

**Byers Gill Solar
EN010139**

8.33 Comments on Deadline 6 Submissions

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 8

Deadline 7 – January 2025

Revision C01

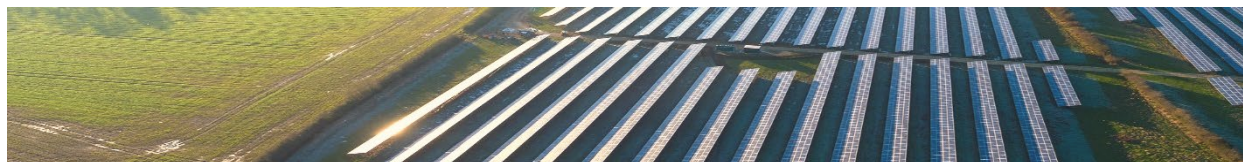


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1. Introduction

1.1. Purpose of this document

- 1.1.1. This document provides comments from RWE (the Applicant) on submissions made by Interested Parties at Deadline 6 (6 December 2024) of the Examination of Byers Gill Solar (the Proposed Development). This includes any submissions accepted after the deadline at the discretion of the of the Examining Authority (ExA).
- 1.1.2. On 26 and 27 November 2024, Open Floor Hearings 3 and 4, and Issue Specific Hearings 5, 6 and 7 were held. Written summaries of oral representations were submitted at Deadline 6. Where relevant, responses to these are also included in this document.
- 1.1.3. This document also provides the Applicant's comments on two consultation responses relating to Change 2 of its Change Request, which were received after the deadline closed on Monday 16 December. The consultation responses were therefore not included in the Consultation Report [REP6b-020] submitted with the Change Request submission on 17 December 2024.

2. Comments on Deadline 6 Submissions

- 2.1.1. The table below provides the Applicant's comments on submissions made at Deadline 6. This sets out the document that was submitted at Deadline 6, the Interested Party that submitted the document, and a summary of the content that the Applicant wishes to comment on, before providing the Applicant comment.
- 2.1.2. The Applicant has sought to summarise only the parts of any submission that it wishes to comment on. As such, elements of any submission to which the Applicant has no response are not included in the below table.

Table 2-1 Applicant comments on submissions at Deadline 6

Examination Library Reference	Interested Party	Summary	RWE Response
REP6-029	Bishopton Parish Council (BPC)	BPC state that other proposed developments in the area should be assessed in terms of potential cumulative effects. BPC suggest that whilst an assessment has been undertaken by the Applicant based on information available at time of DCO submission, this is preliminary and subject to change following RWE carrying out an 'all-encompassing' assessment.	The Applicant has carried out an assessment of cumulative effects in ES Chapter 13 Cumulative Effects [AS-033/34], and an in-combination effects assessment as set out in ES Appendix 13.1 [APP-160]. In addition, the Applicant has considered cumulative landscape and visual effects, taking into account committed development including other consented solar farms, in ES Chapter 7 Landscape and Visual [AS-028/29]. The Applicant has carried this assessment out in line with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and PINS Advice Note Seventeen. It is not a preliminary assessment and is necessarily based on a point in time prior to DCO application. Whilst the Applicant has responded to points raised during Examination in order to provide clarification, such as an update from Darlington Borough Council (DBC) on schemes that have progressed since DCO submission [REP5-005], the Applicant does not consider the assessment provided in the ES as preliminary and is not providing a further assessment of cumulative effects.

Examination Library Reference	Interested Party	Summary	RWE Response
REP6-029	Bishopton Parish Council (BPC)	BPC consider that the ES must demonstrate whether the thresholds for further assessments are exceeded cumulatively on transport links. BPC considers that the ES should provide information on the cumulative nature of traffic movements during operational phases and confirm that the projections fall below relevant thresholds in planning guidance. BPC considers that cumulative traffic numbers during the operational lifetime of the scheme should be assessed in the Environmental Statement (ES).	The Applicant has carried out an assessment of traffic effects during construction, operation and decommissioning as reported in ES Chapter 12 Traffic and Transport [APP-035]. This includes consideration of cumulative effects as reported in ES Chapter 13 [AS-033/34]. No significant effects are identified as arising during any stage of the Proposed Development due to traffic and transport impacts. No further assessment is required.
REP6-029	Bishopton Parish Council (BPC)	The ES should detail land to be lost temporarily or permanently as a result of the Proposed Development, detailing cumulative impacts at a regional level of loss of BMV land and grade 3B land.	The Applicant has carried out an assessment on agricultural land, including cumulative effects, as suggested by BPC. It is provided in ES Chapter 9 Land use and Socioeconomics [APP-032], ES Appendix 9.5 [APP-083] and ES Chapter 13 Cumulative Effects [AS-033/34].
REP6-029	Bishopton Parish Council (BPC)	The cumulative impact of construction traffic on the strategic road network, resultant from the Proposed Development, other solar schemes, committed developments and highways schemes, should be assessed.	As per the response earlier in this table, this assessment has been carried out and is reported in ES Chapter 12 Traffic and Transport [APP-035] and ES Chapter 13 Cumulative Effects [AS-033/34].
REP6-029	Bishopton Parish Council (BPC)	Significant effects including intra-cumulative effects from off-site waste disposal should be included within the ES, including at decommissioning and including the decommissioning of other solar schemes in the area.	A standalone chapter on waste effects was scoped out of the ES as stated in page 31 of the Scoping Opinion [APP-121], and therefore a cumulative assessment is not required. However an assessment of potential waste effects is provided in ES Appendix 2.3 Likely Waste Arisings [APP-107] and concludes the effect of the Proposed Development would be negligible.
REP6-029	Bishopton Parish Council (BPC)	BPC consider “agricultural circumstances” to be a critical issue for the area, and the ES should include the cumulative impact of NSIP schemes on the loss of agricultural land.	The Applicant has carried out an assessment on agricultural land, including cumulative effects, as suggested by BPC. It is provided in ES Chapter 9 Land use and Socioeconomics [APP-032], ES Appendix 9.5 [APP-083] and ES Chapter 13 Cumulative Effects [AS-033/34].

