Proposed Solar PV Development

Byers Gill Solar
EN010139

8.37 Comments on Deadline 8 Submissions

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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 8 (17 January 2025) of the Examination of Byers Gill Solar (the Proposed Development).

2. Comments on Deadline 8 Submissions

2.1.1. The table below provides the Applicant's comments on submissions made at Deadline 8. This sets out the document that was submitted at Deadline 8, 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 8

Examination Library Reference	Interested Party	Comments received	RWE Response
	Bishopton Villages Action Group (BVAG)	**Alternatives** At ISH8, RWE made a closing statement which suggested that although they acknowledged that the proposed development would undoubtedly have significant detrimental impacts upon the local community, they considered these were outweighed by the need for renewable energy production facilities. However, BVAG considers the development proposal has been pursued without due recognition of the proper and diligent consideration of alternatives. Previously, in Deadline 4 24th October 2024 submissions, BVAG raised the issue of alternatives to the proposal. Whilst recognising that Government policy supports ground-mounted solar as part of a portfolio of renewable energy, and recognising the emergency of climate change, BVAG's opinion is that there are locations which are appropriate for solar, and locations which are not. More appropriate would be grey belt, brownfield, industrial areas, and roof tops, for example. Locations such as that	The Applicant has demonstrated through its Planning Statement [APP-163], and in the closing submissions of Issue Specific Hearing 8 (ISH8) that the Proposed Development is compliant with relevant national policy and the need for solar energy generation, as reflected in the suite of National Policy Statements (NPS) for Energy designated in January 2024. NPS EN-1 defines low or zero carbon energy infrastructure, including solar energy generation, as 'critical national priority' (CNP) infrastructure in which only the most exceptional circumstances outweigh the urgent need for such development and the presumption of consent. The Applicant has demonstrated that there are no exceptional circumstances in relation to the Proposed Development that would outweigh the clear direction to the Secretary of State (SoS) to approve development consent in accordance with the NPS's. The Applicant addressed concerns regarding alternatives early in Examination through its Comments on Relevant Representations (RRs) [REP1-004]. This set out that whilst an account of alternatives considered in developing the

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		selected for Byers Gill solar, which surround people's homes and villages, remove high-quality agricultural land from production, and blight the landscape for a generation (or more if extended) are inappropriate. The benefits of the proposal have not been assessed against alternative locations including more efficient methods (eg wind) of generating the same amount of power. Alternatives are not just about re-locating some panels from one field to another. For a project of this scale, real alternatives should include establishing where and how do we best generate 180MW without creating widespread harm to people, homes, and a landscape which has produced food for at least 1,000 years?	Proposed Development has been provided through ES Chapter 3 Alternatives and Design Iteration [APP-026], the Applicant considers that the entirely different proposals or schemes put forward in the Relevant Representations, such as a wind farm or rooftop solar, are 'vague and immature' alternatives as defined in the NPS EN-1 (paragraph 5.2.12) and would not be proportionate to consider, as they would not deliver the same capacity in the same timescales. There is subsequently no requirement for the Applicant or the SoS to consider them further. The Applicant also draws attention to paragraph 4.3.24 of NPS EN-1 which provides "*the Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals*."
	Bishopton Villages Action Group (BVAG)	**Overplanting (1): Ratio** At ISH8, during oral submissions, BVAG's planning expert Mr Andy Anderson referred to the following note illustrating that there is a variety of overplanting scenarios ranging in the following examples from ratios of 1.3 to 1.6, with 1.3 / 1.4 being the most frequent.	As noted in the image provided by BVAG, a range of overplanting ratios are used within the industry, including the 1.6 used by the Applicant. The Applicant has responded to concerns regarding the relationship between land take and viability in multiple submissions during the course of Examination, including but not limited to: ▪ the Energy Generation and Design Evolution Document [REP2-010] ▪ oral submissions at ISH2 [REP4-010] and resulting response to hearing action points arising [REP5-032] ▪ In response to ExQ2 [REP5-031]

