

**Byers Gill Solar
EN010139**

8.34 Comments on Deadline 7 Submissions

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 8

Deadline 8 – 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 7 (10 January 2025) of the Examination of Byers Gill Solar (the Proposed Development).
- 1.1.2. The document also provides information pertaining to Action Point 2 arising from Issue Specific Hearing 8 (ISH8) held on 14 and 16 January 2025.

2. Comments on Deadline 7 Submissions

- 2.1.1. The table below provides the Applicant's comments on submissions made at Deadline 7. This sets out the document that was submitted at Deadline 7, the Interested Party that submitted the document, and a summary of the content that the Applicant wishes to comment on, before providing the Applicant's 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 7

Examination Library Reference	Interested Party	Comments received	RWE Response
REP7-012	Darlington Borough Council (DBC)	<p><i>“LSV.3.1 – 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.”</i></p> <p>DBC has worked further with the applicant on outstanding matters relating to Glint and Glare (DBC084 -086). The current position is set out in the SoCG between DBC and the applicant to be submitted at Deadline 7.”</p>	<p>The SoCG with DBC is updated at Deadline 8 (Document Reference 8.4.2, Revision 5). Positions DBC084 and DBC086 are updated to reflect the latest and final position on these matters. DBC084 reflects the position of DBC that there remains some concern over the wording of Requirement 12 of the draft DCO and whether it secures the measures in the outline LEMP (Document Reference 6.4.2.14, Rev 3) for the operational lifetime of the Proposed Development. This is due to the listing of specific measures of ‘habitat creation’ under 12(2)(b) . Whilst the parties have met to discuss this matter, and the Applicant has clarified that the list under 12(2)(b) are examples of habitat creation included in the outline LEMP and is not an exhaustive list of what is secured via the requirement, DBC remains of the view that this should be amended. The Applicant does not wish to amend this aspect of the Requirement, which is based on drafting of previously made DCOs. It is therefore a matter of difference between the parties.</p>

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			<p>The Applicant's position is that all necessary maintenance is specified in the outline LEMP, and will therefore be secured through the detailed LEMP (once approved) expressly under Requirement 12(3).</p> <p>DBC086 is now agreed.</p>
REP7-012	Darlington Borough Council (DBC)	<p>““LSV3.6 – Having reviewed the Applicant's response 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.</p> <p>CU.3.1 – Having reviewed the Applicant's response 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.”</p> <p>DBC is not in a position to confirm our position on either matter until further discussion at ISH8 when the applicant gives further explanation on issues raised by the Rule 17 letter. In particular, further clarification is required on issues relating to potential effects on village character and setting and cumulative effects.”</p>	<p>The SoCG between the Applicant and DBC (Document Reference 8.4.2, Revision 5) sets out the areas of agreement and difference between the parties on matters of landscape and visual assessment. The Applicant has liaised with DBC on the approach to its cumulative assessment, as described in Section 3.3 of APP-036, and has responded to further matters raised by DBC relating to cumulative effects in:</p> <ul style="list-style-type: none"> - Section 3.2 of REP5-005 (sensitivity analysis of new projects or a change in status of projects identified by DBC) - A technical note on cumulative landscape and visual effects [REP6-021] - In response to ExQ CU3.2 [REP7-010]. <p>The above submissions are in addition to discussion that has taken place during hearings, including ISH8 held on 14 and 16 January 2025. Further to discussion at that hearing, the Applicant submits the Cumulative Assessment Clarification Note (Document Reference 8.36) at Deadline 8 to address the ongoing uncertainty of DBC on the approach to cumulative assessment.</p>

