



**RWE Renewables UK Solar and Storage Limited**

FAO Simon Raywood  
The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House  
Temple  
Quay  
Bristol  
BS1 6PN

8 February 2024

Dear Simon Raywood

**Planning Act 2008 – Application for a Development Consent Order for Byers Gill Solar**

Application reference: EN010139

On behalf of RWE Renewables UK Solar and Storage Limited (Registered Company No: 14539260) (the Applicant). I am pleased to enclose an application for a Development Consent Order (DCO) pursuant to section 37 of the Planning Act 2008 (the Act) for the proposed Byers Gill Solar (the Proposed Development). This application is made to you following the voluntary participation of the Proposed Development in the Early Adopters Programme (EAP), trialling several components of an enhanced pre-application service.

**Subject of the Application**

The Application is for a DCO to construct, operate (including maintenance), and decommission ground mounted solar photovoltaic (PV) panel arrays, Battery Energy Storage Systems (BESS), and supporting infrastructure.

The Application is required because the Proposed Development is classified as a Nationally Significant Infrastructure Project (NSIP) pursuant to sub-sections 14(1)(a) and 15(1) and (2) of the

Act, as an onshore generating station in England with a capacity exceeding 50 megawatts (MW). Paragraph 2.10.53 of the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) published on 17 January 2024 clarifies that the 50MW capacity threshold is measured in alternating current (AC). For the avoidance of doubt, the Proposed Development exceeds both 50MW AC and 50MW direct current (DC). The decision whether to grant development consent will be made by the Secretary of State for Energy Security and Net Zero (Secretary of State). The NSIP and associated development are described in Schedule 1 of the draft DCO (Document Reference 3.1).

### **Application fee and documentation enclosed**

A fee of £8,244 has been submitted by BACS payment to the Planning Inspectorate (PINS) on 7 February 2024.

One electronic file transfer copy of the full DCO Application as listed in the Application Document Tracker (Document Reference 1.5) is provided as stated in the PINS 'Advice Note Six: Preparation and submission of application documents' (December 2020) and agreed with PINS.

The Application is submitted via a SharePoint system, which has been set up for file transfer of the application documents, as agreed and tested with PINS prior to application.

A GIS shapefile showing the Order Limits for the Proposed Development was issued to PINS on 11 January 2024, with a minor update shared on 29 January 2024.

A completed Section 55 Checklist can be found within Volume 1 of this DCO Application (Document Reference 1.4).

### **Application formalities**

This DCO Application is made in the form required by section 37(3)(b) of the Act and the application documents comply with the requirements in section 37 of the Act and those set out in:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- The Department for Communities and Local Government's 'Planning Act 2008: Guidance on the pre-application process' (March 2015)
- The Department for Communities and Local Government's 'Planning Act 2008: Nationally significant infrastructure projects – Application form guidance' (June 2013); and
- The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (August 2022).

It has been confirmed to PINS that the Application will be published (with any necessary redactions and minus any confidential documents) on the PINS webpage from the point of submission.

The Applicant requests that PINS does not publish the documents listed below due to their sensitive content:

- ES Appendix 6.1 Preliminary Ecological Appraisal Report, Confidential Appendix E Badgers (Document Reference 6.4.6.1)

### **Description of the Proposed Development**

A non-technical description of the Proposed Development is included within the Introduction to the Application (Document Reference 1.2). A more detailed technical description of the Proposed Development is included within Environmental Statement (ES) Chapter 2 The Proposed Development (Document Reference 6.2.2).

### **Need for the Proposed Development**

The Proposed Development will provide over 50MW of renewable energy to the UK's electricity grid, contributing to the UK Government's goal of net zero carbon emissions by 2050. In 2022, the Government published their Energy Security Strategy, announcing that they intend to accelerate and increase solar power capacity to 70GW by 2035. Powering Up Britain, published in 2023, further confirmed the Government's commitment to solar energy production. Byers Gill Solar would play an important part in helping the UK to reach our renewable energy targets, by powering over 70,000 homes. The Planning Statement (Document Reference 7.1) provides a comprehensive account of the need for the Proposed Development.

### **Consent flexibility**

The design of the Proposed Development has been developed to a sufficient level of detail as to allow the Environmental Impact Assessment (EIA) and DCO Application examination to take place. There are aspects of the design which are not yet fixed, and so the Applicant has considered the PINS 'Advice Note Nine: Rochdale Envelope' (July 2018). ES Chapter 2 The Proposed Development (Document Reference 6.2.2) describes the reasonable worst-case scenario of the Proposed Development's design based on the maximum parameters of any element of the design that is not fixed. The EIA has considered and taken into account this flexibility, recognising that the worst-case parameter for one technical assessment may differ from another. Where this approach is applied, this has been confirmed within the relevant topic chapters of this ES.

