

**Byers Gill Solar
EN010139**

6.4.4.2 Environmental Statement

Appendix 4.2 Scoping Opinion

Planning Act 2008

APFP Regulation 5(2)(q)

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

Volume 6

February 2024

Revision C01





SCOPING OPINION:

Proposed Byers Gill Solar Farm

Case Reference: EN010139

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

06 December 2022



TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	OVERARCHING COMMENTS	3
2.1	Description of the Proposed Development.....	3
2.2	EIA Methodology and Scope of Assessment	4
3.	ENVIRONMENTAL ASPECT COMMENTS	5
3.1	Climate Change.....	5
3.2	Biodiversity	7
3.3	Landscape and Visual.....	12
3.4	Cultural Heritage	14
3.5	Land Use and Socio-Economics	19
3.6	Cumulative Effects	21
3.7	Topics Scoped Out.....	22
 APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED		
 APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES		

1. INTRODUCTION

1.0.1 On 27 October 2022, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from JBM Solar (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Byers Gill Solar Farm (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.

1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report and accompanying figures, available from:

Scoping Report – Main Body and Appendices:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010139-000021>

Scoping Report – Figures 1.1 to 6.2:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010139-000022>

Scoping Report - Figures 7.1 to 7.8:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010139-000023>

Scoping Report – Figures 8.1 to 11.3:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010139-000024>

1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.

1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

- 1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>
- 1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 2)

ID	Ref	Description	Inspectorate's comments
2.1.1	Paragraph 2.3.9	Parameters for on-site support equipment and battery energy storage	The Scoping Report identifies that there will be approximately 44 inverter containers and 53 hybrid containers approximately the size of a shipping container, however, it does not explain the anticipated height of these structures i.e. whether they can/will be stacked or what the footprint would be; as is done for the substation. The ES should set out the maximum parameters of the proposed on-site support equipment and identify where these will be located. This should also be established for the battery energy storage systems.
2.1.2	Paragraph 2.4.6	Number and location of construction compounds and access tracks	Whilst this is currently unknown, the ES should quantify and locate the construction compounds. The Applicant should make effort to locate the compounds where existing access to the construction site can be secured reducing the need for new accesses and the resultant impacts.
2.1.3	Section 2.3	Cable depth	The ES should define the maximum depth and width of cable corridors and final easements and use this to inform a worst-case scenario in aspect assessments where relevant.
2.1.4	Section 2.4	Construction timeframe	Whilst the Scoping Report states that construction will last 12 months, an anticipated timeframe for each relevant stage of construction (enabling works, construction and commissioning) has not been provided. The ES should provide an anticipated timeframe for each stage of the construction period as this will usefully correspond to the characteristics of the likely impacts and effects.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	n/a	Transboundary	<p>The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p> <p>The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</p>

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Climate Change

(Scoping Report Section 5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Table 5.2	Temperature change	Temperature changes are not anticipated to be exacerbated by the Proposed Development; the Inspectorate is content to scope this matter out on this basis.
3.1.2	Table 5.2	Impacts to and from sea level rise	Since the Proposed Development is not identified as being located in an area with potential to be impacted by or to exacerbate impacts from sea level rise therefore, the Inspectorate agrees that this matter can be scoped out.
3.1.3	Table 5.2	Precipitation change	The Inspectorate is content to scope this matter out on the basis that precipitation changes are not anticipated to be exacerbated by the Proposed Development; it is noted and agreed that impacts to the Proposed Development from increased frequency and duration of precipitation events is scoped in.
3.1.4	Table 5.2	Wind	Wind impacts from climate change are not anticipated to be exacerbated by the Proposed Development; the Inspectorate is content to scope this matter out on this basis. It is noted and agreed that impacts to the Proposed Development from an increase in strong wind events is scoped in.
3.1.5	Paragraph 5.7.2.2 and Table 5.7	Resilience to impacts from climate change during construction and decommissioning	The Inspectorate agrees that this can be scoped out of the assessment on the basis that impacts from flooding will be assessed in the Flood Risk Chapter and that mitigation measures to manage

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			potential extreme weather events, including use of weather alert systems and appropriate storage of materials, will be implemented.

ID	Ref	Description	Inspectorate's comments
3.1.6	Paragraph 5.5.7	Future scenario 2040 – 2059	Scoping Report paragraph 5.5.7 states that the future climate change scenario is 2040 to 2059 as this best represents the future baseline, however, on the premise that construction is likely to start at the earliest in 2023 and therefore complete in 2024, the lifetime of the development will exceed 2059. The Inspectorate considers that the future climate change scenario should either be fully justified or changed to reflect the extent of the Proposed Development's lifetime.

3.2 Biodiversity

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Paragraph 6.6.5 and Table 6.4	Construction, operation and decommissioning – Direct impacts on national and non-statutory designated sites	<p>Scoping Report paragraph 6.6.5 states that impacts on designated sites are unlikely as no land is required directly from designated sites and indirect effects such as pollution will be mitigated through best practice measures secured through the Construction Environmental Management Plan (CEMP). Table 6.4 only scopes out potential impacts to national and non-statutory designated sites. The Inspectorate agrees these matters can be scoped out.</p> <p>For clarity, indirect effects to internationally designated sites should be scoped into the ES as there is potential for the Proposed Development to impact land functionally linked to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site (paragraph 6.5.3).</p>
3.2.2	Table 6.4	Operation and decommissioning – Permanent loss of habitat Operation – temporary loss of habitat	<p>The Inspectorate agrees that this matter can be scoped out on the basis that impacts during construction take account of any continued habitat loss through the operation and decommissioning phases.</p>
3.2.3	Paragraph 6.6.8 and Table 6.4	Construction, operation and decommissioning – Loss of habitat and incidental harm and mortality of great crested newts (GCNs)	<p>The Applicant intends to offset the effects of the Proposed Development on Great Crested Newts (GCN) by obtaining a licence through the Natural England District Level Licensing (DLL) scheme. The Inspectorate understands that the DLL approach includes strategic area assessment and the identification of risk zones and strategic opportunity area maps. The ES should include information to demonstrate whether the Proposed Development is located within a risk zone for GCN. If the Applicant enters into the DLL scheme, NE</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>will undertake an impact assessment and inform the Applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN. The outcome of this assessment will be documented on an Impact Assessment and Conservation Payment Certificate (IACPC). The IACPC can be used to provide additional detail to inform the findings in the ES, including information on the Proposed Development's impact on GCN and the appropriate compensation required.</p>
3.2.4	Table 6.4	Construction, operation and decommissioning – Loss of habitat incidental harm and mortality of reptiles	<p>Scoping Report paragraph 6.6.1 identifies potential impacts to reptiles however, impacts are then stated to be unlikely in paragraph 6.6.9 due to the majority of habitat on site being sub-optimal for reptiles; this is supported by a Preliminary Ecological Appraisal. Table 6.4 identified that reptiles identified on site will be relocated before a destructive search with the final landscape design enhancing habitat and connectivity for reptiles across the Proposed Development site. On this basis, the Inspectorate agrees to scope this matter out.</p>
3.2.5	Paragraph 6.6.11 and Table 6.4	Construction, operation and decommissioning – loss of trees supporting roosting bats	<p>Scoping Report paragraph 6.6.11 confirms that trees identified with potential for roosting bats will be retained. Provided this is secured through the DCO, the Inspectorate agrees to scope this matter out.</p>
3.2.6	Table 6.4	Construction, operation and decommissioning – loss of bat foraging habitat	<p>Bat foraging habitat is proposed to be retained aside from small sections of hedgerows that will be temporarily removed (and subsequently reinstated) to accommodate cable routes during construction. The ES should identify the locations and extent of hedgerow removal and the timeframes for reinstatement. No baseline information has been provided in relation to bats and surveys are identified to be ongoing in Table 6.2. Without understanding how bats use the site, the Inspectorate cannot agree to scope this matter out.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The ES should establish the baseline and assess significant effects where they are likely to occur.
3.2.7	Paragraph 6.6.12 and Table 6.4	Construction, operation and decommissioning – disturbance to badger setts	<p>Scoping Report paragraph 6.6.12 states that badger setts identified from surveys (Table 6.2) would be retained and a standoff distance implemented to a likely minimum of 30m to avoid/minimise disturbance. Fences will also include mammal gates to allow for movement. The Scoping Report does not discuss how the presence of the solar farm would impact badger use of the site during operation.</p> <p>The ES should describe and secure mitigation measures through the DCO and use evidence to explain how badgers might use the site during operation. Any assumptions and limitations should be described.</p>
3.2.8	Table 6.4	Construction, operation and decommissioning – fragmentation of habitat due to security fencing	The security fencing, at all stages of the Proposed Development, will incorporate mammal gates to reduce/avoid fragmentation. Provided this is secured through the DCO, the Inspectorate agrees this matter can be scoped out.
3.2.9	Paragraph 6.6.1	Disturbance and displacement of reptiles, GCNs and hares	The Scoping Report identifies the potential for reptiles, GCNs and hares on site in paragraph 6.6.1 however, disturbance is not listed as a potential impact on these species. The ES should assess disturbance during construction on hares, GCNs and reptiles where significant effects are likely to occur.
3.2.10	Section 6.5	Receptors – water dependent habitats and species	Whilst main and ordinary watercourses are discussed in Scoping Report section 6.5 hydrology, water dependent habitats (such as ditches) and species (such as fish) are not. The ES should include sufficient baseline ecological survey data to evaluate the potential impacts on water dependent habitats and species and assess significant effects where they are likely to occur.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.11	Paragraph 6.6.13 and Table 6.5	Increase in floral and insect species-richness	Scoping Report paragraph 6.6.13 identifies an increase in floral and insect species diversity as an impact during operation but this is not scoped into the assessment in Table 6.4. The ES should provide specific detail regarding the anticipated change in species richness and diversity in order to understand any potential significant effects. The ES should assess significant effects where they are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.2.12	Paragraph 6.6.1 and Table 6.2	Other identified species from ongoing surveys	<p>The Inspectorate notes that Table 6.2 identifies that some surveys are incomplete and are ongoing. Therefore, the Inspectorate does not consider that the potential impacts of the Proposed Development listed in paragraph 6.6.1 are in full as receptors are identified but possibility remains for further receptors to be identified e.g. hazel dormouse, veteran trees etc.</p> <p>The ES should report the full survey findings and list all receptors identified as potentially present on site and assess significant effects where they are likely to occur.</p>
3.2.13	n/a	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has

ID	Ref	Description	Inspectorate's comments
			been submitted to the Inspectorate and may be made available subject to request.