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REP7-013	Campaign for the Protection of Rural England (CPRE)	<p>“Further questions of the Examiners issued 20 December 2024</p> <p>I refer to Questions LUS 3.2 and LUS 3.3 relating to the grazing of sheep between solar arrays. We note that only the Applicant has been asked to respond to these questions but we do have the following comments.</p> <p>While we accept that, at present, not many solar arrays are completed in our area, there have been numerous applications and many raise this point about sheep grazing. We have regularly raised this as an issue when commenting on solar array applications in our area, but accept that we did not mention sheep grazing in our statement submitted to the Examination.</p> <p>We have consulted with some of our colleagues, particularly in Devon where there are far more solar arrays that are completed.</p> <p>We have just received the following comment from our colleagues in Devon</p> <p>“We haven't seen any examples of sheep grazing on large solar farms here. Grass without sun is of poor nutritional quality and only weeds flourish, which need keeping under control with herbicides and mowing.”</p> <p>We have tried to ascertain what information there is online about this. There is evidence that there are some solar arrays where sheep do graze but these are mainly abroad, either in America or Australia. There is one example from Pembrokeshire where it appears the farmers had to change the breed of sheep so that they fitted under the panels and that work was carried out to protect the wiring. However, we are</p>	<p>The Applicant has provided examples in previous submissions of locations where it is understood that grazing is undertaken on operational solar farms. Please refer to Table 3-2 (page 15) of REP6-020.</p> <p>As set out in Comments on Deadline 5 Submissions [REP6-018], the decision to graze sheep is ultimately up to the landowner. Whilst the Applicant will seek to facilitate grazing, in the event any landowner wishes to explore that as an option, the uncertainty in whether those arrangements would arise mean that the benefits of such arrangements have <u>not</u> been relied on by the Applicant in its assessments.</p>

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		<p>not aware of sheep grazing among solar panels being a wide spread activity and represent that the issue does need to be fully assessed.</p> <p>We also understand that there may be an issue as to who is responsible should sheep damage any of the panels or their supports.</p> <p>We represent that these issues should be fully considered in determining the benefits or otherwise of this proposed scheme.”</p>	
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“REP6-018 / RWE 8.24: RWE comments on Deadline 5 Submissions for Deadline 6</p> <p>Matters Raised During ASI</p> <p>REP4-040 BVAG page 12/15: RWE question whether discussions were held during the ASI about ‘important omissions and discrepancies between the situation of the ground, and the applicant’s Landscape and Visual Impact Assessment’.</p> <p>BVAG strongly dispute the comments made by RWE regarding in particular May Tree Farm. Mark Smith representing BVAG attended the site visit and May Tree Farm was specifically highlighted whilst reviewing viewpoints from Downlands Farm. This was acknowledged at the time by RWE’s landscape consultant Mary Fisher, and by Michael Baker. BVAG were also asked by the Examiners to highlight the entrance to May Tree Farm from the bus whilst transiting between sites: Mr Smith duly pointed this out to the Examiners and other parties.”</p>	<p>The Applicant acknowledges that the properties may have been factually identified during the ASI. The position presented by BVAG in REP4-040 however suggested that the ExA noted ‘important omissions and discrepancies’ and that issues were raised by the ExA. The Applicant maintains that the ExA did not make this point at the ASI as it would have been inappropriate to do so.</p>

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REP7-014	Bishopton Villages Action Group (BVAG)	<p>“REP6-018 / RWE 8.24: RWE comments on Deadline 5 Submissions for Deadline 6</p> <p>Effects on Heritage Assets</p> <p>Despite assurances that geophysical surveys would be repeated around Castle Hill this work has not yet been completed, and there are no enforceable commitments to complete this extra work. We only have RWE’s assurances that it will take place.”</p>	<p>The provision of further archaeological investigation in this location prior to commencement of development is secured via Requirement 17 of the draft DCO. It would take place post-consent (if the DCO is granted) and prior to commencement of works. This approach has been developed in consultation with County Archaeologist and Historic England, who have no outstanding concerns as reflected in the SoCG between the Applicant and DBC (Document Reference 8.4.2, Revision 5) and the SoCG with Historic England [REP6-003].</p>
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“REP6-018 / RWE 8.24: RWE comments on Deadline 5 Submissions for Deadline 6</p> <p>Worst-case Scenario VPs</p> <p>DBC’s position is that the LVIA’s VPs do not always represent the worst-case scenario. At comments on VP21 (page 3/9), RWE’s response states that criteria for the selection of VPs for assessment included safety, in terms of taking photos and groups of people visiting locations for example on busy roads.</p> <p>The problem with this approach is that the worst-case scenario may not have been assessed.</p> <p>The most sensible solution would have been to a) report the worst-case visual scenario at the relevant point, even if no photo was taken; b) include a photo from a nearby representative VP in a safer position; c) explain that the photo does not show the worst-case scenario; and d) set out levels of effects at i) the worst-case VP and ii) the ‘safer’ VP. That would make it much easier for decision-makers to understand the likely visual effects.</p>	<p>As reflected in DBC050 of the SoCG with DBC (Document Reference 8.4.2, Revision 5):</p> <p><i>The Applicant considers that the 34 viewpoints considered in the ES adequately cover and provide a representative assessment of the Proposed Development. ‘Worst case’ viewpoints are not a concept which is recognised by GLVIA3 guidance, which advises that representative viewpoints should be selected to “represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ”.</i></p> <p>As further discussed at ISH8 on 14 and 16 January 2025, the Applicant does not agree with DBC on this matter, and remains of the view that additional viewpoint analysis is not necessary to assess the likely significant environmental effects of the scheme, which are adequately assessed through the ES.</p>

