Paragraph 10.2.2 of ES Chapter 10 Hydrology and Flood Risk [APP-033] lists regulations relevant to hydrology and flood risk assessment. Would the Applicant demonstrate how it has considered the Environment	ES Chapter 10 [APP-033] lists the Environment Act 2021 as legislation relevant to the assessment contained the chapter. The Environment Act 2021 is a wide ranging piece of legislation which amongst various matters (including those not directly related to planning or development), requires the Secretary of State to produce an environmental improvement plan. The first Environmental Improvement Plan was published in January 2023 and sets

ExQ2	Question to	Question	Applicant's response
		Act 2021 and whether Environmental Improvement Plan 2023 forms part of the basis for the evaluation?	ten goals for the environment to be delivered by 2043. It does not in itself form the basis of environmental impact assessment (EIA) which seeks to examine the likely significant effects on the environment arising from a proposed development. The Applicant does however consider that the assessment of the Proposed Development reported in ES Chapter 10 is relevant to three goals in particular, and supports delivery of those goals: ▪ Goal 3, Clean and plentiful water: the Proposed Development would not have any significant adverse effects on hydrology or flood risk, utilising sustainable urban drainage systems (SuDS) at source to ensure that surface water run-off is managed as per existing site conditions; this would be delivered through planting mixes and permeable aggregate, as 'hard' SuDS engineering methods are not required. ▪ Goal 7, Mitigating and adapting to climate change: the Proposed Development is designed to avoid flood risk impacts, taking into account rainfall patterns projected through climate change. For example, no critical infrastructure has been placed inside fluvial or pluvial higher risk flood zones, and solar PV panels would be placed 800mm above ground. These measures as reported in ES Appendix 10.1 [REP5-018/19] would provide resilience to climate change and support the continued operation of the Proposed Development in extreme weather events, such as low carbon energy can continue to be generated, further contributing to tackling the climate emergency. ▪ Goal 8, Reduced risk of harm from environmental hazards: this goal promotes the use of SuDS and ensuring that new development is both resilient to flood risk and does not increase risk of flooding. As stated above, the Proposed Development would not increase risks of flooding, and would also be designed to be resilient to flood risk, taking into account projected climate change.
WFR.3.2	Applicant	In responding to ExQ1 BIO.1.5, the Applicant states that it has discussed concerns raised by the EA around HDD and explained that any requirements to HDD within 10m of a watercourse will be fully designed and	The Applicant has provided a commitment in the revised outline CEMP [REP5-012/13] submitted at Deadline 5 which secures the production of a drilling fluid breakout plan under commitment HFR-22. This states '*The contractor will produce a Bentonite Breakout Plan which seeks to assess potential*

ExQ2	Question to	Question	Applicant's response
		agreed through future updates to the CEMP [APP-110] and the Pollution and Spillage Response Plan [APP-113], prior to construction and following the appointment of the contractor team. These updates will include a drilling fluid breakout plan as appropriate. Proposed updates to the outline CEMP [APP-110] to secure this commitment are included in the Environmental Statement (ES) Errata and Management Plans Proposed Updates (Document Reference 8.11) submitted at Deadline 2. This position will be confirmed within the SoCG with the EA which is due to be submitted at Deadline 3. Given that Requirement 7 of the dDCO only ask for the submission of Pollution and Spillage Response Plan, would the Applicant explain how the need to include a drilling fluid breakout plan would be secured within the DCO?	*leakages, their effects and proposed mitigation, subject to consultation with the EA'.* For the avoidance of doubt, the Applicant clarifies that bentonite is used in drilling fluid. The production of the drilling fluid breakout plan is therefore secured through the DCO via the outline CEMP.
17. Cumulative Effects			
CU.3.1	DBC & BVAG	Having reviewed the Applicant's response (due 20th December) to the ExA's request for further information regarding its assessment of Cumulative Effects [PD-012]; please would the parties submit details of the outstanding matters of dispute with the Applicant.	
CU.3.2	Applicant	The ExA notes the details provided and points made by DBC regarding the Northumbrian Water Limited Water Main, Ketton Lane (ID65) with regard to the Applicant's Cumulative Effects Sensitivity Analysis [REP6-032]. Please can the Applicant update the Cumulative Effects Sensitivity Analysis to include the additional details provided by DBC, including what mitigation measures might be necessary if any cumulative adverse impacts are identified. This response should also address DBC's comment on page 2 [REP6-	The Applicant has reviewed points made by DBC at Deadline 6 [REP6-032]. The proposed NWL Water Main project is located some 750m south of the Byers Gill Order Limits and, as described in the response was considered within Chapter 13 of the Byers Gill application as a scheme which was at scoping stage at submission. The Applicant undertook a sensitivity analysis of the proposed NWL project at the request of DBC given an updated scheme position. We appreciate that this is a significant scheme, however, would highlight that from a cumulative perspective, the scheme follows Byers Gill and therefore