Examination Library Reference	Interested Party	Summary	RWE Response
REP6-029	Bishopton Parish Council (BPC)	Cumulative landscape and visual effects should be assessed including Whinfield Solar Farm, Long Pastures Solar Farm and Gately Solar Farm, alongside the other ten solar farms in close proximity.	The Applicant has considered cumulative landscape and visual effects, taking into account committed development including other consented solar farms. This is reported in ES Chapter 7 Landscape and Visual [AS-028/29] and ES Chapter 13 Cumulative Effects [AS-033/34]. In response to queries raised by Interested Parties and the ExA, further clarification on how this assessment was undertaken is also provided in document 8.27 Landscape and Visual Assessment - Cumulative Effects Technical Note [REP6-021], whilst a revision to ES Figure 13.2 [REP6-027] highlights the solar schemes considered in the cumulative short list.
REP6-029	Bishopton Parish Council (BPC)	The cumulative assessment should include the impact on demand for housing by construction workers.	ES Chapter 9 Land use and Socioeconomics [APP-032] considers the effects of employment relating to the Proposed Development, including demand for local accommodation. The land use and socioeconomics effects are considered cumulatively in ES Chapter 13 Cumulative Effects [AS-033/34], with no significant effects relating to employment identified.
REP6-029	Bishopton Parish Council (BPC)	Noting that there are other solar schemes in the local area, BPC consider that the ES should include in each chapter the individual and cumulative effects of the Proposed Development and other solar energy schemes.	Other solar schemes have been considered in the cumulative assessments. These are identified in ES Figure 13.2 [REP6-027] and form part of the assessments reported in ES Chapter 7 Landscape and Visual [AS-028/29] in respect of the cumulative landscape and visual effects of committed developments including other consented solar farms, or are otherwise considered in ES Chapter 13 Cumulative Effects [AS-033/34].
REP6-029	Bishopton Parish Council (BPC)	BPC state that the ES should include the cumulative impacts on heritage and ecology.	Heritage and ecological effects are considered cumulatively within the ES as reported in ES Chapter 13 Cumulative Effects [AS-033/34]. No cumulative effects are identified.

Examination Library Reference	Interested Party	Summary	RWE Response
REP6-029	Bishopton Parish Council (BPC)	BPC state solar panels will be visible when driving from Aycliffe to Bishopton, and that 3m high hedgerows will produce a negative visual effect.	The Applicant understands concerns from BPC regarding visual effects. These effects have been assessed, taking into account proposed mitigation, and are reported in ES Chapter 7 Landscape and Visual [AS-028/29].
REP6-029	Bishopton Parish Council (BPC)	<p>BPC set out the stages noted in PINS Advice Note 17 for cumulative effects assessments, and state that the Applicant has not carried this out correctly with reference to:</p> <ul style="list-style-type: none"> ▪ the zone of influence (Zol) referenced in Advice Note 17 ▪ the shortlisting process of developments to be considered in the assessment ▪ the consultation on the shortlisting process with local planning authorities ▪ the ‘gathering information’ and ‘assessment’ stages ▪ the definition and application of significant criteria 	<p>The Applicant has carried out an assessment of cumulative effects in ES Chapter 13 Cumulative Effects [AS-033/34], which is compliant with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and PINS Advice Note Seventeen. In addition, the Applicant has considered cumulative landscape and visual effects, taking into account committed development including other consented solar farms, in ES Chapter 7 Landscape and Visual [AS-028/29]. The Applicant does not agree with BPC regarding the various aspects of the assessment it considers have been undertaken incorrectly and responds specifically to the following points:</p> <ul style="list-style-type: none"> ▪ The Zols provided in the Advice Note are examples, and not prescriptive. The Advice Note specifically states ‘<i>the applicant should define and document the ZOI for each environmental aspect considered within the Environmental Statement</i>’. The Applicant has undertaken this exercise as part of ES Chapter 13 as reported in Table 13-4 of the chapter. ▪ Section 13.5 of ES Chapter 13 [AS-033/34] sets out how each stage of the cumulative effects assessment was carried out as per Advice Note Seventeen. This includes the identification of other developments and the categorisation of these into tiers, the engagement undertaken with the local planning authorities prior to DCO submission, the information gathering stage, and the assessment stage. ▪ Table 13-1 of ES Chapter 13 [AS-033/34] sets out how significance of effects has been determined. <p>The Applicant therefore reiterates that the assessment as presented in the ES is compliant with Advice Note</p>

Examination Library Reference	Interested Party	Summary	RWE Response
			Seventeen and the critiques of BPC of this assessment are unfounded.
REP6-029	Bishopton Parish Council (BPC)	BPC raise various concerns that cumulative effects during construction, operation and decommissioning have not been sufficiently considered.	The assessment reported in ES Chapter 13 Cumulative Effects [AS-033/34] considers construction, operation and decommissioning.
REP6-029	Bishopton Parish Council (BPC)	In relation to cumulative heritage impacts, BPC state that, from castle hill, eight solar energy developments will be visible. They note that the Bishopton Village Conservation Appraisal references the area around the village and its history.	Heritage effects are considered cumulatively within the ES as reported in ES Chapter 13 Cumulative Effects [AS-033/34]. This takes into account effects on the motte and bailey castle at Bishopton sometimes referred to locally as 'castle hill'. No cumulative effects are identified.
REP6-029	Bishopton Parish Council (BPC)	BPC state there is no benefit to local people from the Proposed Development as it will feed the national grid, and local people living adjacent will lose the open views from the footpaths and bridleways crossing through the sites.	The Applicant recognises that there are some residual adverse significant effects resulting from the Proposed Development, despite the careful approach which has been taken to siting the Proposed Development and the application of the mitigation hierarchy. As set out in detail in the Planning Statement [APP-163], the critical national priority (CNP) for the Proposed Development as established by national policy establishes that the presumption lies in favour of consent as the urgent national need for the Proposed Development, and its benefits, greatly outweigh the limited residual adverse effects.
REP6-029	Bishopton Parish Council (BPC)	BPC object to the lack of decommissioning plan.	The Outline Decommissioning Environmental Management Plan (DEMP) [REP5-014/15] secures a range of measures to be implemented at point of decommissioning as informed by the environmental assessment reported in the ES. This is secured via DCO requirement 6 and would be subject to approval by the local planning authority prior to commencing decommissioning.