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		But bear in mind that existing and proposed screening vegetation will vary in nature and height over time.”	
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“REP6-020 / RWE 8.26: RWE response to matters raised at ISHs 5-7 & OFHs 3-4</p> <p>Capacity</p> <p>Re the issue of the proposed development’s level of capacity and the Longhedge appeal (RWE response to BVAG comment on pp. 11 & 12 of 32).</p> <p>The key point is whether the Byers Gill proposal could generate ‘up to 180MW’ on a smaller area of land, potentially resulting in lower levels of environmental and human harm.</p> <p>The Applicant pointed out that BVAG’s landscape expert Carly Tinkler (CT) ‘was unable to say whether a legal challenge will be brought to the decision which has been taken’ on the Longhedge scheme. CT can now confirm that the claim (ref. AC-2024-BHM-000287) has been lodged and the Secretary of State and Interested Party (the Appellant) are due to respond by the 10th of January.</p> <p>The implication of the decision being allowed to stand is that that developers will be further encouraged to install far more solar panels than are needed to provide the stated capacity of the site – that could be 200, 300, 400% more, there would be no limit: in order to generate higher profits they would use far more land than is actually required to achieve the stated capacity. Indeed, the Applicant confirms that they have overplanted for this reason as well as to account for panel degradation.</p>	<p>The Applicant has set out its approach to overplanting in previous submissions in particular:</p> <ul style="list-style-type: none"> ▪ Response to Examining Authority’s Third Written Questions (ExQ3) [REP7-010] ▪ Responses to the Examining Authority’s Second Written Questions (ExQ2) [REP5-031] ▪ Response to Hearing Action Points [REP5-032] ▪ Applicant’s Response to Matters Raised at OFH3, OFH4, ISH5, ISH6 and ISH7 [REP6-020] and; ▪ the Energy Generation and Design Evolution Document [REP2-010]. <p>The Interested Party’s comments appear to be focussed on the merits of the decision taken in the Longhedge appeal. The alleged implications are not accepted by the Applicant.</p> <p>From what has been explained, it would appear that the Court is awaiting acknowledgements of service from the Secretary of State and the Appellant in that case. A decision on whether the Court will grant the Claimant permission to bring the judicial review will follow, and if and only if permission is granted will it proceed to a full hearing. For the avoidance of doubt, unless and until that appeal decision is quashed by a Court, it remains a relevant reference point for the Examining Authority.</p> <p>Further to discussion on overplanting at ISH8 on 14 and 16 January 2025, and a resulting Hearing Action Point, the</p>