ExQ2	Question to	Question	Applicant's response
		032] "*However none of the other in-scope matters have been given consideration within the ES and neither have they been addressed as part of the sensitivity analysis submitted at deadline 4 [REP5-005].*"	has considered the Byers Gill project within its own cumulative assessment (Environmental Statement, Vol 1, Chapter K). Having reviewed this assessment, the Applicant would agree with the findings presented and consider that the conclusions drawn reflect those provided within the sensitivity analysis. In summary: ▪ Climate (GHG) – cumulative in nature so not considered further. ▪ Water Environment – Not within the study area and no cumulative effects anticipated. ▪ Archaeology – no shared direct effects. ▪ Ecology – Byers Gill scope d out of assessment due to physical distance and the nature of effects. ▪ LVIA – Byers Gill scoped out of assessment due to distance and intervening features. DBC agree with this approach. ▪ Noise and Vibration – scoped out of assessment as not within the zone of influence (ZoI). ▪ Transport – scoped in. Potential overlap of construction and workforce traffic limited to a short section of the A167 between the B6444 St Andrews Way and the A1(M) Junction 59. With average HGV trips from Byers Gill estimated to the less than 2 vehicles per hour on the A167, the assessment concludes no likely temporary cumulative impacts during construction. Given the assessment undertaken as part of the NWL application / environmental statement, the Applicant does not consider that any further consideration of potential cumulative effects is required.
CU.3.3	Applicant	At ISH7 concerned were raised in relation to the Applicant's assessment of Cumulative Effects particularly in light of the effects of several different solar farms located in close proximity of the main roads and access routes to the villages and residential areas affected by the Proposed Development. Please see [PDA-003] which lists 11 current and pending solar power generation plants. Can the Applicant please confirm what work was carried out in order to consider the	The Applicant has considered the 11 solar farms identified by BVAG in its Procedural Deadline A submission [PDA-003], as part of the EIA reported in the ES. These developments are either: a) Considered as part of the baseline or future baseline for environmental topics, as they were approved and expected to be completed or operational before construction of the Proposed Development.

<table>
<tr><th>ExQ2</th><th>Question to</th><th>Question</th><th>Applicant's response</th></tr>
<tr><td></td><td></td><td>cumulative effects of these 11 current and pending solar power generation plants alongside the predicted effects of the Proposed Development?</td><td>
b) Considered under the cumulative assessment reported in ES Chapter 13 Cumulative Effects [AS-033/34].

The majority of the identified developments are depicted in ES Figure 13.2 accompanying ES Chapter 13 and which was updated by the Applicant at Deadline 6 to specifically highlight the other solar farms in the study area [REP6-027].

A list of the developments cited by BVAG and how they are identified in the ES Chapter/Figure is provided below:
<table>
<tr><th>BVAG Reference [PDA-003]</th><th>Assessment within ES</th></tr>
<tr><td>Byers Gill Solar, EN01039</td><td>The Proposed Development, therefore assessed via the ES as a whole and cumulatively with all other developments cited below and as stated in ES Chapter 13.</td></tr>
<tr><td>Long pasture Solar Generation plant, 22/01329/FUL</td><td>Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 41.

Considered as part of the future baseline in some topics given consented nature.</td></tr>
<tr><td>Whinfield Solar Generation Plant, 21/00958/FUL</td><td>Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 21

Considered as part of the future baseline in some topics given it is consented and under construction.</td></tr>
<tr><td>Gately Moor Solar Generation Plant, 22/00727/FUL</td><td>Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 16</td></tr>
</table>
</td></tr>
</table>

ExQ2	Question to	Question	Applicant's response	
				Considered as part of the future baseline in some topics given consented nature with condition discharge active.
			California Farm Solar Generation Plant, 22/1511/FUL	Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 18. Considered as part of the future baseline in some topics given consented nature with condition discharge active.
			LETCH LANE Solar generation plant, 21/2290/FUL	Also known as High Meadow 2. Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 26. Considered as part of the future baseline in some topics given consented nature with condition discharge active.
			High Meadow Farm Letch Lane, 15/1826/FUL	As confirmed through ES Appendix 13.1, this development is operational and forms part of the baseline of the EIA
			THORPE BANK Solar generation plant, 20/2131/FUL	Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 40. Considered as part of the future baseline in some topics given consented nature with condition discharge active.
			LOW MIDDLEFIELD FARM Solar generation plant, 20/2692/FUL	Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 28 Considered as part of the future baseline in some topics given consented nature.

ExQ2	Question to	Question	Applicant's response	
			Hunger Hill Farm, 15/00484/FUL	As confirmed through ES Appendix 13.1, this development is operational and forms part of the baseline of the EIA
			Burtree Lane Solar Farm solar generation plant, 22/00213/FUL	Scoped into cumulative assessment in ES Chapter 13 as part of the short list, depicted on ES Figure 13.2 as Site 36. Considered as part of the future baseline in some topics given consented nature.