It is the Applicant's view that the inclusion of flexibility provided for in the draft DCO (Document Reference 3.1) is required to deliver the Proposed Development given the rapid evolution of technology within the solar PV and energy storage markets. The Design Approach Document (Document Reference 7.2) demonstrates how the design of the Proposed Development has been developed and defines the parameters of individual elements where flexibility is required to be retained. This would be secured via the DCO to ensure that these cannot be exceeded.

### **Habitats Regulations Assessment**

This DCO Application includes a Habitats Regulation Assessment (HRA) No Significant Effects Report (Document Reference 6.5) as required by Regulation 5(2)(g) of the APFP Regulations. The HRA Screening Report was prepared in consultation with the PINS 'Advice Note Ten: Habitats Regulations Assessments' (November 2017). It identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Proposed Development is likely to have an adverse effect on the integrity of any European site.

The Applicant has undertaken screening for the purposes of the habitats regulations and concluded that there would be no significant effect on the identified sites.

### **Compulsory acquisition**

The land over which the Applicant is seeking powers of compulsory acquisition of land, rights and interests and powers of temporary possession in the draft DCO (Document Reference 3.1) for the purposes of the Proposed Development is listed in the Book of Reference (Document Reference 4.2) and shown on the Land Plans (Document Reference 2.4). The Statement of Reasons (Document Reference 4.1) also provides details of the powers sought and negotiations to date.

The Applicant is taking a proportionate approach to Compulsory Acquisition and not proposing to seek powers where Option Agreements are in place with landowners for the panel areas. The Applicant is seeking powers of Compulsory Acquisition over land for the proposed off-road cable routes which would connect the Proposed Development to the National Grid Electricity Transmission substation at Norton. The Applicant has been negotiating Option Agreements for Easements for those off-road cable routes with landowners since March 2022 and has agreed Heads of Terms for these agreements with 15 of 16 landowners that would host an off-road cable route. In the event of entering into Easements for those off-road cable routes, the Applicant would not use Compulsory Acquisition powers if they were granted.

The Book of Reference (Document Reference 4.2) has been prepared and is submitted in compliance with Regulation 5(2)(d) of the APFP Regulations, and in accordance with the Department for Communities and Local Government (now Department for Levelling Up, Housing and Communities) guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition of land' (September 2013).

Details of the adequacy of the funding for compensation are provided in the Funding Statement (Document Reference 4.3). The Statement of Reasons and Funding Statement are submitted in compliance with Regulation 5(2)(h) of the APFP Regulations.

### **Other consents**

Details of other consents and licenses not forming part of the DCO which the Applicant (or others) may be seeking in relation to the construction and operation of the Proposed Development, are set out in the Other Consents and Licences (Document Reference 7.3).

## **Pre-application consultation**

As required by section 37(3)(c) of the Act, a Consultation Report (Document Reference 5.1) and Consultation Report Appendices (Document Reference 5.2) accompany this application. These documents detail compliance with sections 42, 46, 47, 48 and 49 of the Act. In accordance with section 50(3) of the Act, the Applicant has had regard to the Secretary of State's guidance about pre-application procedure, being the (then) Department for Communities and Local Government's *Planning Act 2008: Guidance on the pre-application process*.

## **Pre-application engagement with PINS**

Details of pre-application engagement with PINS can be found in Appendix B: Regard had to Section 51 advice, enclosed with this letter.

A selection of draft application documents were shared with PINS on 8 December 2023 and 11 January 2024 and the comments received on those documents, where feasible, have been given due regard in preparing the final application.

## **Other matters**

Regulation 5(3) of the APFP Regulations requires that all plans, drawings or sections provided under Regulation 5(2) are no larger than A0 size, are drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north. Regulation 5(4) also requires a key plan to be provided where plans comprise three or more sheets. These requirements have been met.

In accordance with Regulation 5(5) of the APFP Regulations, the Applicant has retained all responses to the consultations carried out under Part 5 of the Act and can make them available at the request of PINS.

Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide (where applicable) a plan with accompanying information identifying:

- (i) any statutory or non-statutory sites or features of nature conservation such as sites of geological or landscape importance;
- (ii) habitats of protected species, important habitats or other diversity features; and
- (iii) water bodies in a river basin management plan,  
together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.