3.3 Landscape and Visual

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Table 7.3	Effects on national landscape designations	The Inspectorate is content to scope this matter out on the basis that there are no national landscape designations within 5km of the Proposed Development.
3.3.2	Table 7.3	Effects on local landscape designations beyond 2km	The Scoping Report states that this matter has been scoped out as effects on local landscape designations beyond 2km are expected to be negligible as visibility is expected to be limited. However, the Zone of Theoretical Visibility (ZTV) illustrated in Figures 7.3 to 7.8 shows that the solar panels would be visible beyond 2km and therefore have potential to impact local landscape designations. The ES should identify, locate and assess impacts to local landscape designations within the ZTV where significant effects are likely to occur.
3.3.3	Table 7.3	Effects on national landscape character areas	The Applicant proposes to scope out effects on National Character Areas (NCAs) due to scale of the Proposed Development in comparison to the broad nature of NCAs. However, NCAs are not identified in the Scoping Report landscape and visual baseline or as sensitive receptors. The ES should identify, locate and assess impacts to National Character Areas where significant effects are likely to occur.
3.3.4	Table 7.3	Effects on local landscape character areas beyond 2km	The Applicant intends to scope this matter out as effects on local landscape character areas beyond 2km are expected to be negligible given visibility is expected to be limited. However, the ZTV shows that the Proposed Development would be visible beyond 2km. The ES should assess impacts to local landscape character areas within the ZTV where significant effects are likely to occur.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.5	Table 7.3; Figures 7.3 to 7.8	Effects on views and visual amenity beyond 2km	The Scoping Report states that effects on visual receptors beyond 2km are expected to be negligible given expected visibility. However, the Zone of Theoretical Visibility (ZTV) illustrated in Figures 7.3 to 7.8 show that the panels will be visible beyond 2km. The ES should assess potential effects on views and visual amenity within the ZTV where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.3.6	Paragraph 7.7.1	Viewpoints	The ES should explain the process used to determine appropriate viewpoints through the consultation process and should take into account topography, long-distance views, views from Public Rights of Way and the setting of heritage receptors.
3.3.7	Section 7.3	ZTV / Study Area	The Scoping Report states that the ZTV has been calculated using a set height of 4.35m as this is the maximum height used for tracking solar PV modules. However, the Proposed Development involves associated infrastructure, including CCTV poles, security fencing, substation, inverters, and Battery Energy Storage Systems (BESS), which may exceed the maximum height used to calculate the ZTV. Consequently, the ZTV may not be representative of the full extent of visibility. The ES should clearly evidence and justify the final extent of the ZTV used and ensure that any assessment of significance is based on the worst-case scenario. Effort should also be made to agree appropriate ZTVs with relevant consultation bodies.

3.4 Cultural Heritage

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Table 8.5	Direct impacts to known and unknown archaeological remains during operation	Potential indirect impacts to archaeology remaining in situ during the operation include impacts from alteration of drainage patterns as a result of the existence of the Proposed Development. This could cause increase decomposition of archaeological remains therefore the Inspectorate does not agree to scope this matter out.
3.4.2	Table 8.5	Direct impacts to known and unknown archaeological remains during decommissioning	The Applicant proposes to scope out the direct impact of decommissioning the Proposed Development on known and unknown archaeological remains as impacts are only likely to occur during construction. Given there is potential for ground disturbance during decommissioning and effects are likely to be similar to those experienced during construction the Inspectorate is of the opinion that this matter cannot be scoped out at this stage.
3.4.3	Table 8.5	Direct impacts to designated heritage assets	The Inspectorate agrees that direct physical effects on designated heritage assets can be scoped out as there are no designated heritage assets within the site boundary.
3.4.4	Table 8.5	Direct impacts to any heritage assets beyond the development footprint	The Inspectorate agrees that the Proposed Development is unlikely to directly impact heritage assets beyond the development footprint and is content for this matter to be scoped out.
3.4.5	Table 8.5	Indirect impacts to designated and non-designated heritage assets within the Site Area during construction and decommissioning	The Scoping Report states that indirect impacts to designated and non-designated heritage assets within the Site Area are considered operational and occur due to a change of setting as a result of the finished built form of the Proposed Development.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Inspectorate notes that the use of temporary construction compounds within the Site Area has the potential to indirectly impact the setting of designated and non-designated heritage assets during construction and decommissioning of the Proposed Development. However, given the anticipated short duration of the construction and decommissioning stages, significant effects are considered unlikely and the Inspectorate is content to scope this matter out.
3.4.6	Table 8.5	Indirect impacts on designated and non-designated heritage assets within the 2km study area during construction and decommissioning	The Inspectorate considers that due to anticipated short duration of the construction and decommissioning stages, significant indirect effects to designated and non-designated heritage assets within the 2km study area are unlikely and the Inspectorate is content to scope this matter out.
3.4.7	Table 8.5	Indirect impacts on highly designated heritage assets within the 5km study area during construction and decommissioning	The Inspectorate agrees that due to the anticipated short duration of the construction and decommissioning stages, significant indirect effects to highly designated heritage assets within the 5km study area are unlikely and the Inspectorate is content to scope this matter out.
3.4.8	Table 8.5	Impacts on the Grade II* listed Wynyard Hall, the Grade II* registered Wynyard Park, the Grade II* listed Lion Bridge to East of Wynyard Hall, the Grade II* listed Wellington Obelisk to South East of Wynyard Hall	The Scoping Report states that impacts on these designated assets have been scoped out on the basis that they are all contained within the Grade II* registered Wynyard Park which is not considered to be within the setting of the Site Area. The Inspectorate agrees that the Proposed Development is unlikely to result in significant effects on these assets and is content to scope these assets out.
3.4.9	Table 8.5	Impacts on the Grade II listed Hodgson Chest Tomb, 5m South of South Porch of Church of St Andrew, the Grade II listed 3, The	The Scoping Report states that these assets are located within the built-up environment of Aycliffe and are in close proximity to the A1(M) and have been scoped out of the assessment as the Proposed Development would cause no further alteration to the setting of the

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		Green, the Grade II listed Oakles Farmhouse, the Grade II listed 14, High Street, Lamp Post 7 Metres East of Number 7, The Green, the Grade II listed Church of St Andrew, the Grade II listed Headstone to John Gibson, 7 Metres South of South of South Port of Church of St Andrew and the Grade II listed Aycliffe War Memorial	assets. On this basis, the Inspectorate considers that significant effects are unlikely and agrees to scope these assets out.
3.4.10	Table 8.5	Impacts on the Grade II* listed Heighington Hall and the Grade I listed Church of St Michael	The Inspectorate considers that as these designated assets are visually separated from the Site by a large number of buildings and vegetation and are not considered to share a relationship to the Site Area, significant effects are unlikely and the Inspectorate is content to scope this matter out.
3.4.11	Table 8.5	Impacts on the Grade II* listed Goods Shed East South East of North Road Station, the Grade I listed Butler House and the Rectory, the Grade I listed Church of St Andrew, the North Road Railway Station (Now Railway Museum) and the Grade I listed Skerne Bridge	The Scoping Report proposes to scope out these assets on the basis that the significance to their setting is derived from their relationship with other assets within the urban environment and not from the Site Area. The Inspectorate is content that significant effects on these designated assets are unlikely and agrees to scope out this matter.
3.4.12	Table 8.5	Impacts on the Grade II* listed Church of St Mary and the Grade II* listed Manor House	The Applicant considers that these assets are defined by the immediate rural setting and have no relationship to the Site Area, which is located in the distant landscape. Therefore, the Applicant intends to scope this matter out. Based on the information provided,

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			the Inspectorate is content that significant effects are not likely to occur and agrees to scope these assets out.
34.13	Table 8.5	Impacts on the Grade II* listed Gloucester House, the Grade II* listed 108, High Street , the Grade I listed Church of St Cuthbert, the Grade II* listed St Cuthbert's Vicarage, the Grade II* listed Church of St Peter, the Grade II* listed 48, Bridge Road, the Grade II* listed 74 and 76, Church Road, the Grade II* listed Town Hall, the Grade II* listed Market Cross, the Grade I listed Stockton Parish Church, the Grade II* listed War Memorial, the Grade I listed Parish Church of St Mary the Virgin, the Grade II* listed The Manor House, the Grade II* listed Columbia House, the Grade II* listed 32, Dovecot Street, the Grade II* listed Church of St Michael and All Angels, the Grade II* listed Church of the Holy Trinity, the Grade II* listed 80, Church Road, the Grade II* listed 9, Finkle Street, the Grade II* listed Friends Meeting House and the Grade II* Registered Ropner Park	The Applicant proposes to scope out these assets on the basis that they are located within the urban and sub-urban environment of Stockton-on-Tees and share no relationship to the Site. The Inspectorate agrees that the Proposed Development is unlikely to result in significant effects on these assets and is content to scope these assets out.

ID	Ref	Description	Inspectorate's comments
3.4.14	Section 8.5	Archaeological fieldwork	The Applicant should ensure that the information used to inform the assessment is robust and allows for suitable characterisation of the archaeological baseline. The Applicant should make effort to agree the methodology for any intrusive investigations required with relevant consultation bodies.
3.4.15	Paragraph 2.3.23	Cable Plough	Paragraph 2.3.23 of the Scoping Report states that on-site cabling would be installed using a cable plough where possible. However, the potential effects of using the cable plough on buried archaeological remains is not considered in the Scoping Report. The ES should assess the potential effects of using a cable plough on buried archaeology and describe how below ground archaeology will be recorded and preserved.