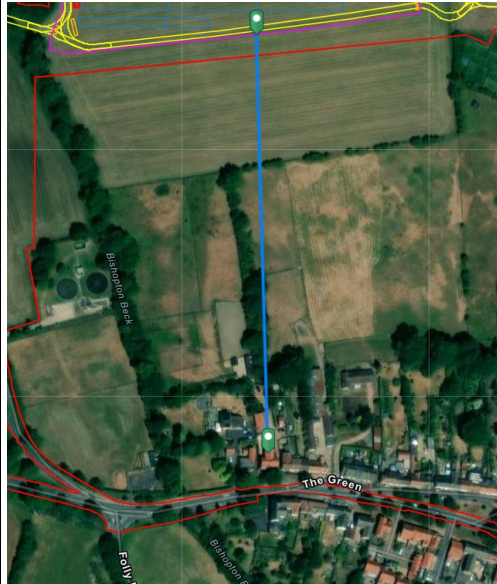
Examination Library Reference	Interested Party	Summary	RWE Response
REP6-030	Norman Melaney representing Bishopton Parish Council (BPC)	Mr Melaney resubmitted his concerns regarding the fire risk associated with BESS units. This document is a duplicate of his submission made at Deadline 4 in REP4-027.	The Applicant has responded to Mr Melaney's concerns in its Comments on any further information/submissions received by Deadline 4 [REP5-005].
REP6-031	Peter Wood	Mr Wood references that he has made previous submissions regarding surface water flooding in the local area and provides a written summary of the oral submission made at Open Floor Hearing 3. In summary, Mr Wood objects to the Proposed Development and has particular concern regarding flooding issues, and his position that the proposed mitigation would not be effective.	The Applicant understands Mr Wood to have erroneously referred to Open Floor Hearing 3 (OFH3), meaning in fact Issue Specific Hearing 3 (ISH3). Mr Wood's concerns as stated verbally at ISH3 were responded to in Response to Hearing Action Points [REP5-032], Hearing Action Point ISH3-05.
REP6-032	Darlington Borough Council (DBC)	DBC respond to the Applicant's Cumulative Effects Sensitivity Analysis at section 3.2 of the Applicant's Comments on Deadline 4 Submissions [REP5-005]. Whilst generally agreeing with the analysis for most of the sites included in the sensitivity analysis, DBC raise concerns that the Northumbrian Water Limited (NWL) water main development has now progressed to submission of a planning application and has potential for cumulative effects with the Proposed Development.	The Applicant notes that this submission forms the basis of a question from the ExA (CU.3.2) under their third Written Questions (ExQ3) published on 20 December. The Applicant has therefore responded to this in the Response to ExQ3 submitted at Deadline 7 (Document Reference 8.32).
REP6-033	Darlington Borough Council	DBC submitted in writing the oral case of Stephen Laws, Glenkemp Landscape Architects, from ISH7.	As requested by the ExA in their Rule 17 request dated 10 November 2024, the Applicant has responded to this in the Applicant's Response to Rule 17 Request [AS-031].
REP6-034	Environment Agency (EA)	The EA included a 'Work Package Tracker' under REP4-017 which set out the EA position on matters discussed to date with the Applicant.	The Applicant agrees with the positions as represented in the 'Work Package Tracker' submitted by the EA at Deadline 6, and which reflects discussions with the EA to date. The EA and the Applicant have engaged since Deadline 6 regarding ES Appendix 10.2 Water Framework Directive Assessment (Revision 2) [REP6-015]. In response, the Applicant submits a further revised WFD Assessment (Document Reference


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			6.4.10.2, Revision 3) at Deadline 7. The Applicant and the EA expect to submit a final updated SoCG at Deadline 8.
REP6-035	National Gas Transmission (NGT)	NGT confirm that discussion regarding Protective Provisions to be included in the DCO are ongoing.	The latest position with NGT is as provided in the Statutory Undertakers Position Statement [REP6-016]. This will be updated further prior to end of Examination.
REP6-036	Bishopton Villages Action Group (BVAG)	BVAG submitted a post-hearing submission following OFH3.	As requested by the ExA in their Rule 17 request dated 10 November 2024, the Applicant has responded to this in the Applicant's Response to Rule 17 Request [AS-031].
REP6-037 and REP6-041	Colin Taylor representing Great Stainton Parish Meeting (GSPM)	<p>Mr Taylor has shared an email from Darlington Borough Council (DBC) which details that the Proposed Development would place an additional financial burden on DBC for the maintenance of the surrounding infrastructure and that business rates would be payable to the Local Authority in which the grid connection is made.</p> <p>Mr Taylor raises concerns that DBC will not be able to fulfil its statutory duties and provide services as a result of financial pressure resulting from the Proposed Development.</p>	The Applicant acknowledges the concern raised by Mr Taylor as was reflected in his oral submissions at Open Floor Hearing 3 (OFH3). The Applicant responded to those concerns at Deadline 6 in REP6-020, Table 2-1. This set out that the Applicant and DBC may enter into a Planning Performance Agreement (PPA) in which the Applicant agrees to fund dedicated DBC services relating to the implementation of the Proposed Development, such as in the discharge of requirements. This approach can assist in ensuring DBC has additional resource and existing services are not additionally burdened.
REP6-038	Martin Philpott representing Great Stainton Parish Meeting (GSPM)	Noting the Applicant's commitment to review the Proposed Development at the detailed design stage and the possibility for maximising the grid connection while using less land, Mr Philpott requests a baseline calculation (for example MW/acre) to understand the ability for reduced land take.	The Applicant recognises the request from Mr Philpott, however there is not a defined 'baseline' calculation that could be provided at this time, as the specific components of the Proposed Development are not yet fixed and there are a range of variables. The application, at this stage, is based on a preliminary design which is to be developed further post-consent within the design parameters set out in the Design Approach Document (DAD) [REP5-024/5] and submitted to the relevant LPAs for approval under Requirement 3. The DAD secures a commitment to review the possibility for panel