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		It must be noted that in this scenario, large quantities of useable energy are wasted because the energy generated must be clipped before reaching the grid, to keep the site within its AC capacity.”	Applicant provides further information at Section 3 of this document.
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“REP6-020 / RWE 8.26: RWE response to matters raised at ISHs 5-7 & OFHs 3-4</p> <p>Sheep-grazing</p> <p>Re CT’s query about solar sites where sheep are currently being grazed (RWE response to CT comment on p. 15/32).</p> <p>The ExA asked the Applicant to provide a list ‘of Solar Farms RWE is aware of where sheep or other animals graze’.</p> <p>Having looked closely on Google Earth, there only appear to be sheep in one field on one of the solar sites on the list (Newlands Farm, Axminster, Devon EX13 5RX); however, the images could have been taken at times when sheep had temporarily been moved, or taken indoors. Conversely, sheep-grazing may have ceased after the images were taken (we are aware of sites where sheep were grazed for one season then removed, mainly due to the problems described in paras. 4.5.16 – 31 of BVAG’s Deadline 2 written response to landscape matters [REP2-044]). At one site, it was reported that sheep were brought in for a few days when the planning committee visited the site prior to the application being determined, then were taken away again.</p> <p>No hens or geese are visible in the images, but they might not be so easy to spot.</p>	<p>The Applicant does not currently have any operational solar farms in which grazing takes place, and therefore provided examples in previous submissions [see REP6-020] of locations where it is understood that grazing is undertaken. This is from a list gathered by the Applicant to monitor where solar farms have sheep grazing. The Applicant does not consider verification via Google Earth can be relied upon.</p> <p>As set out in Comments on Deadline 5 Submissions [REP6-018], the decision to graze sheep is ultimately up to the landowner. Whilst the Applicant will seek to facilitate grazing, in the event any landowner wishes to explore that as an option, the uncertainty in whether those arrangements would arise mean that the benefits of such arrangements have <u>not</u> been relied on by the Applicant in its assessments. The Applicant understands that should a landowner choose to graze livestock on land forming the Proposed Development, this is likely to be sheep rather than poultry.</p> <p>The landowner would agree a Grazing Licence with the Applicant to manage any sheep grazing. The proposed deer fencing is suitable for keeping sheep. Following this issue being raised in EXQ3, a landowner involved in the Proposed Development has given this statement:</p> <p><i>“I am happy to confirm in writing that we would be seeking to graze the sheep beneath the panels and plant a biodiverse grass sward - to maximise carbon storage, sequestration and habitats</i></p>

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		<p>One of the sites may not yet be operational (Twitch Hill Solar, Shropshire TF10 9AE).</p> <p>BVAG is making its own inquiries, but would like to know what evidence the Applicant has for these sites currently being used for long-term sheep- / other animal-grazing purposes?</p> <p>Incidentally, and with reference to keeping poultry on solar sites, a number of factors must be borne in mind, for example:</p> <p>1) Poultry may perch or roost on the tops of the solar panels, covering them in excrement.</p> <p>2) In order to avoid adverse effects on certain species of fauna, the majority of solar sites proposed / constructed in the UK require 'permeable' security fencing that permits the continued passage of small and medium-sized mammals (eg badgers but not deer) across land occupied by solar arrays – usually in the form of purpose-built gates or flaps created at regular intervals along the length of the fenceline. Indeed, such an arrangement is proposed for this Application (see ES Figure 2.15 [APP-053]). However, evidently, the gates also allow access to foxes, badgers, hedgehogs, mink, stoats, weasels and ferrets, all of which are poultry predators. Closing the gates would help to protect the flock, but would also result in adverse effects on the excluded species.</p> <p>3) Poultry manure contains considerable amounts of soil-enriching nutrients (eg nitrogen, phosphorus, and other excreted substances such as hormones, antibiotics, pathogens and heavy metals which are introduced through feed); this can be very damaging to / may kill vegetative cover, and severely adversely affect soil and water quality (and peoples' quality of life as well). The manure also contains ammonia. The toxic</p>	<p><i>alongside grazing benefits for an outdoor lambing lowland flock. This would allow us as a farm to keep more sheep than we currently do (double in fact) as the shelter from the panels allows for out wintering and outdoor lambing, whereas we are currently limited in sheep numbers due to lack of shed space in winter and having to house everything. We would also be keen to offer the same to any other landowners with solar panels who may not currently be sheep keepers but we could “bed and breakfast” out sheep under their panels. Again increasing numbers of productive livestock/food production.”</i></p>