3.5 Land Use and Socio-Economics

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Table 9.4	Socio-economic effects related to the local population, excluding employment and supply chain effects	The Applicant proposes to scope out this matter on the basis that socio-economic effects relating to the local population, such as visual amenity and other amenity impacts, will be considered by other assessment chapters and mitigated through management plans. The Inspectorate is content with this approach and agrees to scope out this matter. The ES should ensure that socio-economic effect of amenity impacts is clearly addressed in the relevant chapters.
3.5.2	Table 9.4	Impacts on minerals	<p>The Scoping Report states that the part of the site area is located within Darlington Borough Council's Mineral Safeguarding Zones for limestone. However, consideration of impacts on minerals has been scoped out of the ES on the basis that the mineral assets would not be permanently sterilised and could be extracted once the Proposed Development has been decommissioned.</p> <p>The Applicant should confirm that there are no plans to extract this limestone during the lifetime of the Proposed Development. Provided this has been confirmed the Inspectorate is content to scope this matter out. However, should plans to extract limestone from the area exist the ES should provide an assessment of the potential impacts of the Proposed Development on mineral assets.</p>
3.5.3	Table 9.4	Impact to soil resources during operation	The Inspectorate is content to scope this matter out as impacts to soil resources would be limited to the construction and decommissioning phases of the Proposed Development.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.4	Table 9.4	Impact on agricultural land during operation	The Inspectorate agrees that effects on agricultural land during the operation phase of the Proposed Development can be scoped out on the basis that significant effects on agricultural land are likely to be restricted to the construction and decommissioning phases.
3.5.5	Table 9.4	Wider impact on farm holdings	The Scoping Report proposes to scope out this matter on the basis that landowners that form part of the Proposed Development have signed up to a voluntary agreement and have considered the potential effects on the viability of farm holdings. The Inspectorate is content to scope out this matter, subject to providing evidence of such agreements.

ID	Ref	Description	Inspectorate's comments
3.5.6	n/a	Census data	New census data was published on 28 June 2022. This should be used to inform baseline data and the ES assessment.
3.5.7	Paragraph 9.6.7	Continued agricultural uses	Paragraph 9.6.7 of the Scoping Report states that the Applicant is exploring the potential for continued agricultural use of the site within the solar PV module areas. The ES should set out the type of agricultural use being considered and assess potential effects on land use and socio-economics, where significant effects are likely.

3.6 Cumulative Effects

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.6.2	n/a	n/a	n/a

3.7 Topics Scoped Out

(Scoping Report Section 11)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.7.1	Section 11.2	Air Quality – construction dust and exhaust emissions (e.g. from plant machinery)	A construction dust assessment will be provided with the ES and appropriate mitigation measures in line with best practice Institute of Air Quality Management guidance will be secured through a CEMP. An example of such measures are provided in Scoping Report paragraph 11.2.19. The Inspectorate agrees that this matter can be scoped out.
3.7.2	Section 11.2	Air Quality – road emissions from all phases	<p>Background air pollutant levels as presented in Scoping Report Table 11.1, are below annual mean objective levels. The nearest Air Quality Management Area (AQMA) is located 20km away.</p> <p>Scoping Report paragraphs 11.1.13 to 11.11.15 and Table 11.11.14 anticipate the number and type of traffic movements during construction both alone and cumulatively. These are below the EPUK/IAQM planning guidance threshold criteria (paragraph 11.2.21). Mitigation measures are proposed to manage traffic movements in paragraphs 11.2.24 and will be secured via the CEMP.</p> <p>Paragraph 11.11.28 identifies that based on previous solar farm developments, the number of operational traffic movements are likely to be negligible and made up of light vehicles (not HGVs) however, the number is not quantified.</p> <p>On the basis that the ES can confirm that the number of traffic movements remains below the EPUK/IAQM planning guidance threshold criteria alone or cumulatively during construction, operation and decommissioning, the Inspectorate agrees to scope this matter out.</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.7.3	Section 11.3, paragraphs 11.3.3, 11.3.20 to 11.3.25 and 11.3.31 to 11.3.35	Arboriculture – tree removal and reduction in canopy cover – all phases	Scoping Report Table 11.3 and paragraph 11.3.16 states that any tree/hedge removal will be minimal and where they are required to be removed this will be assessed in an arboricultural impact assessment which will be submitted with the DCO. Scoping Report paragraph 11.3.3 states that impacts to trees will be assessed in the biodiversity and landscape and visual Chapters of the ES therefore, the Inspectorate agrees that a separate Chapter for arboriculture can be scoped out.
3.7.4	Section 11.3, paragraphs 11.3.3, 11.3.20 to 11.3.25 and 11.3.31 to 11.3.35	Arboriculture – tree damage and impacts to ancient and veteran trees – all phases	Scoping Report Table 11.3 identifies that construction will be largely away from trees, woodlands and hedges and that best practice measures, including buffer zones, will be utilised to avoid/reduce impacts. Mitigation measures for all phases are described in paragraphs 11.3.20 to 11.3.25 and 11.3.31 to 11.3.35. Scoping Report paragraph 11.3.3 states that impacts to trees will be assessed in the biodiversity and landscape and visual Chapters of the ES therefore, the Inspectorate agrees that a separate Chapter for arboriculture can be scoped out.
3.7.5	Section 11.4	Electric, Magnetic, and Electromagnetic Fields (EMF) during all phases	The Inspectorate considers that this matter may be scoped out on the basis that no cables will exceed 132kV.
3.7.6	Section 11.5	Glint and Glare during all phases	A detailed glint and glare assessment is proposed to be submitted with the application to identify any required mitigation (as set out in Scoping Report paragraphs 11.5.17 to 11.5.22) to avoid/reduce any potential effects. Effects on landscape and visual receptors will be included in the relevant Chapter in the ES. The Inspectorate is content with this approach and agrees that a separate glint and glare assessment can be scoped out.

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.7.7	Section 11.6	Ground Conditions – contaminated land – all phases	The Inspectorate agrees that this matter can be scoped out on the basis that a preliminary risk assessment (desk-based) identifies a low risk of contamination at the Proposed Development site. This should be submitted with the application. Additionally, potential contamination to the ground from the Proposed Development is proposed to be mitigated through best practice measures as identified in Scoping Report paragraphs 11.6.29 to 11.6.37 during construction and operation. These measures should be secured through the DCO.
3.7.8	Section 11.6	Ground Conditions – mineral resources and geology – all phases	Please see commentary in box 3.5.2 of this Scoping Opinion regarding the assessment of effects on mineral resources.
3.7.9	Section 11.7	Human Health – all phases	<p>The Scoping Report proposes to assess impacts to Human Health in other relevant Chapters including Landscape and Visual and Land Use and Socio-Economics and within relevant mitigation plans including the PRoW management plan, Landscape Environmental Management Plan (LEMP) and the outline CEMP. Impacts from air quality, traffic and transport, climate change, EMF and noise and vibration are not proposed to be assessed as these are proposed to be scoped out of the ES. Please see boxes 3.7.1, 3.7.2, 3.7.4, 3.7.11, 3.7.12 of this Scoping Opinion. Whilst impacts to human health are not scoped out of the climate change Chapter, the Inspectorate considers this is already embedded in the assessment methodology.</p> <p>Provided impacts on Human Health are addressed in the proposed Chapters, the Inspectorate agrees that a separate Chapter on Human Health is not required and can be scoped out. Impacts from potential fire/explosion in relation to battery storage should be assessed in the relevant Chapters where significant effects are likely to occur.</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.7.10	Table 11.8 and paragraph 11.8.13 to 11.8.39	<p>Hydrology – effects to water quality from siltation of runoff and pollution events – all phases</p> <p>And</p> <p>Hydrology – effects to water quality impacts to designated sites – all phases</p>	<p>The Scoping Report proposes to scope out effects on water quality from siltation of runoff and pollution events for all phases on the basis that earthworks would be 'minimal', any spoil would be managed in line with appropriate guidance and mitigation would be secured through the CEMP to avoid pollution events and to reduce scour (such as soil bungs, grass strip filters and silt traps). The Scoping Report anticipates that due to the nature of operation, the site would not provide a pathway for significant effects during operation.</p> <p>The Inspectorate notes that impacts from herbicide and pesticide mobilisation have not been discussed in the Scoping Report and that horizontal directional drilling may be required but a breakout plan is not proposed. Additionally, there is no evidence to support or secure that earthworks/excavations will be 'minimal' and not lead to adverse effects.</p> <p>The Inspectorate does not consider enough evidence regarding the final design and control measures has been provided to scope this matter out during construction or decommissioning. The ES should identify relevant pathways of effect, the likely mitigation required to mitigate such effects and any monitoring required; this should include a drilling fluid breakout plan which should also be submitted with the Application.</p>
3.7.11	Table 11.8 and paragraph 11.8.13 to 11.8.39	<p>Hydrology – effects from surface water runoff from soil compaction, pluvial and fluvial flooding impacts – all phases</p> <p>And</p> <p>Hydrology – effects from flooding to designated sites – all phases</p>	<p>Effects from pluvial and fluvial flooding and surface water runoff from soil compaction are proposed to be scoped out on the basis that the site is predominantly located in flood zone 1 (Figure 11.2) and that SuDS will be employed to ensure flood risk is not increased on site. Additionally, any sensitive infrastructure will be located outside of flood zones 2 and 3 and where solar panels are located in these areas, electrical equipment will be located above the design flood levels. A Construction Traffic Management Plan (CTMP) is proposed to</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>ensure that vehicle movements are minimised and restricted to access tracks and roads to reduce distribution and concentration of soil compaction.</p> <p>Impacts from groundwater flooding have not been considered in the Scoping Report. Sensitive receptors are also located within the red line boundary (principal aquifer and source protection zone) and Scoping Report paragraph 11.6.15 identifies that groundwater levels are 'high' across the Proposed Development site. Additionally, the Inspectorate considers that compaction can occur across the site as each panel will require machinery access for construction.</p> <p>The Inspectorate does not consider that sufficient evidence has been provided to scope this matter out. The ES should assess significant effects to/from flooding where they are likely to occur</p>
3.7.12	Tables 11.10 and 11.12	Major Accidents and Disasters - flooding – all phases	<p>Scoping Report Table 11.10 sets out a screening exercise that has been undertaken in line with the IEMA primer: 'Major Accidents and Disasters in EIA: A Primer' (2020). Scoping Report paragraphs 11.8.32 to 11.8.39 set out mitigation to avoid impacts to/from flooding including use of SuDS during construction and operation and locating infrastructure out of the flood zone and above maximum flood heights accounting for climate change projections. Data from the Environment Agency will be used to inform hydrological modelling.</p> <p>The Inspectorate agrees this matter can be scoped out on the basis that an assessment of effects from flooding is included in the Hydrology Chapter of the ES and a submitted FRA (please refer to box 3.7.11 of this Scoping Opinion).</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.7.13	Tables 11.10 and 11.12	Major Accidents and Disasters - fire – all phases	<p>Impacts from fire are identified as those from battery storage, lightning strike and general construction. These impacts are proposed to be mitigated through implementation of the COMAH regulations and ensuring design of the Proposed Development is in accordance with the relevant Fire regulations and guidance from the Health and Safety Executive. An outline Battery Safety Management Plan (oBSMP) will also be submitted with the DCO as well as mitigation measures set out in Table 11.10 which will be secured through the DCO.</p> <p>The Inspectorate considers that the risk of battery fire/explosion should be addressed in the ES, including details of how measures to minimise impacts on the environment in the event of such an occurrence are secured.</p>
3.7.14	Tables 11.10 and 11.12	Major Accidents and Disasters - severe weather – all phases	Severe weather is anticipated to lead to either fire or flooding events therefore, please see boxes 3.7.12 and 3.7.13 of this Scoping Opinion.
3.7.15	Tables 11.10 and 11.12	Major Accidents and Disasters - transport accidents – all phases	The Inspectorate agrees that based on the anticipated traffic movements (Scoping Report paragraph 11.11.28) significant effects are not likely to occur during operation. However, the ES should confirm the anticipated number of movements and demonstrate that these do not exceed relevant thresholds for further assessment (e.g. as set out in the Guideline for the Environmental Assessment of Road Traffic (the Institute of Environment Management and Assessment 1993) (GEART) guidance).
3.7.16	Tables 11.10 and 11.12	Major Accidents and Disasters - system failures and impacts on utilities – all phases	Mitigation measures proposed include review of utility plans to avoid any utilities and subsequent impacts during construction and decommissioning.