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		Examples of overplanting from both Lightsource bp and other recently developed projects (in the public domain) include: • Thornham Solar Farm, Norfolk - 15MWac output and 20.6MWp = 1.4 : 1 • Fishburn Solar Farm, Durham - 41.4MWac output and ~60-65MWp = 1.4-1.6 : 1 • Bluestone Solar Farm, Durham - 40MWac output and 51.36MWp = 1.3 :1 • Shotwick Solar Park, Wales - 50MWac output and 72MWp = 1.4 : 1 • Llanwern solar farm, Newport, Wales: 49.9MW output and 75MWp = 1.5 : 1 • Lark's Green solar farm: 49.9MWac output and 71MWp =1.4 : 1 • Lyneham RAF airbase (Bradenstoke Solar Park): 49.9MW output and 69MWp = 1.4 : 1 • Mallards Pass - 240MWac output and 320-360MWp = 1.3-1.5 : 1 RWE´s overplanting ratio is not justified: why was 1.6 selected rather than a smaller ratio, eg 1.3 or 1.4, which would bring significant benefits? There is a correlation between overplanting and land take. RWE confirmed a hypothetical scenario whereby overplanting at Byers Gill of 1.4 would require 13% less land. Benefits of panel reduction BVAG commented that this scenario offered an opportunity to reduce the proposed use of 7% of the existing BMV land under proposed panels. Further, a reduction in land-take would reduce the adverse impacts on homes and villages through removing panel areas which are closest to homes and villages, footpaths and other amenity spaces. In this regard, BVAG has proposed priority areas for panel area modifications in discussion with RWE. These are referred to in the BVAG Statement of Common Ground and form an Appendix of the Design Approach Document. Viability and relevance to overplanting	▪ oral submissions at the hearings OFH3, OFH4, ISH5, ISH6 and ISH7 [REP6-017] ▪ response to third party oral submission at the above hearings [REP6-020] This has reiterated the Applicant's position that that there is no direct correlation relationship between the number of panels proposed and the required land take, or the overplanting ratio and the required land take. As explained in the Energy Generation and Design Evolution Document [REP2-010] a design below the ratio of 1.6 overplanting would not maximise the grid connection capacity, a position which is contrary to the urgent need for the Proposed Development, as demonstrated by its Critical National Priority (CNP) status under the NPSs. Recognising the concerns of the community regarding proximity of some panel areas to their villages, the Applicant has made a commitment to reviewing the design post-consent, should advances in technology enable a reduction in proposed panel areas, as set out in the updated Design Approach Document submitted at Deadline 8 (Document Reference 7.2, Revision 4)

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		RWE's response to ExA Q3 GCT.1 on viability confirms a positive Net Present Value (NPV) but does not provide any background costs or revenue scenarios to show how this conclusion has been arrived at. Therefore information on viability remains unknown. According to RWE, the overplanting of 1.6 results from design and layout decisions. Given that design, layout and technology would result from the viability levels, there is no opportunity to test to what extent the proposed overplanting can be altered, and to test different viability scenarios. Therefore, without fuller information on project viability, the efficiency and efficacy of the proposals cannot be assessed. BVAG contend that policy requires a balancing of the benefits of renewable energy versus the harms which the proposal creates. It is not possible to undertake this balance without testing and weighing the design decisions and alternative scenarios. BVAG contend that a reduction in panels areas through a lower and industry-norm over planting ratio could potentially be achieved through variations in: ▪ • Technology and selection of solar panels. ▪ • Technology and selection of inverters. ▪ • Viability scenarios.	
	Bishopton Villages Action Group (BVAG)	**Overplanting (2): Longhedge Case** Re the issue of the proposed development's level of capacity and the Longhedge appeal (REP6-020, RWE 8.26: response to matters raised at ISHs 5-7 & OFHs 3-4, response to BVAG comment on pp. 11 & 12 of 32).	The Applicant previously responded to the matter of the Longhedge case, raised by BVAG at OFH3, in a written response set out on pp.11-12 of the Applicant's Deadline 6 submission [REP6-020] responding to oral submissions at hearings OFH3, OFH4, ISH5, ISH6 and ISH7. The Applicant acknowledges the change in status of this case, and that a

