



## **Application by RWE Renewables UK Solar and Storage Limited for the Byers Gill Solar Farm**

### **The Examining Authority's written questions and requests for information (ExQ3)**

**Issued on 20 December 2024**

The following table sets out the Examining Authority's (ExA's) second round of written questions and requests for information – ExQ3. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as **Annex C** to the Rule 6 letter of 25 June 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN.3.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [ByersGillSolar@planninginspectorate.gov.uk](mailto:ByersGillSolar@planninginspectorate.gov.uk) and include 'Byers Gill Solar ExQ3 Response' in the subject line of your email.

**Responses are due by Deadline 7: 10 January 2025.**



## Abbreviations used:

<b>APs</b>	Affected Persons	<b>MP Order</b>	The Infrastructure Planning (Model Provisions) Order 2009
<b>Art</b>	Article	<b>MW</b>	Megawatts
<b>ALA 1981</b>	Acquisition of Land Act 1981	<b>NPS</b>	National Policy Statement
<b>BMV</b>	Best and Most Versatile Land	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>BoR</b>	Book of Reference	<b>OCEMP</b>	Outline Construction Environmental Management Plan
<b>BNG</b>	Biodiversity Net Gain	<b>PA2008</b>	The Planning Act 2008
<b>CA</b>	Compulsory Acquisition	<b>PRoW</b>	Public Right of Way
<b>CPO</b>	Compulsory purchase order	<b>PV</b>	Photovoltaic
<b>CTMP</b>	Construction Traffic Management Plan	<b>R</b>	Requirement
<b>DBC</b>	Darlington Borough Council	<b>RR</b>	Relevant Representation
<b>DCC</b>	Durham County Council	<b>SBC</b>	Stockton Borough Council
<b>dDCO</b>	Draft DCO	<b>SAC</b>	Special Area of Conservation
<b>EM</b>	Explanatory Memorandum	<b>SPA</b>	Special Protection Area
<b>ES</b>	Environmental Statement	<b>SI</b>	Statutory Instrument
<b>ExA</b>	Examining Authority	<b>SoS</b>	Secretary of State
<b>Fig.</b>	Figure	<b>SSSI</b>	Site of Special Scientific Interest
<b>IPs</b>	Interested Parties	<b>SUs</b>	Statutory Undertakers
<b>LIR</b>	Local Impact Report	<b>TP</b>	Temporary Possession
<b>LNR</b>	Local Nature Reserve	<b>WMS</b>	Written Ministerial Statement
<b>LPA</b>	Local planning authority		
<b>MP</b>	Model Provision (in the MP Order)		



## **The Examination Library**

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[Examination Library](#)

It will be updated as the examination progresses.

## **Citation of Questions**

Questions in this table should be cited as follows:

Issue reference. question number, eg GCT.3.1 – refers to General and Cross-Topic question 1 in this table.



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ExQ3	Question to:	Question:
<b>1.</b>	<b>General and Cross-topic Questions</b>	
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.
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?
<b>2.</b>	<b>Principle of the Proposed Development</b>	
PPD.3.1		No further questions at this stage.
<b>3.</b>	<b>Environmental Impact Assessment</b>	
EIA.3.1		No further questions at this stage.
<b>4.</b>	<b>Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>	
CA.3.1		No further questions at this stage. However the ExA wishes to highlight that a Compulsory Acquisition Hearing (CAH) may be held on the 15 January 2025 to address CA issues linked to the change application, as per the ExA's letter of 18 December 2024 [PD-013].
<b>5.</b>	<b>Development Compulsory Order</b>	
DCO.3.1		No further questions at this stage. However, the ExA wishes to highlight that a Development Consent Order (DCO) Hearing will be held on the 14 January 2025 as per the ExA's letter of 18 December 2024 [PD-013].
<b>6.</b>	<b>Biodiversity, Ecology and the Natural Environment</b>	
BIO.3.1	Applicant	<p>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?</p> <p>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</p>

ExQ3	Question to:	Question:
		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.
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.
<b>7. Climate Change and Emissions</b>		
CCE.3.1		No further questions at this stage.
<b>8. Design</b>		
DES.3.1	Applicant	Paragraph 7.2 of Design Approach Document [REP5-025] states that the distribution of the on-site 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?
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 the impact of such proximity of these areas or residential properties to the BESS?
DES.3.3	Applicant	The 1 <sup>st</sup> bullet point in paragraph 7.2,8 of Design Approach Document [REP5-025] states that 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 3 <sup>rd</sup> bullet point of the same paragraph and annotated on Plate 7-3 should have read DC-AC converter?
<b>9. Health and Air Quality</b>		
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?

ExQ3	Question to:	Question:
10.	Historic Environment	
HEN.3.1		No further questions at this stage.
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). 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.
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.
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?
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 of the properties included in Table 1 are supposed to represent?
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?

ExQ3	Question to:	Question:
		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?
LSV.3.6	DBC and 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.
<b>12. Land Use and Socioeconomics</b>		
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?
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?
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 sheep-grazing 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 land for grazing up to the decommissioning stage would be maintained and secured in the DCO requirements?

ExQ3	Question to:	Question:
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?
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?
<b>13. Noise and Vibration</b>		
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 with other levels of noises that IPs are more likely to have a knowledge of (as a comparator)?
NV.3.2	Applicant	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?
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

ExQ3	Question to:	Question:
		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?
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 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?
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]?
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?
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 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?
<b>14. Resource and Waste Management</b>		
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

ExQ3	Question to:	Question:
		<p>Management Plan (oBFSMP) [APP-117].</p> <p>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?</p>
RWM.3.2	Applicant	<p>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, if 300m is considered appropriate, why it is considered appropriate in relation to fire hazard?</p>
RWM.3.3	Applicant	<p>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?</p>
<b>15. Traffic and Transport</b>		
TT.3.1	Applicant	<p>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:</p> <ul style="list-style-type: none"> <li>vehicle occupancy surveys at a similar site to substantiate the forecasted vehicular traffic and as a measure to monitor compliance.</li> </ul> <p>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?</p>
TT.3.2	Applicant	<p>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?</p>

ExQ3	Question to:	Question:
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?
<b>16. Water Environment &amp; Flood Risk</b>		
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 Act 2021 and whether Environmental Improvement Plan 2023 forms part of the basis for the evaluation?
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 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?
<b>17. Cumulative Effects</b>		
CU.3.1	DBC and 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.

**ExQ3: 20 December 2024****Responses due by Deadline 7: Friday, 10 January 2025**

ExQ3	Question to:	Question:
CU.3.2	Applicant	<p>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.</p> <p>This response should also address DBC's comment on page 2 [REP6-032] <i>"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]."</i></p>
CU.3.3	Applicant	<p>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 cumulative effects of these 11 current and pending solar power generation plants alongside the predicted effects of the Proposed Development?</p>