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>The Inspectorate does not agree to scope this matter out as multiple assets have been identified by National Grid and the Health and Safety Executive (please see Appendix 2 for their responses). The ES should explain any mitigation to avoid/reduce impacts to utility assets and assess significant effects where they are likely to occur. Consultation should be undertaken with the relevant utility companies to inform design/mitigation measures.</p>
3.7.17	Tables 11.10 and 11.12	Major Accidents and Disasters - pollution incidents – all phases	<p>Impacts from pollution to water are proposed to be mitigated through measures set out in Scoping Report section 11.8. This includes SuDs, such as vegetation planting, swales, access track drainage, silt traps, soil bunds and others. Storage and refuelling areas will also be bunded to avoid/reduce pollution impacts and due to the nature of the Proposed Development, during operation, pollution events are unlikely. A preliminary risk assessment has been undertaken for ground conditions which does not identify any made ground.</p> <p>The Inspectorate agrees this matter can be scoped out on the basis that all the appropriate mitigation measures described are included in the ES and secured through the DCO.</p>
3.7.18	Tables 11.10 and 11.12	Major Accidents and Disasters - unexploded ordnance (UXO) – all phases	<p>A desk-based study concluded that UXO risk is low based on the ground conditions and history of the site. The Inspectorate agrees to scope this out providing the evidence supporting this is submitted with the ES.</p>
3.7.19	Table 11.13 and paragraphs 11.10.16 to 11.10.35	Noise and Vibration – from traffic – all phases	<p>The anticipated number of traffic movements during construction is set out in Scoping Report paragraph 11.10.13. Paragraph 11.10.24 states that movements during operation will be minimal. Construction traffic is proposed to be managed through a CTMP. The ES should clarify the number of anticipated movements during construction and operation and explain why the number and vehicle type of</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>construction traffic movements would not have potential to lead to significant effects in line with relevant guidance.</p>
3.7.20	Table 11.13 and paragraphs 11.10.16 to 11.10.35	Noise and Vibration – from activities – all phases	<p>The Scoping Report proposes to scope out effects from noise and vibration from activities for all phases on the basis that construction and decommissioning would be controlled through the CEMP and the Decommissioning Environmental Management Plan (DEMP) by adherence to best practice measures, specifically BS5228:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Section 8 of British Standard 5228:2009+A1:2014 'Part 2: Vibration'. Effects during operation are not anticipated due to the nature of the infrastructure and where it has potential for impact e.g. battery storage would be located towards the centre of the array sites, away from receptors.</p> <p>The Inspectorate notes that some receptors identified in Scoping Report paragraph 11.10.8 are located within close proximity of the Proposed Development (10m). The Scoping Report does not anticipate the duration of and degree of impact from activities during construction and decommissioning relative to the baseline environment. The Inspectorate also considers there remains potential impacts during operation from battery cooling fans and tracker panels as the locations in relation to receptors have not been secured.</p> <p>The Inspectorate considers that the Scoping Report lacks clarity regarding the specific measures to be adopted to control noise impacts and does not consider that sufficient evidence has been provided to demonstrate that significant noise and vibration effects will not arise. The ES should provide data to characterise the baseline noise environment and demonstrate that construction activities (e.g.</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			piling) and operational plant (e.g. battery cooling infrastructure) will not give rise to significant effects.
3.7.21	Table 11.14 and paragraph 11.11.28	Traffic and Transport – all operational impacts	Scoping Report paragraph 11.11.28 states that operational traffic will be minimal and therefore impacts in terms of severance, driver and pedestrian delay, pedestrian and cycling amenity and accidents and safety will be minimal. The ES should confirm the number of movements and demonstrate that these do not exceed relevant thresholds for further assessment (e.g. as set out in GEART).
3.7.22	Tables 11.14 and 11.15	Traffic and Transport – severance – construction/ decommissioning	<p>The total number of trips along the potential access routes is set out in Scoping Report Table 11.14 which has derived from other solar farm proposals; the total would be 72 trips per day during construction assuming a worst-case scenario. Whilst this has been considered against the baseline of the major roads, the baseline for the rural roads to be used to access the site are unknown as are the proposed access locations, and it is assumed that the change would be <10% in line with GEART guidance. This also doesn't take into consideration the change in the type of traffic.</p> <p>The Inspectorate does not agree to scope out consideration of severance during construction/decommissioning. The ES should provide baseline data for the affected road network and characterise the construction traffic change in terms of number, types and routing of movements in line with relevant guidance, including that for construction workers, and assess significant effects where they are likely to occur.</p>
3.7.23	Tables 11.14 and 11.15	Traffic and Transport – driver and pedestrian/cyclist delay amenity and accidents and safety – construction/decommissioning	The Scoping Report states that due to the rural nature of the road network, and that the increase in construction traffic is expected to be within the daily variation of traffic flows, minimal impacts are anticipated. However, this is not evidenced through provision of

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>baseline data compared with the anticipated construction traffic movements and the capacity of the road network. Additionally, there is potential for weight and width restrictions on rural roads which is not discussed in the Scoping Report.</p> <p>The Inspectorate does not agree to scope out driver and pedestrian/cyclist delay and amenity and accidents and safety during construction/decommissioning. The ES should provide baseline data for the affected road network and characterise the construction traffic change in terms of number, types and routing of movements in line with relevant guidance and assess significant effects where they are likely to occur.</p>
3.7.24	Table 11.19	Waste	<p>The Inspectorate agrees that a standalone chapter on waste is not required within the ES. However, the ES should still contain a description of the potential waste streams from all phases of the Proposed Development, including estimated volumes and an assessment of the likely significant effects. In addition, the ES should describe any measures implemented to minimise waste and state whether the waste hierarchy will be utilised.</p> <p>The CEMP, DEMP and Site Waste Management Plan (SWMP) should include as much detail as possible on on-site waste management, recycling opportunities, and off-site disposal. If off-site disposal is required, an assessment of likely significant effects including intra-cumulative effects should be included within the ES.</p>

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES¹

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	North East and North Cumbria Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	County Durham and Darlington Fire and Rescue Service
	Cleveland Fire Service
The relevant police and crime commissioner	Durham police and crime commissioner
	Cleveland police and crime commissioner
The relevant parish council(s)	Bishopton
	Brafferton and Great Stainton
	Little Stainton
	Carlton
	Redmarshall
	Stillington and Whitton
	Mordon
The Environment Agency	The Environment Agency
The Relevant Highways Authority	Durham County Council

¹ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Darlington Borough Council
	Stockton-on-Tees Borough Council
The relevant strategic highways company	National Highways - north east
The Canal and River Trust	The Canal and River Trust
United Kingdom Health Security Agency	United Kingdom Health Security Agency
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission

TABLE A2: RELEVANT STATUTORY UNDERTAKERS²

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	North East and North Cumbria Integrated Care Board
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	North East Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
	North East Waterways
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency

² 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
The relevant water and sewage undertaker	Northumbrian Water
	Yorkshire Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Quadrant Pipelines Limited
Squire Energy Limited	
National Grid Gas Plc	
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited

STATUTORY UNDERTAKER	ORGANISATION
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Northern Powergrid (Northeast) Limited
	Northern Powergrid (Yorkshire) Plc
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operator Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))³

LOCAL AUTHORITY ⁴
Cumbria County Council
Darlington Borough Council
Durham County Council

³ Sections 43 and 42(B) of the PA2008

⁴ As defined in Section 43(3) of the PA2008

LOCAL AUTHORITY⁴
Eden District Council
Gateshead Council
Hambleton District Council
Hartlepool Borough Council
Middlesbrough Council
Northumberland County Council
North Yorkshire County Council
Redcar and Cleveland Borough Council
Richmondshire District Council
Stockton-on-Tees Borough Council
Sunderland City Council
Yorkshire Dales National Park Authority

TABLE A4: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
North East Combined Authority

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Canal and River Trust
Cleveland Fire Brigade
Darlington Borough Council
Environment Agency
Gateshead Council
Health and Safety Executive
Historic England
National Grid Electricity Transmission Plc
National Grid Gas Plc
National Highways
Natural England
Northumberland County Council
Redcar & Cleveland Borough Council
Redmarshall Parish Council
Stillington and Whitton Parish Council
Stockton-on-Tees Borough Council
UK Health Security Agency



**Canal &
River Trust**

Making life better by water

Secretary of State
The Planning Inspectorate
Environmental Services
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref EN010139

Our Ref IPP 172

Wednesday 2 November 2022

BY EMAIL ONLY byersgillsolar@planninginspectorate.gov.uk

Dear Sirs

EN010139 Byers Gill Solar Project Scoping Consultation

Thank you for your consultation on the Environmental Impact Assessment Scoping for the above project.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

Having reviewed the location of the proposed project and the Scoping Report, and taking account of the location of works relative to our waterways network, we wish to advise that the Trust have **no comment** to make upon the proposal.

