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Your ref: EN010139
Our ref: SCO/22/00015



byersgillsolar@planninginspectorate.gov.uk

28 November 2022

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by JBM Solar (the Applicant) for an Order granting Development Consent for Byers Gill Solar Farm (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

I write with reference to you letter dated 27 October 2022 regarding the above requesting comments.

It is appreciated that this letter is sent following your deadline, but it is hoped that the attached comments will be shared with the applicant.

Yours faithfully

[REDACTED]
Claire Teasdale
Principal Planning Officer

Regeneration, Economy and Growth

Durham County Council, Planning Development (Strategic), Room 4/123-128, County Hall,
Durham DH1 5UL Main Telephone: [REDACTED]

SCO/22/00015 - Request for a Scoping Opinion Under Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) in respect of an application by JBM Solar for an Order granting Development Consent for Byers Gill Solar Farm

Durham County Council Consultee Responses

Consultee	Comments
Landscape Section	<p>The majority of the proposed development, including the solar PV module areas, substation etc. are located within the administrative boundaries of Darlington Borough Council and Stockton-on-Tees Borough Council. However, the northern extent of the Site B - Hauxley Farm) lies directly adjacent to the boundary of County Durham with part of the cable route also crossing into the county.</p> <p>An Area of Higher Landscape Value (AHLV) as identified in the County Durham Plan is located to the north of the proposed site.</p> <p>The effects on the county are likely to be largely restricted to local roads including Lodge Lane (C34A), C92 and the C37 from where there would be glimpsed, fleeting or intermittent sequential views of the site. While these would be limited in places by roadside hedges, views would still be afforded over lower clipped hedges, through sporadic sparser sections, and through gaps and gateways and given the fragmented nature of the proposal with disaggregated parcels being used, the impact of the proposal will be felt over a wider area in which the proposal has the potential to be perceived as having a sprawling character. Some views might also be afforded from the PROW network on local high points e.g. around Foxtan.</p> <p>The visibility of the development from Durham, and therefore its effects on the character of the local landscape, would be reduced over time by a combination of tailored management of existing trees and hedges and the planting of new trees, hedges and native shrubs, however given the undulating nature of the topography, mitigation in the wider landscape of intervening hedgerows outside the site boundary is likely to be required to help create visual enclosure.</p> <p>Cumulative landscape and visual impacts from the proposed development together with other developments including the consented solar farms within 1-4km at Whitfield, Brafferton (DM/21/02816/FPA) and Cowley House Farm, Thorpe Larches (DM/20/01991/FPA) should be fully assessed in the ES, having regard to the combined effects of sequential, fleeting and intermittent views of both the proposed and consented development along the road network but also views where the proposed and consented are likely in to be seen in combination (e.g. PROW network around Foxtan).</p> <p>The assessment should be supported by appropriate visual representations including annotated photographs, photomontages and wirelines. Effort should be made to agree the viewpoints for visual representations, the assessment years and the detailed methodology for their production with relevant consultation bodies. Both winter and summer views should be included. The ES should clearly present any assumptions made with regards to the height that any mitigation planting will have reached by the assessment years for purposes of generating photomontages.</p>

	<p>The ES should explain how the visual receptors and viewpoints have been selected, with reference to ZTV mapping and fieldwork, and illustrate these on suitable figures. The Applicant should ensure appropriate viewpoints have been selected to capture views from within County Durham and any long-distance views of the proposed development. The ZTV should take into account the areas that are likely to be seen in conjunction with those solar farms already consented within County Durham. Effort should be made to agree the visual receptors, viewpoints and viewpoint heights with the councils Landscape Officer.</p>
Ecology	<p>Overall, officers are happy with the scope of the works and the methodology applied. The range of surveys appear appropriate given the nature of the habitats on site and appropriate survey work has been undertaken or is proposed. The methodologies applied are in line with national guidance. The information provided on potential impacts and mitigation/compensation is sound and provides a suitable starting point to inform more detailed design work.</p>
Design And Conservation	<p>The proposed methodology relating to assessment of heritage assets is noted (p.96 onwards). The data sets identified at this stage include, Listed Buildings and Conservation Areas, as well as Registered Parks and Gardens, and Scheduled Monuments. A 2km radius search area is identified for all designated and non-designated heritage assets, and 5km for Grade I and II* listed assets. This is our standard search radius for all such energy developments.</p> <p>Note that within the 2km radius search area is located Aycliffe Conservation Area which is not identified within the desk based assessment within the document.</p>
Archaeology	<p>From an archaeological point of view, as there is no footprint in County Durham there will be few issues. The only one that potentially springs to mind is setting of any designated heritage assets in County Durham.</p>
Rights Of Way Officer	<p>There are no Public Rights of Way, within Durham County Councils boundary, directly affected by this proposal. There are PRowS within the Darlington Borough which may be impacted, and careful consideration should be given if diverting these paths in terms of the potential connectivity effects to paths within DCCs boundary. Having looked at the plans, officers cannot see of any cross boundary paths which run from Durham into Darlington and are affected but a strategic view should still be taken with regard to the paths which may connect between boundaries via a section of other Highway.</p>
Spatial Policy	<p>See Appendix 1 below.</p>
Drainage And Coastal Protection	<p>Reference should be made to the General Guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of Solar / Wind Farms.</p>