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		effects of ammonia gas can damage and kill plants, and can decrease soil PH. This is also relevant to comments on / responses to EXQ3 LUS.3.5.”	
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“REP6-020 / RWE 8.26: RWE response to matters raised at ISHs 5-7 & OFHs 3-4</p> <p>Long-term Soil Health / Benefits</p> <p>The Applicant’s response to this matter (on p. 16 of 32) includes, at Appendix A.1, a report which ‘shows that there is comprehensive, quantitative evidence of the benefits to soil health from converting from arable land to pasture’. However, this does not address the point CT was making, ie that ‘resting’ arable soil for long periods of time (over 5 years) decreases levels of fertility. The Applicant’s stated intention is to restore the land to its previous use (ie arable agriculture). The question is, how would the current levels of soil fertility / the ALC grade be restored at decommissioning?</p> <p>If the current ALC grade could not be achieved, then the development would have resulted in the permanent loss of over 20ha of BMV land, when Natural England assumed the loss would be ‘temporary’.</p> <p>CT does not agree that ‘restoration to agriculture’ at decommissioning would be a ‘significant’ scheme benefit, as claimed by the Applicant: this is simply restoring the site to its original condition. Indeed, this also suggests that the development would result in associated significant disbenefits.</p> <p>CT also raised the question of the Applicant possibly having to carry out an EIA under the EIA (Agriculture) Regulations at decommissioning, mainly due to the likely adverse effects on</p>	<p>Natural England has been consulted on the Proposed Development and have not raised any concerns regarding the assessment of effects on soil health.</p> <p>As set out in Applicant's Response to Matters Raised at OFH3, OFH4, ISH5, ISH6 and ISH7 [REP6-020], decommissioning of the Proposed Development forms part of the DCO application and the consent being sought through it. It has therefore been scoped into the Environmental Impact Assessment (EIA) reported in the Environmental Statement (ES). Natural England have been consulted on the ES and has no outstanding concerns in relation to the Proposed Development [REP2-055]. The Applicant does not consider any further assessment is required in relation to decommissioning. The future use of the land following the decommissioning of the Proposed Development, such as it being reverted to agricultural use, would be subject to any relevant consenting and regulatory framework at that time.</p>

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		<p>biodiversity arising from the change from pasture to arable cultivation.</p> <p>See also CT's comment at ExQ3, 12. Land Use and Socioeconomics, under the heading Soil Management."</p>	
REP7-014	Bishopton Villages Action Group (BVAG)	<p>"REP6-021 / RWE 8.27: Landscape and Visual Assessment - Cumulative Effects Technical Note</p> <p>Cumulative Effects</p> <p>CT does not agree with certain aspects of the interpretations of the published methods which are set out in the technical note, but has no further comment at this stage, as BVAG and the Applicant have agreed that the proposed development would give rise to significant adverse cumulative landscape and visual effects, many of which could not be mitigated."</p>	<p>This comment is noted. The Applicant and BVAG have submitted a Landscape SoCG [REP7-008] which records the final positions of the Applicant and BVAG on landscape matters. Further to discussion at ISH8 held on 14 and 16 January 2025, the Applicant submits the Cumulative Assessment Clarification Note (Document Reference 8.36) at Deadline 8 to address the ongoing uncertainty of DBC on the approach to cumulative assessment.</p>
REP7-014	Bishopton Villages Action Group (BVAG)	<p>"GCT.3.2</p> <p>Re glint and glare effects and question 'can the Applicant confirm if it has considered non-reflective panels'.</p> <p>This matter was raised in BVAG's Deadline 6 Post-hearing Submissions to the ExA 6th December 2024 (ISH6 Landuse and Socioeconomics Carly Tinkler CMLI oral submissions on behalf of BVAG [REP6-036]), under the heading Glint and glare, on pp. 16 – 18.</p> <p>As explained at paras. 4.6.10 and 11 of BVAG's Deadline 2 written response to landscape matters [REP2- 044], currently, there is no formal guidance for carrying out glint and glare studies (GGSSs), only high-level guidelines from the Civil Aviation Authority. As a result, the company which carried out the Applicant's glint and glare study (Pager Power – which</p>	<p>The Applicant has responded to GCT.3.2 in Responses to the Examining Authority's Third Written Questions [REP7-010]. This confirmed that '<i>All solar panels procured / used by RWE are non-reflective as they are designed to absorb light.</i>'</p> <p>The Applicant has responded to BVAG's statements regarding glint and glare in Applicant's Response to Rule 17 Request [AS-031] and in the response to ExQ2 LUS 2.4 [REP5-031] in relation to glint and glare assessment of equestrians and public rights of way.</p> <p>As noted in page 77 of the Applicant's previous response to BVAG [REP3-005], glint and glare effects from solar panels are considered implicitly (as part of the experience of views toward the Proposed Development) in the LVIA. The Applicant retains a position that no further assessment is required.</p>