Yours Sincerely

Simon Tucker MRTPI
Area Planner – Yorkshire and North East

[REDACTED]
Fradley Junction, Alrewas, Burton upon Trent, Staffordshire, DE13 7DN

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

Canal & River Trust

Fradley Junction, Alrewas, Burton upon Trent, Staffordshire, DE13 7DN

T [REDACTED]

OFFICIAL



Protecting local communities

Your Ref: EN010139

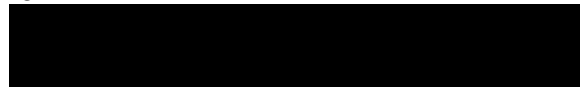
Our Ref: JF

Date: 16 November 2022

Chief Fire Officer
Ian Hayton

Planning Inspectorate

When telephoning ask for:
Joe Flounders



Dear Sir/Madam,

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Cleveland Fire Brigade offers no representations regarding the development as proposed.

However, Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Kind Regards,

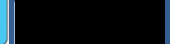
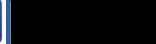
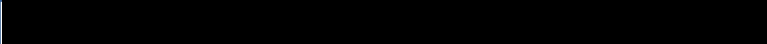


For Chief Fire Officer

Cleveland Fire Brigade

Training & Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool TS25 5TH

T:





DARLINGTON
Borough Council

**CHIEF EXECUTIVE'S OFFICE &
ECONOMIC GROWTH GROUP**

Town Hall, Darlington DL1 5QT
DX69280 Darlington 6

Emily Park
Senior EIA Advisor on behalf of the Secretary of State
By Email
byersgillsolar@planninginsectorate.gov.uk

[REDACTED]
23 November 2022

Our ref: Byers Gill Solar
Your ref: EN010139

[REDACTED]
Document Name: 22011221

Dear Sirs

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 in response to your letter dated 27 October 2022 in connection with the Applicant's request of the Planning Inspectorate, on behalf of the Secretary of State, for its opinion (Scoping Opinion) as to the information to be provided in an Environmental Statement (ES) relating to the Proposed Development.

Please accept this response on behalf of Darlington Borough Council, with the responses set out below:

CHAPTER 5 – CLIMATE CHANGE

Overall, the scope of the assessment with regard to climate change is considered to be acceptable, however additional comments are set out as follows:

5.7.8 - It's true the Paris agreements signed us up to a 1.5°C pathway, but we are not going to meet that. Currently, we are on track for at least 3°C (possibly even 4°C), which are likely to significantly change the impacts we see.

5.7.22- We are already experiencing climate change – they would need to make sure their processes are able to deal with any unforeseen weather events, even if that's just adding in contingency timing

CHAPTER 6 - BIODIVERSITY

Overall the scope of the works and methodology applies it satisfactory. The range of surveys appear proportionate given the nature of the habitats on site and appropriate survey work has been undertaken or proposed. The methodologies applied are in line with national guidance and the information provided on potential impacts and mitigation/compensation is sound and provides a suitable starting point to inform more detailed design work.

CHAPTER 7 LANDSCAPE AND VISUAL

Paragraph 7.3.3 – Based on the Zone of theoretical visibility shown in figures 7.2-7.8 the 2km study area proposed is considered to be insufficient. As paragraph 7.3.1 states “best practice guidance (GLVIA 3) indicates that “the study area should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner.” For solar farms, a study area radius of 1-5km is typical (based on other applications), depending on the likely extent of visibility. The Zone of Theoretical Visibility maps demonstrate that up to 4, 5 or 6 of the proposed sites may be visible from visual receptors outside of the 2km zone including particularly Sadberge, Whinney Hill and Darlington Back Lane areas. It is acknowledged as stated that trees and hedgerows may reduce this in some locations but given the raised topography in these areas, and particularly the Sadberge area sitting raised above the wider valley the proposed sites, form part of the wider landscape which they may influence in a significant manner particularly cumulatively with the recently granted permissions (22/00727/FUL) on land to the south of Gately Moor Reservoir, Bishopton and (21/00958/FUL) at Lime Lane, Brafferton. A 5km zone will be more appropriate to incorporate the various areas identified.

Paragraph 7.5.2 states there are no local landscape designations within the 2km study area. Hall Garth parkland identified in Policy ENV3 of the Darlington Local Plan (2016 – 2036) and illustrated on the policies map is within this area and should therefore be considered. <https://microsites.darlington.gov.uk/media/2399/local-plan-adopted-feb22v2.pdf>

Paragraph 7.6.3 – The effects of the proposed fencing and CCTV columns should also be acknowledged as they will have an influence on character and views.

Table 7.1 – There does seem to be a lack of viewpoints identified from visual receptors to the south of the proposed site considering the Zone of Theoretical Visibility suggests that there are number of locations where 4, 5 or even all 6 of the proposed sites may be visible. Possible locations would include Whinney Hill, Darlington Back Lane, West Newbiggin and Sadberge

Table 7.3 – As explained above based on the GLVIA 3 best practice guidance, the zone of theoretical visibility outcomes and topography the effects on local landscape character and effects on views and visual amenity beyond 2km cannot be determined to be negligible at this stage and may be significant. Therefore they should not be scoped out or to be scoped out this should be extended to beyond 5km.

CHAPTER 8 – CULTURAL HERITAGE

Designated and non-designated heritage assets

The proposed development could impact upon designated heritage assets and their settings in the area around the site both directly and indirectly. In line with the advice in the National

Planning Policy Framework (NPPF), the Environmental Statement (ES) should contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

It is positive to note that the scoping identifies the intention to consider the impacts on all heritage assets including those with the highest level of protection to non-designated heritage assets including direct and indirect impacts.

It is noted that the extent of the Study Area allows for all heritage assets to be set within their wider context so that they can be properly assessed. It is important however that the assessment is designed to ensure that all impacts are properly understood. Section drawings and techniques such as photomontages and LVIA will be a useful part of demonstrating this. It is noted that view points and wider landscape characterisation and impacts are to be considered which will also assist in considering the wider implications on landscape setting of assets and is welcomed.

There is general agreement with the conclusions of those assets expressly excluded from the study are unlikely to be affected by the proposals.

The levels of intended considered significance set out in table 8.2 are consistent with the groupings of the significant of heritage assets set out in paragraph 200 of the NPPF. Assessment of setting should not however be restricted to visual impact. The potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the study area should also be assessed.

It is noted that the decommissioning works are not part of the scope however in accordance with the points raised above, the resulting impacts on land management, restoration and any associated works at the end of the scheme life and those impacts on heritage assets should also be considered.

The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits and can also lead to subsidence of buildings and monuments. It is acknowledged that archaeology comments will be provided separately.

It is also noted that the assessment states that the proposal will look for better understanding of the historic landscape and the proposals should look for opportunities to positively respond to and enhance heritage assets. Paragraph 206 of the NPPF states that new development within conservation areas and world heritage sites and within the setting of heritage assets should enhance or better reveal their significance and the proposal should therefore look for these opportunities.

The future heritage impact assessment should be carried out in accordance with established policy and guidance, including the NPPF. The PPG contains guidance on setting, amplified by the Historic England document Historic Environment Good Practice Advice in Planning Note 3 the Setting of Heritage Assets, which provides a thorough discussion of setting and methods for considering the impact of development on setting.

Archaeology

The scoping report mentioned at 8.4.2 makes reference that there have been no discussions regarding the WSI for the Geophysical Survey since surveying within the area has not taken place. Discussions with Wessex Archaeology and Durham County Council Archaeology Department took place in September. There would be a general requirement for geophysics to be tested and confirmed by trial trenching which is not referred to in the scoping report and is considered to be a significant omission, given that this would be a requirement to help determine the significance of the most obvious archaeological sites.

CHAPTER 9 SOCIO-ECONOMIC AND LAND USE

Table 9.4 – The Council would question the scoping out of agricultural land during the operational phase when it is scoped in for both the construction and decommissioning phases. The Council is of the view that the agricultural land may also in effect be lost during this phase as the ES states that it is not clear if it will be available for agricultural use during operation. This is also particularly relevant when there is the potential for BMV quality agricultural land which would not be available for the type of agriculture it is best used for and the growing of crops. Should it occur any agricultural use is likely to be restricted to occasional grazing. Therefore the loss of BMV quality agricultural land during the proposals operation could be significant and should be considered as part of the ES.

Public Rights of Way

The Council is pleased to see that public rights of way (PROW) are to be considered as visual receptors. User experience on PROW involves not just the route of the path on the ground being walked but also views and amenity further afield. It is briefly referenced that the study will examine impacts on PROW outside of the development area which is strongly encouraged as the development will affect views on footpaths additional to those covered by the development. It is similarly welcomed that PROW will be considered in the socio-economic and land-use assessment, and it is encouraging that a PROW management plan will be produced to consider mitigation measures.

The only mitigation measure for PROW that is specifically mentioned in this document is the diversion of PROW (7.6.2, 7.6.4, 11.11.24). Additional measures such as screening with hedges should be considered in detail, and details of margins to be left between PROW and solar panels will be required. Permanent diversions should not be heavily relied on and are likely to face heavy opposition, especially given the number of potential diversions that this development could call for. A diversion would be acceptable if, for example, there is a cross-field path currently running through a green field that will be swallowed up by solar panels on both sides. If the path was moved out of the field altogether and into an empty field, separated from view of the panels, this would be acceptable as it would retain the route in a green field, maintaining the countryside feel and user experience. However, a diversion that retains the path amongst solar panels or with panels on one side would still feel enclosed and the amenity would still be spoiled for those on the footpath, therefore the grounds for a diversion of “considering public enjoyment” will not have been met. Mitigation such as hedges and a wide margin between the footpath and panels should be implemented instead.