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			reductions, which has been provided as a mechanism following engagement between the Applicant and the local community including GSPM.
REP6-039	Martin Philpott representing Great Stainton Parish Meeting (GSPM)	Mr Philpott raises concerns regarding errors or omissions in the Applicant's documentation as raised by the community; by DBC in ISH4; and by BVAG in OFH3. Mr Philpott raises concerns that these errors may have led to an assessment of no significant impact.	The Applicant has responded to points raised by DBC and BVAG at the hearings in its Deadline 6 submission [REP6-020] and in its Response to Rule 17 Request [AS-031]. These confirmed that the matters raised by DBC and BVAG, when clarified and/or corrected, do not result in any new or different significant effects being identified.
REP6-040	Martin Philpott representing Great Stainton Parish Meeting (GSPM)	Mr Philpott notes the cumulative impacts of the Proposed Development alongside other solar energy developments in the area. GSPM refers to the position of BVAG that the typical overplanting ratio of comparable schemes is 1.2, and so considers that the Applicant could remove c.170 acres of land based on its current 1.6 design. Mr Philpott requests a firm commitment is made by the Applicant to remove the parts of Panel Area D that Great Stainton residents have previously identified be removed (as per REP4-022. Mr Philpott notes that the 1.2 ratio may refer to schemes with tracking panels, which are not being proposed in this instance.	The Applicant responded to the points raised by BVAG on overplanting in page 5 of its Deadline 6 submission [REP6-020] responding to oral submissions at the hearings. This confirms that tracking panels are generally at an 1.4 overplanting ratio, which is lower than for fixed mount solar farms such as the Proposed Development. The Applicant has made a commitment to reviewing the design on the basis of advances in technology as set out in the updated Design Approach Document submitted at Deadline 5 [REP5-024].
REP6-042	Matt Vickers MP	Mr Vickers states his support for BVAG and agreement with their position and statements.	The Applicant notes Mr Vickers' comments. The Applicant has previously met with Mr Vickers to discuss the Proposed Development and acknowledges his position of support for BVAG.
REP6-043, REP6-044 and REP6-045	Myra McKeown representing the McKeown family	Mrs McKeown raises a number of concerns relating to an ongoing objection to the Proposed Development, including landscape and visual / glint and glare concerns; impacts to Mrs	The Applicant acknowledges the ongoing objection of the McKeown family, and has responded at earlier deadlines to submissions made, including in the Response to Relevant Representations [REP1-004] and comments on Deadline 2 submissions [REP3-004]. Mrs McKeown provided a response to

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		McKeown's farming business and tenant; alternatives to access and layout in Panel Area A.	the Change Request consultation that arrived via post after the deadline and is therefore considered in this document. It raises similar points to those in the Deadline 6 submissions so the Applicant defers its response to Section 3 of this document.
REP6-046	Penny Bence	Mrs Pence requests confirmation as to whether the solar panels will be washed once per month.	The Applicant responded to this query in page 5 of its Deadline 6 submission [REP6-020], which stated: " <i>The Applicant confirms that the panels would potentially need cleaning once a year or less, and are generally self-cleaning. There are likely to be maintenance visits once a month once the Proposed Development is operational.</i> "
REP6-047	Peter Bernard Galvin	<p>Mr Galvin notes that his dog kennel business may be adversely affected by the construction of the Proposed Development and that he has been offered compensation by the Applicant compensate for this, should he withdraw his objection.</p> <p>Mr Galvin also notes that he has requested that the panel areas on Hauxley Farm be moved to other fields, and that he has been told it is too late in the process to make this change.</p>	The Applicant does not consider that the construction of the Proposed Development will interfere with the running of Mr Galvin's dog kennel business. However, it is recognised that Mr Galvin has raised concerns in that regard and therefore in the spirit of being a good neighbour the Applicant has issued Heads of Terms to Mr Galvin regarding potential compensation should the construction of the Proposed Development interfere with the running of the dog kennel business, to which a response is awaited. Those Heads of Terms are premised on the business being required to close for a short period – on a precautionary basis – and the Applicant is prepared to compensate Mr Glavin for that period. It is standard practice to include a removal of objection within this type of agreement, however if this is of concern the Applicant would be willing to consider removing it.
REP6-048	Sandra Elliot	<p>Mrs Elliot identifies a strong objection to the Proposed Development and raises a number of concerns pertaining to:</p> <ul style="list-style-type: none"> ▪ Negative visual impact when driving between Bishopton and the A1 and the loss of open views; 	The Applicant acknowledges the objection from Mrs Elliot. The Applicant considers that Mrs Elliot's concerns do not raise any specific or new point compared to other representations of