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		<p>appears to carry out GGSs for the majority of the solar developments proposed in the UK) produced its own informal guidance (Independent Solar Photovoltaic & Building Development – Glint & Glare Guidance, currently 4th edition (September 2022)).</p> <p>Please note there is an error in BVAG's REP6-036. At Item 1), an extract was provided from what was said to be 'a glint and glare study carried out by the same consultants which carried out the study for this proposal' [ie Pager Power], which stated that 'no solar panel absorbs 100% of the incoming light. Therefore, any solar PV panel has the potential to produce a solar reflection. The relative absorptive properties of a solar panel should be considered on a case-by-case basis'. In fact, the extract is from para. 1.11 of Pager Power's informal guidance 4th edition.</p> <p>Another point about the Applicant's GGS method was raised in BVAG's REP6-036, relating to the fact that 'Other road users, such as walkers, cyclists, and horse riders have not been considered within the study [because] In Pager Power's experience, significant impacts to pedestrians / equestrians using the surrounding public rights of way / bridleways are not possible due to glint and glare effects from PV developments'. However, EN-3 para. 2.10.158 states that 'the Secretary of State should assess the potential impact of glint and glare on... public rights of way'.</p> <p>Furthermore and very importantly, as explained in REP6-036, the GGS does not assess effects on the visual amenity of 'local' road-users (drivers, pedestrians, cyclists etc). The Applicant explained that the focus of the GGS is on safety, in terms of whether glint / glare could cause a serious accident on major</p>	

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		<p>roads, railways, and in the air, although effects on the amenity of residential receptors are assessed.</p> <p>However, as far as I can ascertain, NPS EN-3 does not state that glint and glare effects should be confined to safety issues.</p> <p>The question remains, should the Applicant's GGS be updated, to assist with judgements about effects? It is agreed between the parties that in principle, the proposed development would give rise to significant adverse visual effects, so in that regard a GGS may not be necessary; however, there is the potential for users of PRoWs and local roads to be severely adversely affected by glint and glare, with implications for road safety."</p>	
REP7-014	Bishopton Villages Action Group (BVAG)	<p>"HAQ.3.1</p> <p>HAQ.3.1: <i>"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?"</i></p> <p>I could not find any assessment of this issue in the Applicant's submissions.</p> <p>Paras. 6.43 – 51 of BVAG's Deadline 2 written response to landscape matters [REP2-044] briefly explain why it is important for schemes such as this to consider effects on human health, well-being, and the quality of people's lives, with reference to relevant policy requirements."</p>	<p>The Applicant has responded to HAQ.3.1 in Responses to the Examining Authority's Third Written Questions [REP7-010] as follows:</p> <p>"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 measures during construction, operation and decommissioning</p>

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			<p>which would seek to avoid or reduce risks relating to human health including:</p> <ul style="list-style-type: none"> ▪ 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] <p>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 setbacks 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.</p> <p>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</p>

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			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.”
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“LSV.3.6</p> <p>The Landscape SoCG is now complete, and should be submitted to the ExA before or shortly after Deadline 7.”</p>	The Landscape SOCG between BVAG and the Applicant [REP7-008] has been submitted at Deadline 7.
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“LUS.3.5</p> <p>LUS.3.5: “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?”</p> <p>Paras. 6.43 – 51 of BVAG’s Deadline 2 written response to landscape matters [REP2-044] 4.2.49 – 88 deal with potential long-term adverse effects on soil quality and fertility. With specific reference to the above extract from Natural England’s relevant representation [RR-373], paras. 4.2.62 and 63 are relevant (added below for ease of reference):</p>	<p>The Applicant has responded to this question in Responses to the Examining Authority’s Third Written Questions [REP7-010] as follows:</p> <p>“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].</p> <p>This Requirement was updated at Deadline 6 to include consultation with Natural England, following a request from Darlington Borough Council.</p> <p>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.</p>