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		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 harm. The Applicant pointed out that BVAG's representative Carly Tinkler (CT) 'was unable to say whether a legal challenge will be brought to the decision which has been taken'. CT can now confirm that the claim (ref. AC-2024-BHM-000287) has been lodged. The current situation is that the Secretary of State and Interested Party (the Appellant) have responded and neither has conceded. A response will be submitted in due course. The implication of the decision being allowed to stand is that that developers will be further encouraged to install many more solar panels than are needed to provide the stated capacity of the site – that could be 200, 300, 400% more, there is no limit: in order to generate higher profits they will use far more land than is actually required to achieve the stated capacity. This also means that large quantities of useable energy can be wasted because the energy generated must be clipped before reaching the grid, to keep the site within its AC capacity.	decision on the appeal is pending, noting the implications for that position were commented on in its Comments on Deadline 7 Submissions document (Document Reference 8.34) in response to BVAG's comments [REP7-014] at page 7 of the Applicant's document.
B	Bishopton Villages Action Group (BVAG)	**Climate Change** 1. Andy Anderson raised the issue of Climate Change under the Agenda Item 'Principle of Development'. This results from recent changes in Government planning policy (NPPF) which raise the importance of assessing climate change in deciding planning applications, and recent Court decisions on the importance of EIA providing information on indirect impacts. AA noted that this issue had been raised by BVAG previously but that the above changes added greater weight	The Environmental Statement submitted with the application included ES Chapter 5 Climate Change [APP-028]. This found that there would be minor adverse effects from the release of greenhouse gases during construction and decommissioning, which is not significant. There would be significant, beneficial effects from the production of low carbon energy. The Applicant acknowledges that a revised NPPF has been published in December 2024. Whilst the primary policy documents that the SoS must determine the Proposed Development in accordance with are the Energy

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		to the matter (see BVAG Relevant Representation 15th May 2024 – Section 16. Life Cycle Emissions).	NPS's, the Applicant acknowledges that the NPPF is of relevance and this is reflected in the Planning Statement [APP-163]. The Applicant considers that changes to the NPPF in December 2024, which strengthened the policy position in favour of low carbon and renewable energy generation, further supports the need for the Proposed Development. Given that the DCO application for the Proposed Development includes an assessment of climate effects as part of its EIA, and would result in significant beneficial effects during operation, the Applicant considers the Proposed Development is compliant with the NPS's and the NPPF on the matter of climate change.
	Bishopton Villages Action Group (BVAG)	**Climate change** 2. BVAG contend that the principle of the proposed development is based on Climate Change goals as expressed through legislation, policy and various international agreements. These provide the basis for the need for renewable energy and whether the proposal provides the benefits for climate change as claimed by the Applicant and described in the Environmental Statement. AA introduced two Court Judgements which set the context for comments on the proposal with regard to assertions on Climate Change: ▪ Friends of the Earth Limited & Others (1) and South Lakeland Action on Climate Change – Towards Transition (2) v Secretary of State for Levelling Up, Housing and Communities, West Cumbria Mining Limited & Cumbria County Council [2024] EWHC 2349 (Admin).	The Applicant notes BVAG's summaries of these two court cases and maintains that ES Chapter 5 Climate Change [APP-028] and associated Appendix 5.1 Greenhouse Gas Assessment [APP-123] assesses all relevant emissions. As set out above, the energy produced by the Proposed Development is low carbon energy which is assessed as having a significant, beneficial effect. The Applicant provided a response to the Finch case at OFH1, in page 23 of REP1-020.

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		▪ R (Finch on behalf of the Weald Action Group & Others) v. Surrey County Council (& Others). BVAG contend that RWE have failed to include the development's likely significant indirect environmental effects in the scope of their EIAs, including scope 3 emissions. In a recent Court Judgement, 'The Court determined that the Environmental Statement ("ES") and EIA process required of the developer, West Cumbria Mining Limited ("WCM"), should have included details of GHG emissions arising from the combustion of coal produced at the mine, as they were "significant likely indirect effects of the project"[2]. Therefore, given the scale and significance of the GHG emissions produced, that information should have been considered by the SoS and their assessment was an "obviously material consideration" that should have been accounted for prior to granting permission[3]. 'The Court determined that the Environmental Statement ("ES") and EIA process required of the developer, West Cumbria Mining Limited (WCM), should have included details of GHG emissions arising from the combustion of coal produced at the mine, as they were "significant likely indirect effects of the project"'[2]. Therefore, given the scale and significance of the GHG emissions produced, that information should have been considered by the SoS and their assessment was an "obviously material consideration" that should have been accounted for prior to granting permission[3]. Thus, the SoS had breached the applicable EIA Regulations by determining that the GHG emissions from burning coal produced from the site were not a significant or likely effect of the proposed development' (https://beale-law.com/article/uk-	