As an aside and worth correcting - 2.2.33 – West of Bishopton is not under Stockton BC, it is in the Darlington BC area. Almost all of this development is, meaning about 16% of Darlington’s PROW (in terms of length), and an even larger proportion of Darlington’s rural routes, are being affected.

CHAPTER 10 – CUMULATIVE EFFECTS

The Council is generally in agreement with the scope and methodology set out.

CHAPTER 11 TOPICS SCOPED OUT

Air Quality

An Outline Environmental Management Plan will accompany the Development Consent Order application, which will include construction and decommissioning dust mitigation measures following the best practice measures set out in the 'Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction'. The scoping report concludes that traffic changes will not likely exceed the EPUK/IAQM Land-Use Planning and Development Control: Planning for Air Quality' criteria for a detailed air quality impact assessment. It is anticipated that dust mitigation measures as well as travel planning and HGV management during the construction stage will be incorporated into a Construction Environmental Management Plan.

It is agreed that air quality will not have any significant effects and the Council can agree to air quality being scoped out of the ES.

Glint and Glare

A separate Solar Photovoltaic Glint and Glare Assessment will accompany the Development Consent Order application, which will include detailed modelling of the solar PV modules to quantify potential effects on receptors including residential properties/landscape and, if required, details of any proposed mitigation such as changes to site configuration and perimeter screening. A Glint and Glare Receptor Screening Opinion (Appendix 11.1) and a Glint and Glare Receptor Scoping Assessment (Appendix 11.2) have been undertaken, which provide a desktop review of the Site Area and an overview of baseline conditions.

On this basis it is also agreed that a Solar Photovoltaic Glint and Glare Assessment will sufficiently mitigate any significant effects and that glint and glare can be scoped out of the ES.

Ground Conditions

A preliminary risk assessment (Desk Top Study) will accompany the Development Consent Order application which will develop a conceptual model for the site following current guidance. The development is not sensitive to land contamination and the site is predominantly greenfield/agricultural land with a low potential for contamination. However a review of the historical mapping as part of the scoping process has identified some former historical land uses such as former brick and tile works, smithies located within the red line boundary and two historic landfills within 50m of the Site Area (Site F) known as Stillington Refuse Tip (EAHLD31673) Cobby Castle Land Bishopton (EAHLD06523). The Council holds information on a number of infilled clay/sand extraction pits and former landfills in the area of Site F and Elstob Pit (former brickworks) to the south of Carr House (Site C). I would advise that an environmental search is requested from the Council please see link below for further information:

www.darlington.gov.uk/environmentalsearches

Due to the low sensitivity of the proposed development and minimal risk from land contamination the Council would agree to ground conditions being scoped out of the ES.

Human Health

Many of the key determinants of human health will not be applicable in this case, employment opportunities during the construction phase are identified and the impacts on open space and nature, community safety and climate change will be discussed in other Environmental Statement chapters and supporting assessments. The scoping report has identified that any likely air quality and noise impacts could be mitigated and will not be significant.

It is therefore agreed that a separate Environmental Statement chapter on Human Health can be scoped out of the ES.

Noise

The proposed solar development is within a rural setting however some sites are in close proximity to villages such as Site D Great Stainton and local farms. However greater separation from the solar PV modules may be achieved by land marked on the layout drawings within the scoping report for mitigation or enhancement measures.

The solar PV modules would be split across six solar PV module areas of varying sizes. The solar PV modules would be supported by approximate combination of 53 hybrid containers (inverter and battery energy storage systems (BESS) and converter boxes) and 44 inverter containers located across the Proposed Development. The BESS will also require associated heating, ventilation and cooling systems. In addition there will be an on-site substation to convert low voltages from electricity generation to high voltages, or vice versa, using power transformers. The substation would be located centrally within the Site Area, with the location to be confirmed as part of the Environmental Statement.

There is the potential for the BESS and the solar farm supporting infrastructure, such as inverters, transformers, and the on-site substation, to generate some noise during operation. The scoping report refers to inverters being located towards the middle of the Site Area, within shipping container style storage, and located as far away as possible from neighbouring receptors.

Noise and disruption from construction works anticipated to last 12 months can also be minimised by following guidance in BS 5228:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites'. Noise control measures will be included within the Construction Environmental Management Plan. The exact location of temporary construction compounds has not yet been fully established. However, given the size and proposed layout of the Proposed Development it is envisaged that each solar PV module area would have its own discrete compound within the Site Area and that careful selections of locations away from sensitive receptors will reduce any impact.

Whilst it is agreed that noise and vibration can be scoped out of the Environmental Impact Assessment depending on the location of the 53 hybrid containers (inverter and battery energy storage systems (BESS) and converter boxes), 44 inverter containers and temporary construction compounds a Noise Impact Assessment may be required if in close proximity and likely to have an impact on sensitive receptors.

Highways

Whilst the Council would largely agree with the methodology put forward, the traffic forecasting estimates an average of 72 daily HGV movements, and therefore concludes that the construction period (limited to 12 months) will not have a significant impact. This fails to

recognise however that additional vehicle movements will be associated with the construction phase, mostly generated by onsite staff travelling to the development during the period of construction. It is agreed however that post construction the site will have very little impact, and that it is not considered unreasonable that additional traffic impact could be accommodated on the local highway network for a time limited period.

Glint and glare assessment will be a key consideration to highway safety, and provided that preliminary assessment concludes that any impact on highway receptors can be mitigated to satisfy highway safety requirements, there would be no fundamental objection.

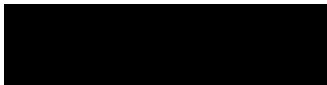
Subject to the submission of appropriate technical assessment to include details of site access(es) a Full Transport Assessment and CMP when the Development Consent Order application is submitted, it is agreed that Traffic and Transport, and Glint and Glare can be scoped out.

Flooding and Drainage

The LLFA are satisfied that a site-specific FRA and DS would suffice for the nature of the development. The proposed panels equate to a small increase in impermeable area as they will be raised above the existing greenfield. Any substations/ancillary buildings will be attenuated, and discharge restricted to greenfield rates.

Should you have any queries regarding any of the above please contact me in the first instance and the query will be directed to the appropriate officer.

Yours sincerely

A solid black rectangular box used to redact the signature of Lisa Hutchinson.

Lisa Hutchinson
Development Manager

Emily Park-Senior EIA Advisor
Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House, 2 The Square
Bristol
BS1 6PN

Our ref: NA/2022/116052/01-L01
Your ref: EN010139

Date: 23 November 2022

Dear Emily

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA
REGULATIONS) – REGULATIONS 10 AND 11.
BYERS GILL SOLAR FARM SCOPING OPINION CONSULTATION.
MULTIPLE LOCATIONS ACROSS DARLINGTON, STOCKTON AND DURHAM.**

Thank you for your letter referring to the above Scoping Opinion request which we received on 27 October 2022. We have assessed the supporting documents and have the following comments to make.

Flood risk

Whilst the majority of the development is in Flood Zone 1, two of the proposed sites would be at risk of flooding. These are Site D: Great Stainton where the south-east of site lies in Flood Zones 2 and 3 and Site F: North of Bishopton where the north-west of the site lies in Flood Zones 2 and 3. There are also some other areas in relation to the cable route options that cross and lie with Flood Zone 2 and 3. Therefore, the development raises some environmental issues regarding flood risk. The developer may need to undertake further work to show how these issues can be satisfactorily addressed to ensure no adverse environmental impacts.

Sources of flooding

The main source of potential flooding in the area is from the Little Stainton Beck and the Stillington Beck, which are tributaries of the Billingham Beck. There could be other local sources of flooding such as groundwater and surface water.

We have published a suite of interactive maps that indicate where possible flooding from different sources could occur at [Check the long term flood risk for an area in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/Check_the_long_term_flood_risk_for_an_area_in_England_-_GOV.UK_(www.gov.uk).pdf). Our maps are not suitable for a detailed Flood Risk Assessment (FRA), but they can indicate where further assessment may be

needed.

FRA Advice

The FRA must assess flood risk from all sources of flooding and recommend the mitigation measures that will be implemented to ensure a safe development in a 1 in 100 year (fluvial) flood event, taking account of climate change. It must also demonstrate that flood risk will not be increased elsewhere.

From our knowledge of specific flooding issues in this area we can advise that the FRA should consider the following, in particular:

- Clearly state the lifetime of the development
- Ensuring that mitigation measures are adequate at the sites of increased flood risk for the lifetime of the development
- Ensuring that access and egress of onsite workers is considered, and detailing a flood plan for emergency planning
- Consider flood risk offsite

We would define the proposed development as 'Essential Infrastructure'.

Development in Flood Zone 3 should pass the Exception Test as detailed in Section 5.7.12 of the National Policy Statement (NPS) for Energy. Section 5.7.24 of the NPS for Energy states that essential energy infrastructure which has to be located in flood risk areas should be designed to remain operational when floods occur. In addition, any energy projects proposed in Flood Zone 3b (functional floodplain) that has passed the Exception Test should:

- not result in a net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

Under our latest climate change guidelines, we would expect the FRA to consider the impact of climate change on flood levels for the lifetime of the development under the higher central allowances. For information on our new climate change requirements, please see: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

For general information about Flood Risk Assessments please refer to [Flood risk assessments if you're applying for planning permission - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-assessments-if-youre-applying-for-planning-permission).

Further specific information regarding flood risk may be available from local sources, such as Strategic Flood Risk Assessments (SFRA) produced by the relevant local planning authority and normally accessible on their website.

Flood Risk Consents and Permits

The Billingham Beck is a designated 'main river' and under the Environmental Permitting Regulations certain works within 8m of a non-tidal main river require a Flood Risk Activity Permit from the Environment Agency. You can find more information on permit requirements using the following link: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. If a permit is required, it must be obtained prior to beginning the works.

For minor ordinary watercourses, there should be a minimum easement (normally 3 metres minimum) as advised by the relevant Lead Local Flood Authority or Internal Drainage Board. They may also need to be consulted if any alterations to the watercourse are proposed.

Flood information the EA holds

Sometimes we have information on historical flooding, and modelled flood levels on rivers where modelling has been carried out, and also information on our assets that may reduce the risk of flooding in the area.

We have no detailed flood modelling or information relating to any of our assets affecting this site.