The information required by Regulation 5(2)(l) is contained in the following plans provided in the DCO application:

- ES Figure 2.19 Environmental Constraints Plan (Document Reference 6.3.2.19)
- ES Figure 6.1 Designated Sites (Document Reference 6.3.6.1)

- ES Figure 6.2 UK Habitats Survey (Document Reference 6.3.6.2)
- ES Appendix 6.1 Preliminary Ecological Appraisal Report Confidential Appendix E – Badgers (Document Reference 6.4.6.1)
- ES Figure 7.1 Landscape Context (Document Reference 6.3.7.1)
- ES Figure 10.1 - Hydrological Features (Document Reference 6.3.10.1)
- ES Figure 10.5 - WFD Waterbodies and Catchments (Document Reference 6.3.10.5)

The assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development is provided in ES Chapter 6 Biodiversity (Document Reference 6.2.6), ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) and ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10).

There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. The information in relation to Regulation 5(2)(m) is provided in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) and related appendices and figures.

The Applicant will keep all application documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the DCO Application. This will take into consideration the questions and comments received from the Examining Authority and Interested Parties.

We look forward to hearing from you in relation to the acceptance of this application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Your sincerely



Michael Baker

DCO Project Manager, Byers Gill Solar

**Enclosures:**

[Appendix A: Overview of the Application Documents and Table of Application Documents](#)

[Appendix B: Regard had to Section 51 Advice](#)

# Appendix A Overview of the application documents

The reports, drawings and plans that make up the DCO application have been organised into seven volumes as listed in the Table A-1.

The seven volumes are explained in further detail in the Introduction to the Application (Document Reference 1.2).

*Table A-1 DCO application volumes*

	<b>Volume</b>	<b>Content</b>
<b>1</b>	Application information	Details of the specific application information required by the Planning Inspectorate.
<b>2</b>	Plans, drawings and sections	These include plans that illustrate the location of the Proposed Development, the proposed works, the land that will be used, and engineering details.
<b>3</b>	Draft Development Consent Order	This is the document that sets out the legal powers that RWE Renewables UK Solar and Storage Limited is seeking to enable it to build, operate and maintain the Proposed Development, together with the Explanatory Memorandum, explaining the provisions of the Order.
<b>4</b>	Compulsory acquisition information	Documents setting out in tabular form the land to be acquired or used, and reports justifying the seeking of compulsory acquisition powers over this land.
<b>5</b>	Consultation Report	The Consultation Report and Appendices, summarising the responses received during the public consultation.
<b>6</b>	Environmental Statement	An assessment of the likely significant effects (both positive and negative) of the Proposed Development on the environment and a description of mitigation measures proposed to reduce any negative impacts.
<b>7</b>	Other reports	Additional documents that support the DCO application; these provide useful information on the case for the Proposed Development and are considered necessary to support the application.

A list of all documents within the DCO Application is provided in the Application Document Tracker (Document Reference 1.5).

## Appendix B Regard had to Section 51 advice

This document contains the advice that has been provided by the Planning Inspectorate at meetings with the Applicant and their consultants. It sets out the regard had to that advice by the Applicant. This Appendix is provided as component 6 of the EAP.

*Table B - 1 Section 51 Advice Log*

Topic	Advice	Regard had by Applicant
<b>Meeting date: 10/02/2022 and 18/08/2022</b>		
Geophysical surveys	The Inspectorate noted that it expected desk-based assessments to inform the need for geophysical surveys and that this in turn should inform the need for trial trenching.	The approach to, and results of, geophysical surveys and trial trenching are reported in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). This approach has been agreed with the Country Archaeologist.
Waste at decommissioning (EIA)	The Inspectorate advised that waste at decommissioning should be considered in the Environmental Impact Assessment scoping report and that a preliminary risk assessment should inform the ground conditions chapter in the scoping report.	Waste at decommissioning is considered in the ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3). A preliminary risk assessment is provided as ES Appendix 2.1 (Document Reference 6.4.2.1).
Scoping Request	The Inspectorate encouraged the Applicant to provide a detailed Scoping Request.	A detailed Scoping Request was made on 27 October 2022.
Scoping Request	The Inspectorate advised the Applicant that the shape file will need to be submitted with 10 working days' notice.	A shapefile was provided to PINS in advance of the Scoping Request being made on 27 October 2022.
Consultation period timings	The Inspectorate advised the Applicant to be aware of scheduling the consultation period and where the 42 days fall, particularly with regard to days lost due to public holidays.	The statutory consultation period took account of public holidays and exceeded the minimum prescribed period, as reported in the Consultation Report (Document Reference 5.1).