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		environmental-action-continues-permission-for-cumbrian-coal-mine-quashed-by-the-court-3/).	
	Bishopton Villages Action Group (BVAG)	**Climate change** 3. RWE sets out the greenhouse gas (GHG) Assessments of the proposal in Examination Document (APP-123) Document 6.4.5.1 'Environmental Statement Appendix 5.1 Greenhouse Gas Assessment.' The emissions are divided into embodied carbon (production) and transport. RWE states in its table 'Embodied Carbon' The 3 largest components of the assessment consist of ▪ Battery Storage (BESS) ▪ PV Panels ▪ Supports (ground-mounted steel). These elements comprise 99% of the stated emissions (tCO2e). However the 'Emissions factor source' is not provided. The Application states : "*Confidential Pvsyst Simulation Report for the Proposed Development provided by the client*". RWE is therefore failing to disclose information. BVAG contend that: Public disclosure is a key principle under EIA Regulations and in addition : Environmental Information Regulations (EIR) 2004 require public access to environmental information. GHG emissions data, being a key part of environmental impact, fall under the scope of disclosure.	As set out in the preceding two rows of this table, the Applicant has undertaken an assessment of the effects- of the Proposed Development in relation to climate change, including greenhouse gas emissions, which is compliant with the primary national policy, the NPSs, as well as the NPPF and local policy. The approach taken to this assessment was consulted upon through the EIA Scoping process [APP-120/121] and the publication of the Preliminary Environmental Information Report (PEIR) at statutory consultation. The EIA is compliant with policy and legislative requirements.

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		Aarhus Convention: the UK is a signatory to this international treaty, which emphasises public access to environmental information and participation in decision-making. The following are of great relevance: ▪ guidance given by the Courts in recent cases on EIA and indirect effects; ▪ the significant proportion of CO2 emissions which the 'confidential' components of the solar installation provide; and ▪ the recent emphasis in the new December 2024 NPPF (Paragraph 163) ie 'The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts' In the light of the above and other relevant factors, BVAG consider that the Applicant has failed to provide adequate information on the impacts of the proposal on climate change, and that the principle of the development – which must be balanced on its contribution to climate change goals – when weighed against harm, is flawed.	
	Bishopton Villages Action Group (BVAG)	**Climate change** 4. It is noted that the transport emissions table requires clarification. ▪ RWE Emissions Table states that the distance of China to Stockton-on-Tees Port assumes 19,377km. Please confirm which Port in China (AA estimates that the sea distance between Shenzhen, China, and Teesport, United Kingdom, is approximately 26,756 km). Therefore, if minimising transit time is a priority, selecting the Port of	The Applicant refers to the response above, which confirms that the approach taken to assessment of climate effects within the EIA is considered appropriate. The greenhouse gas assessment [APP-123] is based on reasonable defined assumptions. The queries raised by BVAG require a level of detail that is not available to the Applicant at this stage of the project (e.g. prior to procurement and pre-construction processes) and it is not considered that the queries raised would result in a material change to the overall outcome of

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		Shenzhen as the departure point for shipments to the UK is advantageous ▪ RWE transport emission states 25km HGV from the port at Teesport to Byers Gill. This could be nearer 35km and likely to be a double run. ▪ Panels with a 25-year life span would need replacing within the term of the 40-year project and therefore additional travel will be needed. ▪ What is the land distance internally in China from production to port based on RWE proposed Jinko Panels? Jinko Solar operates multiple manufacturing facilities across China, including locations in Shangrao (Jiangxi province), Chuzhou (Anhui province), and Sichuan province. The nearest major port facilities to these production sites are: ▪ Shangrao, Jiangxi Province: The closest significant port is the Port of Ningbo, located approximately 500-600 kilometres away. ▪ Chuzhou, Anhui Province: This location is also about 500-600 kilometres from the Port of Ningbo. ▪ Sichuan Province: Specific details about the exact location of Jinko Solar's facilities in Sichuan are not provided, but the province is inland, and the nearest major ports would likely be along China's eastern coast, such as Shanghai or Ningbo. Given the inland locations of these manufacturing facilities, Jinko Solar relies on overland transportation to reach these coastal ports for international shipping. The inland China transport emissions are therefore likely to be significantly	the assessment. To clarify a particular point which is known; the operational life of the panels is 40 years, and therefore they would not need replacement.