Examination Library Reference	Interested Party	Summary	RWE Response
		<ul style="list-style-type: none"> ▪ Negative impact on mental health, wellbeing and amenity for local residents; ▪ Perceived unfairness at the number of solar farms being proposed in the local area, suggesting that industrial areas in Teeside would be more suitable; ▪ Concerns that heavy vehicles associated with Proposed Development could damage homes with old foundations; ▪ Concerns regarding habitat loss for wild animals; ▪ It will not be possible to graze sheep or produce hay within the Panel Areas; ▪ Loss of agricultural land and impacts on food security; and ▪ Negative impacts on the scheduled monument in Bishopton. 	<p>general objection and have therefore previously been addressed in Comments on Relevant Representations (RRs) [REP1-004].</p>
REP6-049	Susan Melaney	<p>Mrs Melaney notes the proximity of the Proposed Development to residential properties and questions, in relation to the BESS units, what the minimum distance of 300m refers to. Mrs Melaney also states that the distance between the children's playground and the Proposed Development will be 85m, and from her neighbour's land to Panel Area F 129m.</p>	<p>ES Chapter 3 Alternatives and Design Iteration [APP-026] sets out how the Applicant has sought to address concerns of the community through design iteration, including by introducing and in some cases then increasing set-backs from settlements. The Design Approach Document [REP5-024/25] contains a series of design principles which are secured via requirement 3 of the DCO. This includes a commitment that the inverters and any other sources of noise as part of the BESS will be located as far as reasonably possible from existing sensitive receptors, and at a minimum distance of 300m from existing sensitive receptors. Such sensitive receptors are depicted in ES Figure 11.1 [REP4-014] and are generally residential properties. ES Chapter 3 Alternatives and Design Iteration [APP-026] sets out how the Applicant has sought to address concerns of the community through design iteration, including by introducing and in some cases then increasing set-backs from settlements. The Design Approach Document [REP5-024/25] contains a series of design principles which are secured via requirement 3 of the DCO. This includes a commitment that</p>

Examination Library Reference	Interested Party	Summary	RWE Response
			<p>the inverters and any other sources of noise as part of the BESS will be located as far as reasonably possible from existing sensitive receptors, and at a minimum distance of 300m from existing sensitive receptors. Such sensitive receptors are depicted in ES Figure 11.1 [REP4-014] and are generally residential properties.</p> <p>The distance from the closest school building to the fenceline of the solar panel area is 85m. The distance from the closest school building to a BESS and inverter unit is 395m.</p> <p>The distance from the assumed property building on The Green to the fenceline of the solar panels is 300m. This is shown on the figure below:</p> 

Examination Library Reference	Interested Party	Summary	RWE Response
			<p>The distance from the assumed garden boundary of the assumed property on The Green is 250m. This is shown on the figure below:</p>  <p>The image is an aerial photograph of a rural area. A blue vertical line with green dots at both ends indicates a 250m distance. The top dot is on a yellow-outlined property boundary. The bottom dot is on a red-outlined garden boundary. The area between them is a large agricultural field. Other features include a stream labeled 'Bishop's Beck', a road labeled 'The Green', and another road labeled 'Foll'. There are some buildings and trees in the lower part of the image.</p>
REP6-049	Susan Melaney	<p>In reference to the classification of the agricultural land as part of the Proposed Development as “poor”, Mrs Melaney states that the fields have recently been full of wheat.</p>	<p>ES Appendix 9.1 Agricultural Land Classifications and Soil Resources [APP-150] provides a summary of the Agricultural Land Classification for each parcel of land which is to be used by the Proposed Development. It confirms that only 6.1% of the total site area includes land considered Best and Most Versatile (BMV), which is Grade 3a and above. The assessment of agricultural land quality was carried out in accordance with relevant Government guidelines and criteria. This is reflected in the Relevant Representation from Natural England [RR-373].</p>

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REP6-050	Susan Melaney	Mrs Melaney outlines her concern that the environmental assessments undertaken as part of the DCO application are inaccurate and disputes the findings of no significant impact, noting in particular cumulative impacts, visual impacts on residential properties and local roads, and loss of agricultural land.	The Applicant notes the objection from Mrs Melaney. The Applicant is confident that its environmental assessment as reported in the ES is accurate and to the standard required by relevant regulations and guidance.
REP6-050	Susan Melaney	Mrs Melaney states that there is a risk of losing rights of way and community recreation areas.	The Applicant has committed providing an additional approximate 3,600m of permissive paths in order to create an enhanced and better-connected network in the local area, and a community orchard in Bishopton. Where PRow are proposed to be stopped up, a replacement or new route is to be provided prior to construction. The effects of this have been assessed in ES Chapter 9 Land Use and Socioeconomics [APP-032].
REP6-051	Robert Bowes	Mr Bowes provides a written summary of his oral submission made at ISH7. There are a number of other solar energy developments within the Darlington and Stockton-on-Tees area which will generate a considerable amount of energy; Mr Bowes questions whether other counties ought to also generate energy. Mr Bowes also states that no other solar energy NSIPs in the country have as many small schemes nearby to them, and queries this.	The Applicant responded to the points raised by Mr Bowes on cumulative effects at ISH7 in page 19 of its Deadline 6 submission [REP6-020].
AS-025	Heather Hall	Mrs Hall sets out her objection to the Proposed Development and especially Panel Area F. Mrs Hall notes her concern regarding surface water flooding resulting from the Proposed Development and that the proposed mitigation measures will be insufficient. She states that increased flooding could lead to the owners of horses housed in local livery yards to move their	The effects of the Proposed Development on the water environment are assessed in ES Chapter 10 Hydrology and Flood Risk [APP-033]. It concludes that there would be no significant effects in relation to flood risk. In relation to land drains, the Applicant has committed via commitment LUSE4-CEMP [REP5-012/13] to undertake