<p>Highways Development Management</p>	<p>Once operational, Solar Farms generate very little traffic on the local road network, with the main vehicular movements being associated with infrequent maintenance visits. On this basis, the principle of the solar farm use would not raise any concerns over road safety.</p> <p>The main trips associated with the site would occur during the construction phase. Therefore, a Construction Management Plan would need to be provided to show how the impact of construction traffic would be mitigated against on the local road network. In addition, details of any proposed site access would be required for assessment to ensure it is safe and suitable.</p>
<p>Air Quality</p>	<p>With reference to the EIA scoping request for advice, officers have considered the information provided to date and would comment in relation to the following environmental impacts:</p> <ul style="list-style-type: none"> o Air quality <p>AECOM have reviewed the following planning submission documents currently available on the Durham County Council Planning Portal for SCR/22/00015:</p> <ul style="list-style-type: none"> o Statutory Consultation Letter; o Scoping Report and associated figures. <p>Our comments are summarised as follows:</p> <ul style="list-style-type: none"> o The scoping out of Air Quality from the EIA is considered acceptable with reference to the evidence provided, and the fact that a separate document (the Outline EMP) will be produced and submitted as part of the DCO application, which will include a construction dust assessment and mitigation measures following Institute of Air Quality Management (IAQM) guidance (Holman et al (2014). IAQM Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, London. www.iaqm.co.uk/text/guidance/construction-dust-2014.pdf) (Paragraph 11.2.18). o In addition to the IAQM guidance, the Outline EMP should make reference to Durham Council's Construction/Demolition Management Plan Guidance (Durham County Council (undated), Construction/Demolition Management Plan Guidance. (Provided by the Council upon request)). The Outline EMP should be informed by consideration of nearby human health receptors and ecologically sensitive sites and the magnitude of construction activities as per the guidance. o During the operational phase, it is stated that vehicle trips will be below EPUK screening thresholds. No mention is made of any on-site emissions sources such as back-up generators. It is assumed that should such plant be present, the hours of operation will be low such that no assessment is required. <p>Please note the above comments are made following consideration of the information that is submitted to date and officers reserve the right to request further documents, conditions and make further comments should a full application be submitted.</p>

<p>Environmental Health (Contaminated Land)</p>	<p>Officers are satisfied with the proposals regarding contaminated land detailed in section 11.6 of the EIA Scoping Report (2022). Officers have no immediate comments or concerns.</p>
<p>Nuisance Action Team</p>	<p>Officers have considered the information provided to date and would comment in relation to the following environmental impacts:</p> <p>Noise/Dust/Light (Glare/Reflection)</p> <p>During the construction phase the development will be a noise generating development, as advised there are several NSRs within close proximity to the site boundary.</p> <p>During the operational phase the issues to consider would be the potential for noise from inverters/batteries used in connection with storing electricity and any potential for low frequency hum.</p> <p>Dust</p> <p>The proposal would have the potential to generate dust during the development phase.</p> <p>Light/(Glare/Reflection)</p> <p>External lighting may have an impact upon sensitive receptors.</p> <p>In relation to the solar panels themselves the effect of glare/reflection needs to be considered in relation to impacting upon sensitive receptors.</p> <p>Considering the above comments/concerns I would expect any application is supported by the following document/s:</p> <p>Noise</p> <p>Officers would expect consideration to be given in relation to the potential for impact upon NSRs both from noise during construction/development works but also in relation to the potential for low frequency noise from the storage of electricity, this may involve the need for the provision of detailed noise assessments and detail on methods of mitigation, if required.</p> <p>Officers would expect detail to be provided on the proposed hours of operation during construction and would recommend the following:</p> <p>Construction activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.</p> <p>Dust</p> <p>Officers would expect detail to be provided in relation to a suitable dust management plan.</p> <p>Light (Glare/Reflection)</p> <p>Officers would expect detail of any external lighting, which may have an</p>

	<p>impact on nearby sensitive receptors, sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light.</p>
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Detail on how sensitive receptors will be protected, where necessary, from glare/reflection from the panels should also be provided.

Spatial Policy Comments

The submitted Scoping Report seeks to reach agreement on the scope of information to be provided in an Environmental Impact Assessment Statement (EIA), which will be submitted in conjunction with the application.

The Proposed Development will have the capacity to generate over 50 Megawatts (MW) alternating current (AC) of electricity, and as such is considered to be a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(a) and Section 15(2) of the Planning Act 2008. The application is therefore to be submitted to the National Infrastructure Directorate of the Planning Inspectorate as a Development Consent Order (DCO) application.

In accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), the Applicant has confirmed that an Environmental Statement (ES) will accompany the application.

The majority of the Proposed Development, including the solar PV module areas, substation and on-site BESS are located within the administrative boundaries of Darlington Borough Council and Stockton-on-Tees Borough Council. However, in the northern extent of the Site Area, part of the cable routes crosses into the administrative boundary of Durham County Council. As such, the Planning Inspectorate has consulted the council as a stakeholder and specialist colleagues will need to confirm whether the level of detail and supporting information provided is sufficient.

The submitted document sets out the proposed scope of the Statement and the topic areas of assessment. Those topics 'screened in' by the applicant during construction, operation and decommissioning stages include:

- Climate Change
- Biodiversity
- Landscape and visual impact

Those topics 'screened in' by the applicant during construction and operation stages include:

- Cultural heritage
- Land use and Socio-economics
- Cumulative Effects

Potential impacts in relation to Climate Change

The scope of this assessment appears to capture the key impacts in relation to climate and the potential impact of climate change. It is noted the report identifies the need for a Greenhouse Gas Assessment and a Climate Change Resilience Assessment. The resilience assessment should include cross reference to the Flood Risk Assessment which should address climate change allowances both in relation to the resilience of the solar farm but also the potential impacts on flood risk elsewhere. Comments from specialist colleagues should be sought on the level of detail required in the Flood Risk Assessment.

Potential effects on biodiversity

The scope of this assessment appears to capture the requirement for an Ecological Impact Assessment and Habitats Regulation Assessment. The site is in proximity to Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Local Nature Reserves, a Ramsar Site and proposed Ramsar Site. In terms of designated sites within County Durham, the Railway Stell West SSSI is within the 10km buffer zone of the proposal. Comments from specialist colleagues should be sought on the level of detail required to fully understand the impact on ecology and nature conservation. This should also take account of the government's requirement for environmental net gain in line with the Environment Bill.

It should be noted the summary of relevant policies in table 6.1 omits County Durham Plan (CDP) Policy 41 Biodiversity and Geodiversity.

Potential landscape and visual effects, including cumulative effects

The scope of this assessment appears to capture the requirement for a landscape and visual impact assessment in relation to landscape and visual effects. It should be noted that the site is not only in a rural location, it also borders an area of higher landscape value within County Durham on its northern most boundary. Comments from specialist colleagues should be sought on the level of detail required to understand the impact both visually and on important landscape designations.

Potential effects on Heritage

The scope of this assessment appears to capture the requirement for a cultural heritage assessment, supported by an Archaeological Desk Based Assessment, Historic Environment Settings Assessment and geophysical survey. Within 2km of the Study Area there are five Scheduled Monuments, two Grade I listed buildings, one Grade II* Listed building, three conservation areas and 66 Grade II listed buildings. Advice from specialist colleagues should be sought regarding whether additional information or assessment is required.

Land use and Socio-economics

The scope of this assessment captures the requirement for an Agricultural Land Classification and soil resource survey. Given land within the site and surrounding area is focussed on agricultural activities this will be a key policy consideration.

The Site Area is partially located within Darlington Borough Council's Mineral Safeguarding Areas for limestone. Cabling appears to bound a Mineral Safeguarding Area for Magnesian Limestone within County Durham. It is noted minerals have been scoped out on the basis the mineral resource would not be permanently sterilised by the proposed development. Darlington Borough Council may wish to comment in relation to minerals safeguarding designations within their area and whether there is a need for a Minerals Assessment.

It is noted the Public Rights of Way Team have already responded in relation to this matter.

Topics Screened Out

Whilst it has been proposed that the following topics should be screened out of the EIA, comments from relevant specialist colleagues should be sought to confirm that they are satisfied that environmental impacts are not deemed to be significant. These issues will still need to be addressed and appropriate assessments, if required, submitted as part of the planning application process.

Those areas proposed to be screened out:

- Air quality
- Arboriculture
- Electric, magnetic, and electromagnetic fields
- Glint and glare
- Ground conditions
- Human health
- Hydrology
- Major accidents and disasters
- Noise and vibration
- Traffic and transport
- Waste

Recommendations

The Environmental Statement should provide a description of the likely significant effects of the proposed development on the environment as identified above and provide a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects identified. In accordance with section 18(3)d of the regulations a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment should be included as part of the Environmental Statement and it should provide an indication of the main reasons for the choice made, including a comparison of the environmental effects.

Planning law requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. It should be noted that at this point in time an application would be determined using the County Durham Plan, saved Minerals Local Plan and Waste Local Plan and the emerging Minerals and Waste Policies and Allocations Development Plan Document. The Great Aycliffe Neighbourhood Area and Sedgefield Neighbourhood Area are located to the north of the site. Whilst the adopted neighbourhood plans for these neighbourhood areas do not apply to the site, given the proximity the forums would be considered stakeholders for future engagement.