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		larger than the 25km internal UK emissions. RWE is asked to clarify this.	
	Bishopton Villages Action Group (BVAG)	**Climate change** AA was asked by the ExA and RWE to provide Lichfields Note on Overplanting, which is attached to the submission.	The Lichfields submission provided by BVAG makes the case for a scheme with an overplanting ratio of 1.54, and within the submission it notes that many factors can affect overplanting ratios, including technical requirements; irradiance; topography; land; environmental and other constraints. The Applicant would note that the Lichfields note repeats and validates the approach which has been taken to overplanting by the Applicant. Whilst the Applicant has no detailed knowledge of the solar farm which is the subject of that appeal, it is evident that the scheme has been promoted on a very similar overplanting ration to that of the Proposed Development (1.54 compared to 1.6). That position, combined with the broadly comparable "acres per MW" analysis carried out by the Applicant in response to ExA's Queston PPD.2.1 [REP5-031] and the subject of examination during ISH8 in respect of other nearby solar farms, points towards the Applicant's overplanting ratio being within the industry standard within the broad geographic area of the Proposed Development. As the Lichifields note states (citing DESNZ at paragraph3.5), "G*rid capacity is a scarce resource in the UK*". The grid capacity is available in this location, and the Applicant is promoting a scheme to maximise the benefits of that resource and the attendant benefits of delivering clean energy to the wider electricity network.
	Bishopton Villages Action Group (BVAG)	**Efficiency** In their response to ExQ1 PPD.1.13, the Applicant states that in terms of energy / power, the proposed development	The MWh figure stated is based on the current design and is not an average across the UK.

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		'could produce 263,872 MWh per annum resulting in a capacity factor of 16.7% [calculated as: 263,872 / (365*24*180)]'. Could the Applicant please confirm whether the 16.7% capacity factor relates to the average overall efficiency of ground-mounted solar developments throughout the UK? It would be helpful to know the genesis of that figure.	
	Bishopton Villages Action Group (BVAG)	**Cumulative Effects** During ISH8, cumulative effects were discussed, at Agenda Item 6. BVAG explained to the ExA that its position on cumulative effects is as follows: 1) In the Landscape Statement of Common Ground (LSoCG) between BVAG and the Applicant, it is agreed (at para. 2.3) that 'the Proposed Development would give rise to significant adverse residual operational… cumulative effects on landscape character, settlement character, and visual amenity'. 2) At para. 3.5, under Matters Not Agreed, the LSoCG states that 'Whilst there is not agreement about certain aspects of methods, and all of the LVIA's predicted levels of effects on landscape character areas, settlements, and visual receptors, these are not considered to be important-enough factors in the decision-making process to warrant detailed discussion'. 3) BVAG's opinion is that the Applicant's assessment of the cumulative effects of other topics (such as transport, hydrology, biodiversity, amenity and so on) is inadequate and potentially flawed, and the Applicant's responses to date have not altered this opinion.	The Applicant acknowledges the position of BVAG as reflected in the signed, final SoCG with BVAG submitted at Deadline 8 (Document Reference 8.4.8, Revision 2) and the submitted the Landscape SoCG with BVAG [REP7-008]). The Applicant has sought to provide clarification on concerns raised by both BVAG and DBC during Examination, on the matter of cumulative effects assessment, and in particular those relating to the landscape effects, as set out in: ▪ the Landscape and Visual Assessment - Cumulative Effects Technical Note [REP6-021] ▪ ISH8 Post-Hearing Cumulative Assessment Clarification Note (Document Reference 8.36) ▪ Response to Rule 17 Request [AS-027 to AS-034] The Applicant maintains that its cumulative assessment is in accordance with the primary guidance document of relevance, the PINS Advice Note 17, and provides a sufficient assessment to enable the determination of the DCO application.