Topic	Advice	Regard had by Applicant
Community engagement	The Inspectorate highlighted the importance of community engagement during statutory and non-statutory consultation, noting the benefit of including collaborative design elements in draft documents to ensure they are communicated effectively in the DCO Application.	Community engagement is reported in the Consultation Report (Document Reference 5.1), including the use of collaborative design workshops prior to formal statutory consultation.
Statement of Common Ground example	The Inspectorate referred to documents used in the Hornsea Four Offshore Wind Farm DCO application which may be useful to the Applicant, in relation to the Statements of Common Ground.	This is noted. The application does not include Statements of Common Ground. Instead, Principal Areas of Disagreement Summary Statements are provided as appendices to the Potential Main Issues for Examination (PMIE) (Document Reference 7.6).
Issues raised in other solar NSIP examinations	The Inspectorate referred to issues being raised in other solar NSIP examinations, including risks associated with fire hazard from battery storage and the use of agricultural land. It advised the Applicant to prepare evidence on these issues prior to engagement with stakeholders.	As set out in the Preliminary Environmental Information Report, an Outline Battery Fire Safety Management Plan (oBFSMP) is provided as ES Appendix 2.13 (Document Reference 6.4.2.13). This has been informed by engagement with the County Durham and Darlington Fire and Rescue Service, who have confirmed on 2 February 2024 that the oBFSMP reflects their feedback and requests.
Solar Advice Note for NSIPs	The Inspectorate informed the Applicant that work was ongoing to develop a Solar Advice Note for Nationally Significant Infrastructure Projects and that it would be informed when it is published.	This is noted.
<b>Meeting date: 12/12/2022</b>		
Changes in Project programme	The Applicant was encouraged to keep the Inspectorate informed of changes in the programme of the Project to assist resource planning.	The Applicant has shared the programme with PINS and relevant stakeholders regularly during the pre-application period, including providing a summary of the programme on the project website.

Topic	Advice	Regard had by Applicant
Supporting information	The Inspectorate clarified that supporting information may be provided as separate assessments or appendices with the application where appropriate and this should be cross-referenced in the Environmental Statement to the information it is supporting.	This is noted – where supporting information in the form of separate assessments or appendices is provided in the application, relevant cross-references are provided.
Approach taken to the 2023 Local Government Re-Organisation in North Yorkshire and Cumbria	The Inspectorate raised the need for the Applicant to consider the approach to be taken with respect to the 2023 Local Government Re-Organisation in North Yorkshire and Cumbria. Although the host authorities for this scheme are unaffected, thought needed to be given to how this may need to be reflected regarding consultees.	This is noted and was reflected in the statutory consultation notifications undertaken in accordance with section 42(b) of the Planning Act 2008 in May 2023, as reported in the Consultation Report (Document Reference 5.1)
Clarification on Scoping Opinion reference 3.5.5	The Inspectorate provided a clarification regarding Scoping Opinion reference 3.5.5. This clarified that further evidence is required to confirm that landowners in the Site Area have voluntarily agreed to give up their land for the Proposed Development and that the full range of potential significant effects have been considered. As an example, such evidence could include a short statement to confirm that no compulsory acquisition will be required as part of the Proposed Development.	This is noted. The position with regard to compulsory acquisition is set out clearly within Volume 4 of the DCO application.
<b>Meeting date: 03/07/2023</b>		
Programme Plan	The Inspectorate explained that the Applicant must prepare a Programme Plan for publication on its website in order that stakeholders may understand, and where relevant contribute towards, key milestones in the build up to the submission of the application. All requested interactions associated with the EAP components engaged must be agreed in the detailed Programme Plan. The Inspectorate requested for the public Programme	The Applicant shared a Programme Plan with PINS and the EAP consultees on 4 August. On 10 August 2023 it was published on the Byers Gill Solar website.

Topic	Advice	Regard had by Applicant
	Plan to be published on the Applicant's website within two weeks.	
Issues Tracker	The Inspectorate would provide the Applicant with a template for issues tracking. The Inspectorate established that this template could be refined by the Applicant to suit the individual circumstances of the project. The issues tracker should be proactively shared by the Applicant with the Inspectorate and relevant consultees prior to interactions.	An Issues Tracker was shared with PINS at a meeting on 18 September 2023. The matters recorded in the Issues Tracker have informed those reported in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6) provided with the DCO application.
PADSS	The Inspectorate reiterated that PADSS are consultee owned and authored. The Inspectorate would provide the Applicant with a PADSS template for distribution to relevant consultees to prepare and maintain. The Applicant would be required to retrieve final versions of pre-application PADSS from relevant consultees in order for them to accompany the DCO application submission	PADSS have been produced with consultees where relevant and are provided as appendices to the PMIE (Document Reference 7.6).
Policy Compliance Document	The Inspectorate explained the scope and purpose of the Policy Compliance Document. It is for the Applicant to respond to the brief in terms of how to develop this product, with input from relevant consultees as appropriate. The Inspectorate confirmed that it would be able to review and feedback on draft iterations of this document as they become available within the remainder of the pre-application stage.	The Policy Compliance Document (PCD) (Document Reference 7.1.1) is provided with the DCO application. The Applicant shared an early draft structure of the PCD, and a more completed draft, with PINS prior to DCO application. The overall approach to the PCD was discussed with PINS on 18 September 2023, following PINS review of the proposed PCD structure.
Demonstrating regard to s51 advice	The Applicant will be required to demonstrate how it has had regard to all s51 advice issued by the Inspectorate in a discrete location within the submitted application. The Inspectorate would be able to advise on the format in which the Applicant proposed to discharge this component within the application.	The regard had to s51 advice is provided within this table.

