



RWE Renewables UK Solar and Storage Limited

FAO Jen Savage
National Infrastructure Planning
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By email only: byersgillsolar@planninginspectorate.gov.uk

23 January 2025

Dear Jen,



Development Consent for the Byers Gill Solar scheme: EN010139
Applicants submission – Deadline 9 (23 January 2025)

On 30 July 2024, the Examining Authority (“ExA”) issued a letter under Section 89 of the Planning Act 2008 and Rules 8 and 9 of the Infrastructure Planning (Examination Procedure) Rules 2010 (“the Rule 8 letter”) which confirmed the Examination timetable and procedure relating to the Byers Gill Solar Development Consent Order (DCO) application. The Rule 8 letter set out the submissions required by the ExA to be provided for each Deadline of the Examination. A Rule 8 (3) Letter [PD-013] published on 18 December confirmed an amended timetable.

This letter encloses the Applicant’s summary of the submission made at Deadline 9.

Your sincerely,


Michael Baker

DCO Project Manager, Byers Gill Solar



SUMMARY OF DEADLINE 9 SUBMISSION

In line with the Rule 8(3) letter, the Applicant's Deadline 9 submission comprises of the following documents:

- Cover letter (this letter)
- Updated Guide to the Application (Document Reference 1.2 Revision 11)
- Application Document Tracker (Document Reference 1.5, Revision 14)
- Other Consents and Licences (Document Reference 7.3, Revision 3)
- Comments on Deadline 8 Submissions (Document Reference 8.37)
- Draft DCO (Document Reference 3.1 Revision 9) (clean) (Word and PDF copies) together with a Validation Report
- Draft DCO (Document Reference 3.1 Revision 9) (Tracked changes)
- DCO Schedule of Changes (Document Reference 3.3 Revision 8)

Please note that at time of submission, the Examination Library has not been updated to reflect the Deadline 8 submissions. As such, Examination Library references to Deadline 8 submissions within the above documents could not be provided.

DRAFT DCO

Revision 9 of the dDCO has been prepared to:

- (i) correct an error identified in paragraph 55(6) of Schedule 11 to the Revision 8 dDCO and ensure the protective provisions for National Gas Transmission are incorporated in the form agreed between the parties, and
- (ii) to update Schedule 13 with details of the documents to be certified.

This submission of the draft DCO was made on 22.01.2025, in advance of Deadline 9, in order to provide notice to National Gas Transmission of the correction and enable the withdrawal of National Gas's objection, which we understand will follow before the end of Examination.

DEADLINE 9A

The Applicant notes that the Rule 8 (3) letter [PD-013] requests that at Deadline 9a, also 23 January 2025, any post-hearing submissions including written submissions of oral cases as heard at the hearings held on the 15 – 16 Jan 2025. This provided as Document Reference 8.38.

UPDATE ON STATUTORY UNDERTAKERS

With reference to the Applicant's Deadline 8 submission, Statutory Undertakers Position Statement (Revision 6) [PINS reference not available], the Applicant thought it would be helpful to summarise its understanding of developments with the following undertakers between Deadline 8, and the close of examination at Deadline 9:

Statutory Undertaker	Position at Deadline 9
National Gas Transmission Plc	Protective provisions are included in the Revision 9 dDCO in an agreed form. NGT's legal advisers (CMS) submitted a letter to the Examining Authority on 23 January 2025 confirming the <u>withdrawal of NGT's objection</u> .
National Grid Electricity Transmission PLC	Protective provisions are included in the Revision 9 dDCO in an agreed form. NGET's legal advisers (Addleshaws) submitted an email to the Examining Authority on 21 January 2025 confirming the <u>withdrawal of NGET's objection</u> .
Northern Gas Networks Limited	<p>The position remains as outlined in the Applicant's Deadline 8 submission, Statutory Undertakers Position Statement (Revision 6). The parties are continuing to negotiate protective provisions, but are yet to reach agreement on those terms. The Applicant will continue to seek to reach agreement with NGN following the close of examination, and should that prove possible, would notify the Planning Inspectorate (for the attention of the Secretary of State) upon reaching such agreement.</p> <p>The Applicant would note that NGN has not to date made any submissions to the examination, and <u>no objection to the Proposed Order has been made by NGN</u>. As outlined in the Statutory Undertakers Position Statement (Revision 6), the Applicant has included the vast majority of protective provisions sought by NGN in the draft Order last submitted to examination (at Deadlines 8 and 9). The Applicant explains the small number of differences between the parties in Appendix 2 to that position statement, and its position remains as concluded on page 8: <i>"the Applicant's position is that the form of protective provisions included at Part 8 of Schedule 11 to the draft DCO submitted at Deadline 8 is adequate to ensure the Proposed Development will not cause any serious detriment, within the meaning of the Planning Act 2008, to the undertaking of NGN."</i></p>
Northern Power Grid	Protective provisions are included in the Revision 9 dDCO in an agreed form. NPG's legal advisers (Weightmans) submitted a letter to the Examining Authority on 23 January 2025 confirming the <u>withdrawal of NPG's objection subject to the completion</u> of an Asset Protection Agreement between the parties. The Applicant will notify the Planning Inspectorate (for the attention of the Secretary of State) upon completion of that agreement, which is expected imminently (albeit after the close of examination).
Northumbrian Water Limited	Protective provisions are included in the Revision 9 dDCO in an agreed form. NWL's legal advisers (Ward Hadaway) have submitted a letter to the Examining Authority on 23 January 2025 confirming the <u>withdrawal of NWL's objection</u> .