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		Item 2) above includes the LVIA's cumulative effects assessment method, which was the focus of discussions between the Applicant's and DBC's landscape experts. In principle, BVAG understands and agrees with DBC's landscape expert's confusion, and doubts / concerns about flaws in the LVIA's method and the justifications offered by the Applicant's landscape consultant. It is important to consider the definition of the term 'cumulative' as used in the context of EIA / LVIA, and how cumulative effects should be assessed. GLVIA paras. 7.9 – 7.16 are relevant, and may be helpful in this regard.	
	Bishopton Villages Action Group (BVAG)	**Glint and Glare** Re glint and glare effects and ExQ3 GCT.3.2 'can the Applicant confirm if it has considered non-reflective panels', the Applicant's response was that 'All solar panels procured / used by RWE are non-reflective as they are designed to absorb light'. BVAG agrees that solar panels are 'designed to absorb light', but not that they are 'non-reflective'. EN-3 para. 2.10.102 states that 'Solar panels are specifically designed to absorb, not reflect, irradiation [93]'. Footnote 93 states, 'Most commercially available solar panels are designed with anti-reflective glass or are produced with anti-reflective coating and have a reflective capacity that is generally equal to or less hazardous than other objects typically found in the outdoor environment, such as bodies of water or glass buildings'. On p. 45 of Appendix B of the Applicant's glint and glare study, it is stated that 'A specular reflection [made by solar	The reference to Appendix B of ES Appendix 2.2 Solar Photovoltaic Glint and Glare Study [APP-106] is in relation to aviation safety specifically, as stated on page 164 of that document. Section 4.1 of [APP-106] states that : 'P*ublished guidance shows that the intensity of solar reflections from solar panels are equal to or less than those from water. It also shows that reflections from solar panels are significantly less intense than many other reflective surfaces, which are common in an outdoor environment.*'

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		panels] has a reflection characteristic similar to that of a mirror' (my emphasis). According to a study called Understanding Emerging Impacts and Requirements Related to Utility-Scale Solar Development (September 2016) by Argonne National Laboratory, the glint and glare arising from solar panels is 'of unusual intensity and unique appearance' (my emphasis).	
	Bishopton Villages Action Group (BVAG)	**Sheep-grazing** Following discussions about this matter at ISH6, the ExA asked the Applicant to provide a list 'of Solar Farms RWE is aware of where sheep or other animals graze'. This was subsequently provided (REP6-020 / RWE 8.26: RWE response to matters raised at ISHs 5-7 & OFHs 3-4, RWE response to CT comment on p. 15/32). 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 been taken indoors. No hens or geese are visible, but they might not be so easy to spot. One of the sites may not yet be operational (Twitch Hill Solar, Shropshire TF10 9AE). BVAG is making its own inquiries, but apart from the one cited above, does the Applicant have any evidence for sheep / other animals being grazed on these sites? Incidentally, and with reference to keeping poultry on solar sites, it must be borne in mind that 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	The Applicant has responded to BVAG's concerns in Comments on Deadline 7 Submissions (Document Reference 8.34). This includes confirmation from a landowner that they will be seeking to graze sheep beneath the panels and to plant a biodiverse grass sward, noting that this will support their existing farming enterprise.

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		vegetative cover, and adversely affect soil and water quality (and peoples' quality of life as well). The manure also contains ammonia. The toxic effects of ammonia gas can damage and kill plants, and can decrease soil PH. This is also relevant to EXQ3 LUS.3.5.	
	Bishopton Villages Action Group (BVAG)	**Soil: Effects / Benefits?** Re REP6-020 / RWE 8.26: RWE response to matters raised at ISHs 5-7 & OFHs 3-4. 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 BVAG 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? 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. BVAG 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.	The Applicant has responded to BVAG's concerns in Comments on Deadline 7 Submissions (Document Reference 8.34). This confirmed that Natural England have not raised any concerns regarding the assessment of effects on soil health. The response also noted that decommissioning has already been considered within the EIA reported in the submitted ES.

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		BVAG 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 biodiversity arising from the change from pasture to arable cultivation.	
	Environment Agency (EA)	The EA have submitted an updated version of the Work Package Tracker with all topics agreed.	The Applicant has submitted a signed Statement of Common Ground with the EA at Deadline 8 (Document Reference 8.4.6, Revision 2). This reflects the final position with the EA at the end of Examination that all matters between the Applicant and the EA are agreed.
	National Grid Energy Transmission (NGET)	NGET state that agreement has been met on the relevant protective permissions, however they reserve their position of objection until they have seen the draft DCO, to confirm that these provisions are included.	The Applicant has submitted an updated Statutory Undertakers Position Statement (Document Reference 7.7, Revision 6) which confirms that the Protective Provisions contained in the draft DCO submitted at Deadline 8 (Document Reference 3.3, Revision 8) are agreed between the parties, with it expected that NGET will withdraw its objection prior to or on Deadline 9 of Examination.