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		<p>horses elsewhere, leading to a negative impact on these businesses.</p> <p>Mrs Hall owns land adjacent to a field in Panel Area F and is concerned that any damage to existing land drains would lead to flooding of her land.</p>	<p>ground-penetrating radar surveys in order to identify land drains prior to construction.</p>
AS-025	Heather Hall	<p>Mrs Hall states that no other solar farms are situated as close to a village as the Proposed Development to Bishopton, and that there will be a loss of amenity due to the panels adjacent to Mill Lane.</p>	<p>ES Chapter 7 Landscape and Visual [AS-028/29] reports that significant adverse effects are identified in relation to Bishopton. The Applicant has demonstrated through the Design Approach Document [REP5-024/5] how the mitigation hierarchy has been applied to avoid and reduce adverse effects, and these effects are therefore residual. This is explained in Table 7-1 of the DAD in relation to Mill Lane during early operation.</p>
AS-025	Heather Hall	<p>Mrs Hall notes the proximity of the Proposed Development to the primary school in Bishopton, and is concerned regarding the safety of the BESS in this location.</p>	<p>The DCO application is supported by ES Appendix 2.13 Outline Battery Fire Safety Management Plan (oBFSMP) [APP-117], which sets out how the measures for ensuring safety is at the forefront of the Proposed Development. This plan has been 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 the local Fire and Rescue service. The Design Approach Document [REP5-024/025] provides a design parameter secured via Requirement 3 of the DCO, which commits to the BESS being located a minimum of 300m from existing sensitive receptors.</p>
AS-026	Network Rail	<p>Network Rail formally withdraws its objection to the Proposed Development.</p>	<p>The Applicant acknowledges the withdrawal of the objection previously held by NR.</p>

3. Comments on additional submissions made after Deadline 6

3.1. Introduction

3.1.1. This section provides the Applicant's response to submissions made after Deadline 6 (6 December 2024) as accepted at the discretion of the ExA. This includes responses to the consultation on the Change Request that were received after the deadline of 16 December 2024.

3.2. Response to additional submissions made after Deadline 6

3.2.1. The table below provides the Applicant's response to a number of submissions made to the ExA following Deadline 6, that were then accepted into Examination at the discretion of the ExA.

Table 3-1 Applicant's response to submissions received after Deadline 6

Examination Library Reference	Interested Party	Summary	RWE Response
REP6-051	Robert Bowes	Mr Bowes provides a written summary of his oral submission made at ISH7. There are a number of other solar energy developments within the Darlington and Stockton-on-Tees area which will generate a considerable amount of energy; Mr Bowes questions whether other counties ought to also generate energy. Mr Bowes also states that no other solar energy NSIPs in the country have as many small schemes nearby to them, and queries this.	The Applicant responded to the points raised by Mr Bowes on cumulative effects at ISH7 in page 19 of its Deadline 6 submission [REP6-020].
AS-025	Heather Hall	Mrs Hall sets out her objection to the Proposed Development and especially Panel Area F. Mrs Hall notes her concern regarding surface water flooding resulting from the Proposed Development and that the proposed mitigation measures will be insufficient. She states that increased flooding could lead to the owners of horses housed in local livery yards to move their horses elsewhere, leading to a negative impact on these businesses.	The effects of the Proposed Development on the water environment are assessed in ES Chapter 10 Hydrology and Flood Risk [APP-033]. It concludes that there would be no significant effects in relation to flood risk. In relation to land drains, the Applicant has committed via commitment LUSE4-CEMP [REP5-012/13] to undertake

Examination Library Reference	Interested Party	Summary	RWE Response
		Mrs Hall owns land adjacent to a field in Panel Area F and is concerned that any damage to existing land drains would lead to flooding of her land.	ground-penetrating radar surveys in order to identify land drains prior to construction.
AS-025	Heather Hall	Mrs Hall states that no other solar farms are situated as close to a village as the Proposed Development to Bishopton, and that there will be a loss of amenity due to the panels adjacent to Mill Lane.	ES Chapter 7 Landscape and Visual [AS-028/29] reports that significant adverse effects are identified in relation to Bishopton. The Applicant has demonstrated through the Design Approach Document [REP5-024/5] how the mitigation hierarchy has been applied to avoid and reduce adverse effects, and these effects are therefore residual. This is explained in Table 7-1 of the DAD in relation to Mill Lane during early operation.
AS-025	Heather Hall	Mrs Hall notes the proximity of the Proposed Development to the primary school in Bishopton, and is concerned regarding the safety of the BESS in this location.	The DCO application is supported by ES Appendix 2.13 Outline Battery Fire Safety Management Plan (oBFSMP) [APP-117], which sets out how the measures for ensuring safety is at the forefront of the Proposed Development. This plan has been 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 the local Fire and Rescue service. The Design Approach Document [REP5-024/025] provides a design parameter secured via Requirement 3 of the DCO, which commits to the BESS being located a minimum of 300m from existing sensitive receptors.
AS-026	Network Rail	Network Rail formally withdraws its objection to the Proposed Development.	The Applicant acknowledges the withdrawal of the objection previously held by NR,
AS-035	National Grid Electricity Submission	NGET state that negotiations with the Applicant on protective provisions continue and it is hoped that a positive update can be provided at Deadline 7.	The latest position with NGET is as provided in the Statutory Undertakers Position Statement [REP6-016]. This will be updated further prior to end of Examination.


3.3. Response to submissions made in respect of the Change Request, received after the consultation deadline

3.3.1. The table below provides the Applicant's response to two responses to the Change Request consultation that were received after the deadline on 16 December 2024, and which therefore were not reflected in the Change Application Consultation Report [REP6b-020]. These responses were provided directly to the ExA upon receipt.

Table 3-2 Applicant's response to submissions received after the deadline on the Change Request consultation

Examination Library Reference	Interested Party	Summary	RWE Response
Not available in Examination Library	Health and Safety Executive	<i>There is no statutory requirement to consult HSE in relation to a Battery Safety Management Plan (BSMP) and HSE does not provide comment on them. HSE ask that the requirements in Schedule 2 (6) (3) and any other references to HSE consultation/approval of the BSMP are removed from the Development Consent Order. HSE is a consultation body, for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and section 42 of the Planning Act 2008 (PA2008), providing public safety advice in respect of proposed NSIPs. HSE's role as a statutory consultee in the planning process is set out on the Planning Inspectorate website. HSE has agreed with the Planning Inspectorate that Advice Note 11 annex G will be amended to further clarify the position regarding BSMP.</i>	At the request of HSE, the draft DCO has been amended to remove HSE as a consultee on the Battery Safety Management Plan (BSMP) to be discharged under requirement 11. This was submitted at Deadline 8a on 8 January 2025.
Not available in Examination Library	Myra McKeown	<i>The applicant has stated the reason for improving the surface of the Lane is in due in part to the "muddy conditions" prevailing here. We know that the worst of those conditions are under the proposed Order Limit extension. Should the application succeed in covering the full Orde Limit it will create a hard surface running from hedge to hedge on most of this enclosed lane.</i>	The Applicant has signed voluntary Heads of Terms regarding the temporary acquisition of land from the McKeown estate and access arrangements along High House Lane. The Applicant considers that this agreement alongside the assessments and management highlighted below would limit any effects on the adjacent landowner. In preparing the Change Request application, the Applicant undertook an environmental screening exercise to understand whether there could be additional environmental impacts as a