Topic	Advice	Regard had by Applicant														
Advice log	This is an optimised way to record interactions with the Applicant and any advice issued by the Inspectorate. A similar approach had been trialled previously on the A66 North Trans Pennine Project case. The log would be maintained by the Inspectorate and a copy of the template shared with the Applicant for information.	The advice log has been shared with the Applicant by PINS and forms the basis of this table.														
Design Approach Document	The Inspectorate explained the scope and purpose of the Design Approach Document. It is for the Applicant to respond to the brief in terms of how to develop this product, with input from relevant consultees as appropriate. The Inspectorate confirmed that it would be able to review and feedback draft iterations of this document as they become available within the remainder of the pre-application stage.	The Design Approach Document (DAD) (Document Reference 7.2) is provided with the DCO application. The Applicant shared an early draft structure of the DAD, and a more completed draft, with PINS prior to DCO application. The overall approach to the DAD was discussed with PINS on 18 September 2023, following PINS review of the proposed DAD structure.														
Outline control documents	The Inspectorate would provide the Applicant with a template CEMP developed for the onshore elements of offshore wind farms. The Inspectorate established that it may seek to develop equivalent templates for different sectors. On this basis it would be for the Applicant to prepare well-developed outline control documents to accompany its application. The Inspectorate confirmed that it would be able to review and feedback on draft iterations of these documents as they become available within the remainder of the pre-application stage.	<p>The Applicant has provided a suite of well-developed control documents with the DCO application, as listed below.</p> <table border="1" data-bbox="1261 855 2029 1388"> <thead> <tr> <th data-bbox="1261 855 1648 903">Management Plan</th> <th data-bbox="1653 855 2029 903">Doc Ref</th> </tr> </thead> <tbody> <tr> <td data-bbox="1261 906 1648 986">Outline Construction Environmental Management Plan (CEMP)</td> <td data-bbox="1653 906 2029 986">ES Appendix 2.6 (Document Reference 6.4.2.6)</td> </tr> <tr> <td data-bbox="1261 989 1648 1069">Outline Construction Traffic Management Plan (CTMP)</td> <td data-bbox="1653 989 2029 1069">ES Appendix 2.8 (Document Reference 6.4.2.8)</td> </tr> <tr> <td data-bbox="1261 1072 1648 1152">Outline Pollution and Spillage Response Plan</td> <td data-bbox="1653 1072 2029 1152">ES Appendix 2.9 (Document Reference 6.4.2.10)</td> </tr> <tr> <td data-bbox="1261 1155 1648 1235">Outline Materials Management Strategy (MMS)</td> <td data-bbox="1653 1155 2029 1235">ES Appendix 2.10 (Document Reference 6.4.2.10)</td> </tr> <tr> <td data-bbox="1261 1238 1648 1318">Outline Site Waste Management Plan (SWMP)</td> <td data-bbox="1653 1238 2029 1318">ES Appendix 2.11 (Document Reference 6.4.2.11)</td> </tr> <tr> <td data-bbox="1261 1321 1648 1388">Outline Soil Resources Management Plan (SRMP)</td> <td data-bbox="1653 1321 2029 1388">ES Appendix 2.12 (Document Reference 6.4.2.12)</td> </tr> </tbody> </table>	Management Plan	Doc Ref	Outline Construction Environmental Management Plan (CEMP)	ES Appendix 2.6 (Document Reference 6.4.2.6)	Outline Construction Traffic Management Plan (CTMP)	ES Appendix 2.8 (Document Reference 6.4.2.8)	Outline Pollution and Spillage Response Plan	ES Appendix 2.9 (Document Reference 6.4.2.10)	Outline Materials Management Strategy (MMS)	ES Appendix 2.10 (Document Reference 6.4.2.10)	Outline Site Waste Management Plan (SWMP)	ES Appendix 2.11 (Document Reference 6.4.2.11)	Outline Soil Resources Management Plan (SRMP)	ES Appendix 2.12 (Document Reference 6.4.2.12)
Management Plan	Doc Ref															
Outline Construction Environmental Management Plan (CEMP)	ES Appendix 2.6 (Document Reference 6.4.2.6)															
Outline Construction Traffic Management Plan (CTMP)	ES Appendix 2.8 (Document Reference 6.4.2.8)															
Outline Pollution and Spillage Response Plan	ES Appendix 2.9 (Document Reference 6.4.2.10)															
Outline Materials Management Strategy (MMS)	ES Appendix 2.10 (Document Reference 6.4.2.10)															
Outline Site Waste Management Plan (SWMP)	ES Appendix 2.11 (Document Reference 6.4.2.11)															
Outline Soil Resources Management Plan (SRMP)	ES Appendix 2.12 (Document Reference 6.4.2.12)															