For further details about our products/service and to request information, please contact our local Customer & Engagement team on northeast-newcastle@environment-agency.gov.uk

You may also wish to contact the Lead Local Flood Authority or Northumbrian Water for more information regarding potential flooding and drainage issues.

Environmental Permitting (England and Wales) Regulations (EPR)

The Environment Agency welcomes the installation of all forms of renewable energy sources, and the additional benefit of the Battery Energy Storage System (BESS), is to be encouraged and supported. Currently there are no plans to add batteries to the Environmental Permitting (England and Wales) Regulations (EPR). The applicant is therefore **not required** to obtain an EPR Permit.

Producer Responsibility Regulations

Battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Waste duty of care

Batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit

ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport”

CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP)

The handling of wastes arising is detailed within section 11.12 of the scoping report. If any excavation works are to be undertaken on any of the proposed sites or during the cable placement, then these works have the potential to generate waste materials. If excavated materials are to be reused within the development then this should be undertaken in accordance with the CL:AIRE definition of waste code of practice (DoW CoP).

CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP) guidance can be found via the following link:
<http://www.claire.co.uk/projects-and-initiatives/dow-cop/28-framework-and-guidance/111-dow-cop-main-document>

The DoW CoP sets out the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste. These are based on four factors:

- Protection of human health and the environment (acceptable risk assessment of pollution)
- Suitability for use without further treatment (no further processing and/or treatment, as demonstrated by a specification and a site specific risk assessment including chemical, geotechnical properties and biological aspects);
- Certainty of Use (outlined in the Remediation Strategy and Material Management Plan); and
- Quantity of Material (outlined in the Remediation Strategy and Material Management Plan).

To demonstrate the factors, a Materials Management Plan (MMP) needs to be produced to ensure all factors are considered and the correct determination is made. A Verification Plan needs to be set out in the MMP and must identify the recording method of materials being placed, as well as the quantity of materials to be used. It should also contain a statement on how the use of the materials relate to the remediation or design objectives.

In general, any material that has to be treated in order to render it suitable for its intended use is considered to be a waste and waste controls apply.

To demonstrate this to the Environment Agency's satisfaction, the processes and requirements detailed in the DoW CoP need to be followed in full. The requirements include:

- desktop study of the site
- conceptual modelling of the site(s) concerned
- site investigation details (if appropriate); and
- any details of contamination (if relevant)

Regardless of whether the site is contaminated or not, the following documents should be produced:

- Risk Assessments
- Options Appraisal Report
- Remediation Strategy (Contaminated soils) or Design Statement (Clean naturally occurring soils)
- Materials Management Plan
- Verification Report once the work is completed.

The decision to use the DoW CoP is the responsibility of the holder of the materials. The project manager should collate all relevant documents; permissions, site reports, MMP etc. and consult with an independent Qualified Person (QP) to confirm that the site meets the requirements and tests for use of the DoW CoP. The QP must review the documentation and let the developer know that a Verification Report will be required before signing a Declaration. If the site meets the tests that materials are suitable for re-use, certain to be re-used, are not excessive in volume and pose no risk to the environment or harm to human health, then the QP can make a formal Declaration to CL:AIRE.

The formal Declaration must be submitted to CL:AIRE and the Environment Agency by a QP **before** any excavation activities or transfer of materials occurs. In these circumstances the QP is meeting the requirements of the Regulator to ensure appropriate environmental and human health protection is in place for the development to go ahead.

Materials not used in accordance with the DoW CoP process in full may be deemed waste and will require a relevant permit for deposit. Materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defense against joint liability.

For clarification, it is important to note that DoW CoP declarations **cannot** be made retrospectively. In addition to this, if you wish to re-use material under the 'site of origin scenario' and this material has previously been imported to that site as waste without authorisation for example a historical illegal deposit then it does not originate at that site. It is not site derived material and you **cannot** use DoW CoP site of origin scenario for this activity, you will require an appropriate waste authorisation such as an environmental permit.

Landfill sites

The report identifies two historic landfill sites located within close proximity of site F

(North of Bishopton). The landfill sites both operated prior to the implementation of the Control of Pollution Act (COPA) in 1974. COPA introduced the first requirements for monitoring and management of disposal sites. As pre-COPA sites, we have access to very little reliable information concerning them.

Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short-term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development on top of, or within 50 metres of, any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27
- Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
- Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

Groundwater

The risk to groundwater, in terms of pollution and increasing flood risk has been discussed in the following sections of the scoping report; climate change, hydrology, ground conditions and major incidents. However, there is insufficient justification to support the applicant's decision to scope all of these sections from the Environmental Statement (ES) except for the climate change section.

We recommend the proposed development sites are assessed against location/proximity to public water supply abstractions. Source Protection Zones (SPZs) provide the public water supply protection from all chemical pollutants. Thus, if any discharge to groundwater will not be attenuated before being abstracted, then mitigation will be required.

We welcome the statements relating to the FRA, Surface water management and site drainage plans and Construction Environmental Management Plan (CEMP), which will be submitted as part of the Development Consent Order application, in

that they will include risk of flooding from groundwater sources and pollution prevention measures. However, we would require either the FRA, water management/drainage plans and CEMP or the ES to consider the potential increase in groundwater flood risk from infiltration (from SuDS).

The scoping report has noted that groundwater is shallow. Thus, it will be very reactive to infiltration and surface discharge. Infiltration SuDS may not be suitable and thus it would be worth considering lined retention/attenuation basins to protect or improve baseflow in the surface water courses. Some of the water courses suffer from low flows and at these times water quality deteriorates due to lack of dilution for the current discharges. New development should consider where this situation could be improved to gain additional environmental/cost benefits.

To help with the FRA in terms of groundwater, it would be useful to assess the mapped permeable superficial deposits (BGS) which could have perched shallow groundwater that would respond to rainfall infiltration and additional proposed point sources of infiltration (SuDS). These gravel/shallow groundwater systems underlie sites within the development.

The western parts of Site A (Bafferton), whilst in a Source Protection Zone (SPZ) 3, have the thinnest superficial deposits, in the range of 9-15m thick. We would consider this to be a medium risk of surface water/groundwater interaction with the underlying aquifer which supports Anglian Water's potable water supply at Great Stainton. This site lies to the eastern side of a 'window' in the superficial deposits and the risk would be dependent on groundwater levels – such as, if low, the risk would be a pollution risk to the aquifer and if high, the risk would be flood risk to or from the site.

Site D lies close to the public water supply borehole and a known/ possible foot and mouth burial/pyre/disinfectant site (South Shields Farm).

Whilst many of the sites lie on thick superficial deposits, they do overlie the principal aquifer (the Magnesian Limestone aquifer). Sites E and F lie in an area of thick superficial deposits in which there are buried glacial channel deposits which may either enhance connectivity/pathways to the underlying bedrock aquifer or enhance lateral pathways to surface waters. Again, the presence of these will increase the pollution and flood risk. For further information, refer to: [Superficial geology and hydrogeological domains between Durham and Darlington. Phase 1, \(Durham South\) - NERC Open Research Archive: Superficial geology and hydrogeological domains between Durham and Darlington. Phase 2, \(Durham North\) - NERC Open Research Archive.](#) This should be taken into consideration in the risk assessment for the proposed site.

In order to ensure well head protection of existing boreholes, we wish to make the applicant aware that the Environment Agency has a number of groundwater level and quality monitoring boreholes in and around the proposed site boundary. The applicant can request from us the level quality information that we hold, in order to support their Environment Statement and FRA.

It is noted that the below ground works associated with the PV modules and hybrid

and inverter containers, switch gear and substation may only extend 1m below ground. It remains unclear as to the depth the cables will be laid. This should be detail within the DCO application.

It is also noted that gravel will be placed below the containers. This design should be reviewed based on the above issues raised in terms of infiltration/flood risk from shallow groundwater sources and pollution risk to shallow and bedrock groundwater, for example, some/all containers may need to be lined. Even though the development may ultimately present a low risk, the applicant needs to show that they have fully assessed all the risks and reported their assessment/justification in the supporting documentation of their DCO application.

Groundwater/surface water nitrate vulnerable zone

The proposed sites lie within a groundwater/surface water nitrate vulnerable zone. Development should not mobilise nitrate pollution and cause deterioration in quality of controlled waters. Nitrate can arise from fertilisers, manure and domestic sewerage systems.

Current and historical land use was predominantly agriculture (arable) thus the risks of mobilising herbicides and pesticides via proposed drainage schemes should also be considered.

Land contamination: risk management and good practice

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Water dependent habitats and species

The red line boundary of the development crosses Bishopton Beck (a Statutory Main River) and Letch Beck and Little Stainton (Ordinary watercourses), however there are smaller ditches etc which are within/or within close proximity to the development boundary. Water dependent habitats or species have not been scoped in, and there is a risk of impact due to the proposals.

The Ecological Impact Assessment (EclA) should include all watercourses within 150m of the site boundary, and consider water dependent species (including fish), and habitats.

A Water Framework Directive (WFD) assessment should also be completed to ensure there is no deterioration of ecological status of watercourses due to the proposed works and should highlight opportunities for improvement.

Biodiversity Net Gain (BNG) (including for riverine environments) assessments should be completed. At a minimum it should be demonstratable that the project will result in 'no net loss', however 10% gain in each aspect is preferable. Further advice on BNG can be sought from Natural England and the relevant local authorities.

Great Crested Newts (GCN)

Great Crested Newts should also be scoped in. It's an offence to capture, kill or disturb the newts or their breeding sites without a special licence from Natural England.

Geomorphology

The following geomorphology comments relate to Site D (Great Stainton) and Site F (North of Bishopton)

Site D

The Little Stainton Beck forms the southern boundary of Site D but then cuts through the site northwards through a slight valley feature before running parallel to the road and then crossing under it. The Little Stainton Beck is an Ordinary Watercourse and Site D is at the top of its catchment, therefore the river flows will be far smaller than those for Site F.

The route of the beck through the site is marked as a mitigation zone. It may be worthwhile considering making this zone slightly larger to allow for climate change induced channel movement and slope instability.

Site F

The Billingham Beck forms the northern boundary of Site F, and the woodland on the eastern bank of the Bishopton Beck forms the western boundary of Site F.