Examination Library Reference	Interested Party	Summary	RWE Response
		<p><i>On the largest width proposed the Lane is entering difficult territory to negotiate. It is this which has been described as a 'sunken bridleway'.Ref [CR1-005] 2.4. It gathers water from three sources. To the south an original drover's lane, from the north the section of the land descending from High House Farm and also coming from the west the lane itself, as it moves up from Brafferton village.</i></p> <p><i>Basins of water settle at the lowest points from all these sources.</i></p> <p><i>The water cannot drain away and hence the description of 'sunken'.</i></p> <p><i>High House Lane has to 'dry out' to be passable.</i></p> <p><i>We therefore suggest the Applicant view drainage here and on all the Lane as a absolute priority and essential for successful surfacing with a hard material.</i></p> <p><i>Additional to which without the correct preparation there is the danger of the new stone, which is being introduced, washing into any present drainage systems.</i></p> <p><i>Elements of drainage under consideration need to be added to the Applicant's earliest intentions ie. before the coming of the HGVs carrying their heavy loads of gravel.</i></p> <p><i>In this case the lease-giver is responsible for the whole operation to cover the Lane with some form of stone. The lease-giver will play an important part in implementing Change 2. What degree of surveillance or co-operation will be involved between the Applicant and lease-giver, especially regarding drainage?</i></p> <p><i>Our tenant will need a reasonable outcome for drainage in regard to the droving of flocks on a long term basis.</i></p>	<p>result of the application (this can be found in Appendix 2 of Notification of Applicant's intention to submit a Change Application [AS-021]). In relation to hydrology and flood risk, this exercise found that the assessment reported in the ES would not be altered as High House Lane would be upgraded with permeable crushed stone, in the same way as the access tracks proposed within the Panel Areas. The works would not therefore impact flood risk. In addition, concerns regarding drainage in relation to Change 2 were not raised by any statutory consultees in their consultation responses. The Consultation Report on the Change Application can be found at REP6b-020.</p> <p>The detailed operational drainage design would be developed prior to construction and require approval by the local planning authority under Requirement 3 of the draft DCO. ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [REP5-018/19] is provided with the DCO application and sets out the principles for the drainage strategy, which will seek to provide Sustainable Urban Drainage System (SuDS) at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the minimal impact on surface water runoff. The proposed drainage scheme therefore comprises of measures such as permeable aggregate over geotextile membrane for access tracks, requiring no drainage.</p> <p>In relation to monitoring the drainage impacts of this upgrade during construction, a Construction Surface Water Management Plan (CSWMP) would be produced and approved prior to commencing construction. This document would</p>

Examination Library Reference	Interested Party	Summary	RWE Response
			<p>ensure site wide management of rainfall runoff, site drainage, surface water and groundwater including monitoring requirements during construction. This is secured through the Outline Construction Environmental Management Plan [REP5-012].</p>
<p>Not available in Examination Library</p>	<p>Myra McKeown</p>	<p><i>Bio-diversity is a topic 'scoped out' in the grid called 'Potential Environmental Implications of Change'. [AS- 021]. Appendix 2.</i></p> <p><i>The green lane section of High House Lane is relatively isolated and quiet.</i></p> <p><i>We consider, based on local knowledge, that the Applicant may be somewhat hasty when here they 'scope out' one protected species known as the 'GCN'</i></p> <p><i>"Changes would not have potential to affect GCN, no impact".</i></p> <p><i>See Nature Conservation in Appendix B 'Schedule of other Consents and Licences'.</i></p> <p><i>The species in question is known here and frequents an ideal habitat. The hedgerows surrounding the lane are helpful to the searching for water; foraging and protection in daytime. The impact of surface change is not a good outcome for these shy creatures. They are known to range over at least 500 metres.</i></p> <p><i>Perhaps the Applicant, when giving greater consideration to this issue, would consider seriously re-invigorating the Pond to the north of this satellite solar site which at the present moment is known to be defunct?</i></p>	<p>The Applicant does propose to restore the pond in the north of Panel Area A as shown in the Environmental Masterplans [REP6b-008]:</p>  <p>In preparing the Change Request application, the Applicant undertook an environmental screening exercise to understand whether there could be additional environmental impacts as a result of the application (this can be found in Appendix 2 of Notification of Applicant's intention to submit a Change Application [AS-021]). In relation to biodiversity, it was concluded that the proposed change does not affect the</p>