Topic	Advice	Regard had by Applicant	
		Archaeological Management Strategy	ES Appendix 8.5 (Document Reference 6.4.8.5)
		Outline Battery Fire Safety Management Plan	ES Appendix 2.13 (Document Reference 6.4.2.13)
		Outline Landscape and Ecological Management Plan (LEMP)	ES Appendix 2.14 (Document Reference 6.4.2.14)
		Outline Public Rights of Way (PRoW) Management Plan	ES Appendix 2.15 (Document Reference 6.4.2.15)
		Arboricultural Method Statement (AMS)	ES Appendix 7.7 (Document Reference 6.4.7.7)
		Outline Decommissioning Environmental Management Plan (DEMP)	ES Appendix 2.7 (Document Reference 6.4.2.7)
Multiparty meetings	The Inspectorate summarised its offer under this component and requested for the Applicant to confirm (i) any multiparty meetings that it would wish to engage as soon as possible following the meeting and (ii) the requested role of the Inspectorate in any meetings.	The Applicant appreciates the offer of multi-party meetings, however has not considered this aspect of the EAP trial to be relevant or necessary for the Byers Gill Solar project.	
<b>Meeting date: 18/09/2023</b>			
Issues Tracker	The Applicant shared with the Inspectorate the current Pre-application Issues Tracker with regards to the Early Adopters Programme. Clarification was requested on whether consultation matters should be included. The Inspectorate advised that whilst it is for the Applicant to decide what was captured within its Issue Tracker, it sounded like an appropriate step to include matters raised at consultation.	As noted by PINS, an Issues Tracker was shared with PINS at a meeting on 18 September 2023. The matters recorded in the Issues Tracker have informed those reported in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6) provided with the DCO application. Matters raised by the general public at consultation are considered and responded to in the Consultation Report (Document Reference 5.1).	
Issues Tracker	The Inspectorate confirmed it would clarify when the Pre-application tracker should be published by the Applicant.	The Issues Tracker was not published by the Applicant and confirmation from PINS on this matter was not received. However, the matters recorded in the Issues Tracker have	

Topic	Advice	Regard had by Applicant
		informed those reported in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6) provided with the DCO application.
Policy Compliance Document and Design Approach Document	The Applicant stated the Policy Compliance Document and Design Approach Document was issued in August 2023 to the Inspectorate and Statutory Consultees. The Applicant advised that sharing the Design Approach Document with Councils at this stage has been beneficial to provide further context surrounding the Scheme. Some responses have been received. The Inspectorate requested to see a more mature version of these documents which would then be shared with a specialist Inspector who would then be able to provide specific feedback.	Mature drafts of the PCD and DAD were shared with PINS on 11 January 2023 for their consideration and feedback prior to DCO application.
Draft Document Review	The Applicant confirmed that it was their intention for Draft Documents to be submitted for review in late October 2023. The Inspectorate confirmed that 6 to 8 weeks would be required to provide feedback on the draft documents. Whilst some documents related to the Early Adopters Programme might be able to be reviewed within two weeks, the Inspectorate advised that generally it could only work to the standard targeted timescales at the moment for regular draft documents review documents.	A select suite of draft documents was shared with PINS on 8 December 2023 and 11 January 2024 or their review ahead of DCO application. The Applicant appreciates the timescales of the Inspectorate in reviewing draft documents and agreed the timing of the provision of draft documents in advance.
<b>Planning Inspectorate review of Early Adopter Programme products associated with Byers Gill Solar, published 2 February 2024</b>		
Observations and advice in relation to the draft Design Approach Document	Para 1.1.2 states that by 'becoming a certified document through the powers of the DCO [Development Consent Order], it places a duty on the Applicant (RWE), the future contractor and the relevant	The DAD has been updated to reflect these comments including a re-ordering of sections to enhance clarity and readability. It is not considered that the DAD overlaps with