Examination Library Reference	Interested Party	Comments received	RWE Response
		<p><i>“4.2.62 The ADAS / Welsh Government soils report mentioned above confirms that ‘There have been few studies of solar PV sites which have a focus on the impacts on agricultural land and soils. This is largely because solar PV sites are recent developments but also because in the early years sites were located on brownfield land or poorer quality agricultural land. The importance of achieving successful restoration of solar PV sites has increased in significance as the number, size and operational time frame of solar PV sites on BMV agricultural land has increased’.</i></p> <p><i>4.2.63 In one of its responses (March 2023) to a proposed solar development (Mallard Pass NSIP EN010127), Natural England explains that regarding solar development generally, ‘there could be a disbenefit to the soil resource due to unknowns as a result of the solar development infrastructure. It is currently unclear as to what impact the solar panels may have on the soil properties such as carbon storage, structure and biodiversity. For example, as a result of changes in shading; temperature changes; preferential flow pathways; micro-climate; and vegetation growth caused by the panels. Therefore, it is unknown what the overall impact of a temporary solar development will have on soil health’ (my emphases).”</i></p> <p>See also CT note about the adverse effects of poultry manure on soils at RWE 8.26 Response to matters raised at ISHs 5-7 & OFHs 3-4 [REP6-020], RWE response to CT comment on pp. 11 & 12 of 32.</p> <p>See also CT comment on Long-term Soil Health / Benefits p. 16 / 32 of RWE 8.26 Response to matters raised at ISHs 5-7 & OFHs 3-4 [REP6-020].”</p>	<p>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.”</p> <p>Natural England has been consulted on the Proposed Development and have not raised any concerns regarding the assessment of effects on soil health. Natural England has no outstanding concerns in relation to the Proposed Development [REP2-055].</p>

Examination Library Reference	Interested Party	Comments received	RWE Response
REP7-014	Bishopton Villages Action Group (BVAG)	<p>“CU.3.1</p> <p>The Landscape SoCG is now complete, and should be submitted to the ExA before or shortly after Deadline 7.”</p>	The Applicant and BVAG have submitted a Landscape SoCG [REP7-008] which records the final positions of the Applicant and BVAG on landscape matters

3. Response to Hearing Action Point ISH8-02

- 3.1.1. At ISH8 on 14 and 16 January 2024, the Applicant agreed to an Action Point to submit in writing the overplanting ratios referred to during the course of the hearing, describing the potential land take implications associated with other overplanting ratios which have been considered.
- 3.1.2. This table shows relative projected differences in the land required for 1.0, 1.4 and 1.6 overplanting ratios. The Applicant wishes to make it clear that the information provided below has been provided for illustrative purposes only. The Proposed Development has been put forward on the basis of the information provided as part of the DCO application and uses an overplanting ratio of 1.6. That approach and its justification is fully explained in the Energy Generation and Design Evolution Document [REP2-010]. Alternative overplanting ratios are not proposed by the Applicant, and do not comprise alternative schemes which it has assessed. That approach is consistent with paragraph 4.3.29 of National Policy Statement EN-1.
- 3.1.3. The calculation has been carried out by removing panel areas only, but not otherwise updating the design of the project which has been tested and optimised. In practice, for lower overplanting to recover the loss in capacity in panels the Applicant would increase the pitch (space between the row of panels) to increase the yield and overall generation of the project. This means the percentage of land reduction from 1.6 overplanting would be even smaller than what we see here, as the increase in pitch is not factored into the calculations. No developer would practically deliver a scheme based on a 1 to 1 overplanting ratio because this would never reach the grid capacity due to the reasons set out in paragraph 3.1.10 of the Energy Generation and Design Evolution Document [REP2-010]. The table also includes the overplanting ratio for each calculated scenario at the end of its operational life (being the expected electrical output following expected degradation of the panels, as a ratio of the current grid connection capacity for the Proposed Development).

Overplanting Ratio	Land requirements (acres)	% reduced land requirements compared to 1.6 overplanting	Overplanting Ratio After 40 Years
1.0	834.12	31%	~0.825
1.4	1055.19	13%	~ 1.175
1.6	1209	0%	~ 1.35