Examination Library Reference	Interested Party	Summary	RWE Response
		<p><i>In doing so they could give the species a 'fighting chance' and even provide a 'Biodiversity Net Gain' for the Lane area. [APP-022] 7.2.4.</i></p>	<p>outcome of the assessment reported in the ES. In addition, concerns regarding GCN in relation to Change 2 were not raised by any statutory consultees in their consultation responses. The Consultation Report on the Change Application can be found at REP6b-020.</p> <p>In ES Chapter 6 Biodiversity [APP-029], the assessment found that some of the waterbodies within and adjacent to the Order Limits had potential suitability for GCN, although the majority of terrestrial habitat within the Panel Areas and along the cable route were unsuitable for GCN. The most recent record of GCN was in 2012. The Order Limits were found to be of Local value only for GCN, and the approach to mitigation will be through the process of a District Level Licensing application.</p>
Not available in Examination Library	Myra McKeown	<p><i>'Scoped out' in the Topic area of Potential Environmental Implications is 'Cultural Heritage'. "The change (gravelling a lane surface) does not have the potential to impact on heritage assets".</i></p> <p><i>The immediate thought on that would be a recognition that local authorities describe the setting of High House Lane as 'high in visual amenity' and High House Farm as a 'non-designated heritage asset'. Refer to DCC Committee report on Whinfield Farm Solar.</i></p> <p><i>On the other hand there might be an impact on 'aesthetics' as in the many colours now proposed for the whole Lane surface. Would the black tarmac, yellow gravel and green grass on the full length create dissonance or gaiety? Obviously compacted stone cannot be removed and nothing will ever be the same in that respect.</i></p>	<p>It is not proposed to use tarmac to surface High House Lane, compacted gravel will be used.</p> <p>In preparing the Change Application, the Applicant undertook an environmental screening exercise to understand whether there could be additional environmental impacts as a result of the application (this can be found in Appendix 2 of Notification of Applicant's intention to submit a Change Application [AS-021]). In relation to cultural heritage, the assessment found that Change 2 did not have the potential to impact on heritage assets. In addition, concerns regarding cultural heritage in relation to Change 2 were not raised by any statutory consultees in their consultation responses, including Historic England, which stated that:</p> <p><i>"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</i></p>

Examination Library Reference	Interested Party	Summary	RWE Response
			<p><i>heritage assets and any contribution made by their setting that we have no comments to make.”</i></p> <p>The Consultation Report on the Change Application can be found at REP6b-020.</p>
<p>Not available in Examination Library</p>	<p>Myra McKeown</p>	<p><i>One area of Change 2 that also falls into the description of 'never the same' is accessibility. Greater accessibility for the Applicant but increased accessibility for the populace. A coin with two sides.</i></p> <p><i>Here hard stone from hedge to hedge and a large, flexible space created on the furthest part of the lane are features to the Applicant's advantage.</i></p> <p><i>Such desirability may not extend to every situation.</i></p> <p><i>High House Lane is joined to Brafferton's high street, a narrow street and heavily parked. Both routes are presently combined and one-way only.</i></p> <p><i>From the moment when the Applicant enlarges and improves the surface at the top of the lane the Green and High House Lane are no longer one-way.</i></p> <p><i>The whole route proceeds to a turning space.</i></p> <p><i>A precedent was established on the Ketton Lane, a similar ProW to the west of the village. It is now a gated/locked lane with a side opening provided for movement on foot and by horseback. The Main Line beyond is National Infrastructure protected by this gate.</i></p> <p><i>Byers Gill Panel 'A' satellite site is by definition similar.</i></p> <p><i>Not everybody is benign and not everybody sticks to the rules. Ketton Lane was 'invaded' The DBC and Network Rail took action</i></p>	<p>Change 2 does not propose to widen the existing access; the works comprise of resurfacing of the track with crushed rock or gravel. It is not anticipated that this would lead to an increased use of the lane by vehicles.</p> <p>The track is a private means of access and the Applicant has secured via agreement with the relevant landowner the right to use the track as an access during construction and operation. The use of the track by any other party is not a matter under the control of the Applicant.</p>

Examination Library Reference	Interested Party	Summary	RWE Response
		<p><i>and that gate has stopped anyone in four-wheeled vehicles entering this ProW/bridleway.</i></p> <p><i>Here is an issue that surely calls for serious negotiation between the Darlington Borough Council and the Applicant.</i></p> <p><i>If not the community of the village and our tenants could be directly affected at all times.</i></p>	
Not available in Examination Library	Myra McKeown	<p><i>Finally one related issue that for reasons of time may not be discussed in examination. 'Land Use and Socio-economics [App 032], which relates to the interaction of 'Change 2 with Footpath No.9', is NOT 'scoped out'.</i></p> <p><i>The Applicant in Change 2 underlines the rights of the pedestrian to walk without interruption on the ProW High House Lane when it is free of danger.</i></p> <p><i>"It is anticipated that the footpath will remain 'open' (under management) for the duration of the construction period". Page 14 of the Summary Report 4.2.10.</i></p> <p><i>How is this to be managed when the Lane going north will be subsumed into the site?</i></p> <p><i>Is it really part of a pleasant walk to navigate traffic on the entrance to a solar site, look for permission and pick one's way across a working area where the ground has been scraped away and the background noise is pile driving?</i></p> <p><i>Which brings us directly back to the practicalities of driving stock across this arrangement. Why hazard a pedigree flock in a situation when a hedge will be removed and animal access to the working solar site becomes a possibility?</i></p>	<p>In preparing the Change Request application, the Applicant undertook an environmental screening exercise to understand whether there could be additional environmental impacts as a result of the application (this can be found in Appendix 2 of Notification of Applicant's intention to submit a Change Application [AS-021]). In relation to PRoW, the potential for a change in the impacts as assessed in the ES was identified, and so a further assessment was carried out on the proposed larger extent of Footpath No.9 in Brafferton. The assessment found that there would be a minor beneficial effect resultant from the proposed resurfacing of this footpath, and that the short, temporary closure during construction would be a minor adverse effect, which is not significant. The Outline ProW Management Plan (Revision 2) [CR1-017] has been updated to include management measures to ensure that the Footpath remains safe for recreational use during the construction stage.</p> <p>The Applicant has signed Heads of Terms for a voluntary agreement with Myra McKeown which includes provisions for the management of stock on the lane during construction. The solar panel area would not be accessible from High House Lane due to fencing and gates and it is not anticipated that any driven sheep would be able to enter the panel area by accident.</p>

Examination Library Reference	Interested Party	Summary	RWE Response
		<i>In all the repercussions mentioned above 'minor' does not seem to be the right description for what the Applicant seeks through the Amendment known as 'Change 2'.</i>	