Topic	Advice	Regard had by Applicant
	<p>stakeholders to ensure that the detailed design and associated infrastructure is delivered in accordance with the principles outlined within and secured by this document.' The draft DAD appears to contain many of the right design elements but is not presented in a clear and logical manner and overlaps with the functions of other documents within the design process.</p>	
	<p>A DAD is envisaged by the Inspectorate as a document that sets out the Applicant's vision for the project and the steps that will be taken to deliver and secure that vision. It should set out how the evidence that underpins the project's design will be assembled and map out the project's design process and how the eventual outcomes will be designed and secured. It should clearly describe the relationship between the key design documents, such as the Planning Statement, Design Principles Statement, Design and Access Statement, outline control documents including the Outline Landscape and Ecological Management Strategy, Landscape and Visual Impact Assessment and Consultation Report, where these are appropriate. The draft DAD in this case has been written when the project is significantly developed, and the key decisions made. The Inspectorate accepts that this is a consequence of the parameters associated with the EAP, which cannot be a criticism of any applicant engaged in the programme. The draft DAD contains a lot of information, including the beneficial outcomes that are envisaged; however, it would be useful if it was rewritten as a 'guide' to how the design has evolved and how it will be secured, with clarity, using appropriate diagrams, on how the various</p>	<p>It is considered that the updated document sets out the context and policy and how the design has responded to this. Documents in Volume 1 of the DCO application set out a guide to the application.</p>

Topic	Advice	Regard had by Applicant
	<p>elements of the documentation relate to each other. It need not be a long document, but it should explain how the project will evolve from initial vision through to operational outcome.</p>	
	<p>The Description of Development in Section 2 has not yet been provided.</p>	<p>This is in the updated document.</p>
	<p>Section 3 summarises the policy context but adds very little to the narrative because it does not explain the steps that have or will be taken to address policy requirements. The policy context is repeated in full in the PCD (for both 2011 and 2024 relevant National Policy Statements (NPS)) where a relatively full account of how policy compliance is proposed to be achieved is provided; although in some policy areas, notably 'good design', the current version lacks appropriate detail – see below under PCD. Currently, the two documents simply refer to each other with no real content, for example, the DAD quotes para 4.7.2 of the (now) approved 2024 EN-1, which is the foundational paragraph for policy in relation to good design but does not explain how the objectives of the paragraph are addressed. In parallel, the PCD also quotes para 4.7.2 and simply refers readers to the DAD as evidence of policy compliance</p>	<p>Further information has been added to the updated document regarding how the project achieves the principles of good design. The relationship between different parts of the document including the section on policy has been updated to set out a clearer narrative.</p>
	<p>Para 3.51 references local policies in relation to good design, which include creating 'attractive and desirable places' as an objective. It isn't clear where or how 'placemaking' is addressed. This is increasingly an important consideration for Nationally Significant Infrastructure Projects. Para 4.7.1 of the 2024 EN-1 states: 'Applying good design to energy projects should</p>	<p>Further information has been added to the updated document regarding how the project achieves the principles of good design. The relationship between different parts of the document including the section on policy has been updated to set out a clearer narrative.</p>



Topic	Advice	Regard had by Applicant
	<p>produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible.' And the National Infrastructure Commission (NIC) have emphasised that delivering for local people and creating multiple beneficial outcomes are important objectives. The draft DAD contains considerable evidence of the placemaking benefits that the Applicant envisages – see, for example, para 9.1.5 – but does not go as far as describing how the place itself will be and who will benefit. It would be helpful if the DAD explained what the 'new' place that emerges during the operational phase will be like, how it will work and how it will add value to local communities and those from Darlington and Middlesborough.</p>	
	<p>Para 3.6 describes the NIC's four principles but doesn't say how they are addressed or what difference addressing them has made.</p>	<p>This has been updated so that response to these are addressed in Section 7 of the DAD (Document Reference 7.2).</p>
	<p>Section 4 is partly Planning Statement information and partly a summary of several Environmental Statement conclusions; however, it does not go beyond stating the findings to explain how those findings have influenced the design (in the broadest terms) of the project.</p>	<p>These are addressed in Section 7 of the DAD (Document Reference 7.2)..</p>
	<p>Section 5 – Our Vision should be at the start of the draft DAD. The wording might be tightened up and address (a) the renewable energy objectives; (b) the objectives for achieving mitigation and (c) the objectives for net gain in terms of quality of place, enhancing landscape character, biodiversity, benefits for local people and</p>	<p>The vision has been updated and is in Section 3 of the DAD (Document Reference 7.2).</p>

Topic	Advice	Regard had by Applicant
	<p>visitors to the area. The chapter could then outline the design principles and subsequent steps that will achieve and secure the vision and outcomes. Para 5.1.4 gives details of the envisaged outcomes but fails to give them any spatial dimension or to explain or how the outcomes achieve the vision</p>	
	<p>Para 6.1.2 provides a positive explanation of the project's objectives; however, it is not immediately clear what the design principles, derived from these objectives, are. Importantly 6.1.2 states that the design principles are derived from the detailed 'design principles and parameters set out in Section 8'. But Section 8 is largely an extract from the Works Plan in the draft DCO. This is confusing and could amount to a statement that the design is whatever the project requires to achieve its renewable energy objectives. Consideration should be given to establishing a clear set of design principles that provide the framework and 'drivers' for the design and implementation of the project. Para 6.2.1 could helpfully list the range of technical and environmental factors to be considered and 6.2.2 outline how the project has developed through its various stages of consultation.</p>	<p>Section 8 of the DAD (Document Reference 7.2) provides a detailed breakdown of the design parameters of the scheme. It is considered that the design principles established in Section 6 of the DAD (Document Reference 7.2) are sound.</p>
	<p>Section 7 outlines the dimensions, materials and engineering of the project; including the significant number of containers to be distributed across the site to house key equipment including BESS, inverters and transformers. The emphasis is on how these containers might be 'hidden' from the view of receptors; however, it would be helpful to address a positive approach to design and explain what range of materials and colour palette might be adopted for these significant objects,</p>	<p>The of the DAD (Document Reference 7.2) reports on all design matters that are capable of being considered and sets the principles and parameters for them. Materials and colour palette for BESS and fencing are not able to change, therefore parameters and options cannot be set for them.</p>

Topic	Advice	Regard had by Applicant
	including security fencing, that will sit in the landscape and inevitably (and correctly) be in view of users of nearby footpaths and highways and how they accord with the project's design principles.	
	Section 7.3 – Landscape and Environmental Design is not yet complete which is a disadvantage to this review process.	These points are noted. The review set out by PINS is for Draft Documents rather than complete documents and the Applicant sought to submit as much information that was available at the time of requesting advice.
	While, as stated above, there is considerable evidence of the envisaged range of benefits from the project, it is perhaps a missed opportunity that the narrative does not yet go a step further to explain where these benefits will be located and how a distinctive place will be created. There also appears to be no information of the design, location and mitigation associated with the proposed sub-station and communications tower.	This has been added to in Section 7 of the document.
	Section 9 is a helpful summary of how good design has been approached, consideration could be given to whether it might be incorporated earlier in the document. As stated earlier and perhaps because of the way the draft DAD is organised, it is not always clear how policy requirements have been tackled and how the list of beneficial outcomes in 9.1.5 will be secured and delivered and the difference this will make to the location and its future use.	The document has been updated to improve the narrative in earlier sections.
Observations and advice in relation to the draft Policy Compliance Document	Para 1.1.2 of the draft PCD sets out its purpose: 'This document forms an appendix to the Planning Statement (Document Reference 7.1). The Planning Statement sets out the overall case for the Proposed Development, considering the need for the development and the	This purpose of the individual documents is reflected in the Planning Statement (Document Reference 7.1) and Policy Compliance Document (Document Reference 7.1.1).

Topic	Advice	Regard had by Applicant
	<p>extent to which compliance with planning policy and other relevant considerations can be evidenced.'</p>	
	<p>Overall, the draft PCD appears to achieve its purpose. In most instances the description of the response to policy sets out in some detail where the issue is addressed within the application and the measures that have been chosen to achieve compliance. In the current version there are several policy areas where this detail is absent. For example, in the sections dealing with how the criteria for 'good design' in major infrastructure projects are met, which simply refers to the DAD, without providing any detail on the issue or the measures taken. In contrast the sections dealing with the response to climate change provide significant detail on the policy response and how compliance has been achieved.</p>	<p>The Policy Compliance Document (Document Reference 7.1.1) is complete and considers points relating to 'good design' to a level of detail consistent with the rest of the document. The draft PCD did not include a complete consideration of some points as, at that time, the relevant documents such as the Design Approach Document (Document Reference 7.1) were in progress.</p>
	<p>The draft PCD's 'readability' might be enhanced by (a) using only the text of the newly approved revised NPSs and (b) making clear, perhaps by use of colour coding and an 'across the page' banner, each individual set of policy considerations.</p>	<p>Colour coding has been added to the Policy Compliance Document (Document Reference 7.1.1) to identify where different sections of the NPS or different local authority policies are considered.</p>