LiDAR and aerial images show riparian trees along the Billingham Beck. These are important for controlling erosion and meander migration and therefore, we recommend that these are protected.

Construction surface water management plan

A Construction Surface Water Management Plan should be produced and should include details of the following:

- Treatment and removal of suspended solids from surface water run-off during construction works.
- Approach to ensure water mains are not damaged during construction works.
- Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill.

Water Framework Directive

The applicant should consider the impact of the activity on the Water Framework Directive (WFD) status of the receiving waterbody. The Water Environment (Water Framework Directive) Regulations 2017 and the Northumbria River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The applicant should consider incorporating the following mitigation measures, where possible, to enhance the Tyne Estuary waterbody:

- Activity to create new habitat where it did not exist before
- Rehabilitation of degraded bankside habitats to improve their physical structure and the condition of the riparian zone. Bank rehabilitation includes bank reprofiling, the creation of aquatic ledges and removal of hard bank protection etc.
- Retro-fitting existing structures to accommodate niche habitats, as opposed to more substantial structural modifications that would be likely to deliver greater hydromorphological change but may not be possible given the use
- Structural modification or enhancement of hard structures to improve ecological value, where structure cannot be removed

Sustainable drainage systems (SuDS)

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS manage surface water run-off by simulating natural drainage systems. Whereas traditional drainage approaches pipe water off-site as quickly as possible, SuDS retain water on or near to the site. As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. Ponds, reedbeds and seasonally flooded grasslands can also be particularly attractive features within public open spaces.

SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. As such, virtually any development should be able to include a scheme based around these principles. In doing so, they'll provide multiple benefits and will reduce costs and maintenance needs.

Approved Document Part H of the Building Regulations 2010 establishes a hierarchy for surface water disposal, and encourages a SuDS approach. The first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours sincerely

Louise Tait
Planning Advisor



Date: 23 November 2022
Our ref: EIA/22/003
Your ref: EN010139

The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

For the attention of : Emily Park

By email to : byersgillsolar@planninginspectorate.gov.uk

Dear Ms Park

RE: APPLICATION BY JBM SOLAR (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR BYERS GILL SOLAR FARM (THE PROPOSED DEVELOPMENT).

(EIA) SCOPING CONSULTATION AND NOTIFICATION OF ENVIRONMENTAL IMPACT ASSESSMENT.

Thank you for your letter dated 27th October 2022

I understand that the applicant has asked the Planning Inspectorate on behalf of the Secretary of State for its opinion (a scoping opinion) as to the information to be provided in the Environmental Statement (ES) to the proposed development, which is located within the administrative boundaries of Darlington Borough Council, Stockton on Tees Borough Council and Durham County Council.

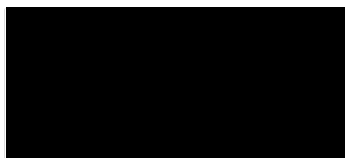
I have reviewed the report accompanying the request for a scoping opinion via your website and can confirm that Gateshead Council has **no comments** to make on the information to be provided in the Environmental Statement in this instance, given that the site/proposed development is a significant distance from the administrative boundary of Gateshead Council.



Should you wish to discuss this response further then please contact me on



Yours sincerely



Tracy Long
Senior Planner
Development Management
Climate Change, Compliance, Planning and Transport
Economy Innovation and Growth
Gateshead Council

CEMHD Policy - Land Use Planning,
NSIP Consultations,
Building 1.2,
Redgrave Court,
Merton Road,
Bootle, Merseyside
L20 7HS.

Email: byersgillsolar@planninginspectorate.gov.uk

HSE email: NSIP.applications@hse.gov.uk

Dear Jack Patten

Date: 11 November 2022

**PROPOSED BYERS GILL SOLAR FARM (the project)
PROPOSAL BY JBM SOLAR (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) REGULATIONS 10 and 11**

Thank you for your letter of 27 October 2022 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, the proposed Byers Gill Solar Farm project components as specified in the Environmental Impact Assessment Scoping Report, October 2022, (EN010139-000022), (Figure 1-1 – Site Location Plan) cross the Consultation Zones of a Major Accident Hazard (MAH) site with the following operator:

- HSE Ref #0456 operated by Northumbrian Water Authority, Gateley Moor Reservoir & Pumping Station, Stockton-on-Tees, TS21 1EX.
(Note: Byers Gill Solar Farm Project's proposed cable routes are impacted by this MAH site)

The Applicant should make contact with the above operator, to inform an assessment of whether or not the proposed development is vulnerable to a possible major accident.

There are also several major accident hazard pipelines that the proposed development crosses, associated with the following operators:

- National Grid Gas PLC
Pipelines- HSE Ref # 7855 (7 Feeder Bishop Auckland / Sutton Howgrave), HSE Ref # 7856 (13 Feeder Bishop Auckland / Yafforth) & HSE Ref # 7858 (6 Feeder Little Burdon / Billingham)
- INEOS Manufacturing (Hull) Limited
Pipeline- HSE Ref # 9669 (Teesside to Saltend Ethylene pipeline)

The Applicant should make the necessary approaches to the relevant pipeline operators. There are three particular reasons for this:

i) the pipeline operator may have a legal interest in developments in the vicinity of the pipeline. This may restrict developments within a certain proximity of the pipeline.

ii) the standards to which the pipeline is designed and operated may restrict major traffic routes within a certain proximity of the pipeline. Consequently, there may be a need for the operator to modify the pipeline or its operation, if the development proceeds.

iii) to establish the necessary measures required to alter/upgrade the pipeline to appropriate standards.

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice.

Would Hazardous Substances Consent be needed?

It is not clear whether the applicant has considered the hazard classification of any chemicals that are proposed to be present at the development. Hazard classification is relevant to the potential for accidents. For example, hazardous substances planning consent is required to store or use any of the Categories of Substances or Named Hazardous Substances set out in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 as amended, if those hazardous substances will be present on, over or under the land at or above the controlled quantities. There is an addition rule in the Schedule for below-threshold substances. If hazardous substances planning consent is required, please consult HSE on the application.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#). This document includes consideration of risk assessments on page 3.

Explosives sites

HSE has no comment to make as there are no licensed explosives sites in the vicinity.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk. We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely


Allan Benson
CEMHD4 NSIP Consultation Team



Historic England

BY EMAIL

byersgillsolar@planninginspectorate.gov.uk

Our ref:
PL000791470

Your ref:
Date:
24/11/2022

Dear Sir/Madam

Byers Gill Solar Farm, Darlington.

Thank you for your email regarding the Byers Gill Solar Farm, Darlington.

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

In terms of our area of interest, we do not at this time have any detailed comments to make on the Byers Gill Solar Farm EIA Scoping. However, we do have some general comments:

- The archaeological component seems to be satisfactory subject to further consultations, there has obviously been a lot of conversations between the consultants, to agree a sequence of works to create the archaeological baseline.
- We welcome the inclusion of heritage matters in the report and look forwards to ongoing discussions with the applicants in respect of both setting effects upon heritage assets and direct impacts upon archaeological remains.
- More credence should be placed on long distance views of and across the sites. We appreciate that the red line area is purely notional at the moment, there will be changes and not the entirety of the area will be given over to solar panels. Information on how views change as the viewer moves through the landscape, taking a more dynamic approach rather than an approach to views based on fixed points.
- There is obviously going to be a lot of archaeology being done, and it would be useful if the consultant and the Principal Archaeologists at Durham County Council could agree a suite of overarching research questions for the project: What do we need to know about the development of this area, what are the big archaeological / heritage questions?

Historic England | Bessie Surtees House 41-44 Sandhill | Newcastle upon Tyne | NE1 3JF

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



- We note the iterative approach to investigations set out in the report and will look forwards to early sight of the results of cartographic, geophysical survey, lidar and aerial photographic analysis, geotechnical work, and the results of the applicant's detailed consultation with Local Authority Archaeological Curators and Historic Environment Records and Portable Antiquities Scheme Records.
- It is highly likely that further investigations will be necessary in advance of determination. We advise that the approach to setting assessment should follow the structured approach set out in our GPA3 Setting of Heritage Assets, the distance of search should be adaptive to the significance and sensitivity of the assets which the scheme interacts and the materiality of the works proposed, in particular in the case of designed landscapes.
- Views across landscape zones such as those where multiple assets such as church spires articulate with a common topographic space may require particular consideration both in terms of fixed point and kinetic views. Where pipelines bisect features such as parish boundaries banks, important field systems or areas of well preserved ridge and furrow etc reinstatement should include the earthwork form rather than introducing a flattened strip.
- Given the landscape scale of this and associated projects the schemes should seek to address the impact of structures in this landscape to ensure that localised archaeological interventions contribute to a whole (in terms of public value) which is more than the sum of their parts.
- We welcome the inclusion of heritage matters in the report and look forwards to ongoing discussions with the applicants in respect of both setting effects upon heritage assets and direct impacts upon archaeological remains and conservation areas.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Jim Hanrahan (MRTPI)
Development Adviser | North East and Yorkshire
Mobile: [REDACTED]

Historic England | Bessie Surtees House 41-44 Sandhill | Newcastle upon Tyne | NE1 3JF

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Complex Land Rights
Ellie Laycock
Development Liaison Officer
UK Land and Property


www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
byersgillsolar@planninginspectorate.gov.uk

14 November 2022

Dear Sir/Madam

APPLICATION BY JBM SOLAR (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE BYERS GILL SOLAR FARM (THE PROPOSED DEVELOPMENT)

SCOPING CONSULATION REPONSE

I refer to your letter dated 27th October 2022 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET). Having reviewed the scoping report, I would like to make the following comments regarding NGET infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, underground cables and a high voltage substation in or within close proximity to the scoping area. The overhead lines, substation and underground apparatus form an essential part of the electricity transmission network in England and Wales.

Substation

- Norton 275kV Substation
- Norton 400kV Substation
- Associated overhead and underground apparatus including cables

Overhead Lines

4VC 400kV OHL Norton – Osbaldwick 1
 Norton – Osbaldwick 2

I enclose a plan showing the location of NGET's apparatus in the scoping area.

NGET are also promoting the Scotland to England Green Link 1 (SEGL1) project within close proximity to the proposed scoping area and would like to be kept informed as the proposed development progresses.

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)”.
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.
- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

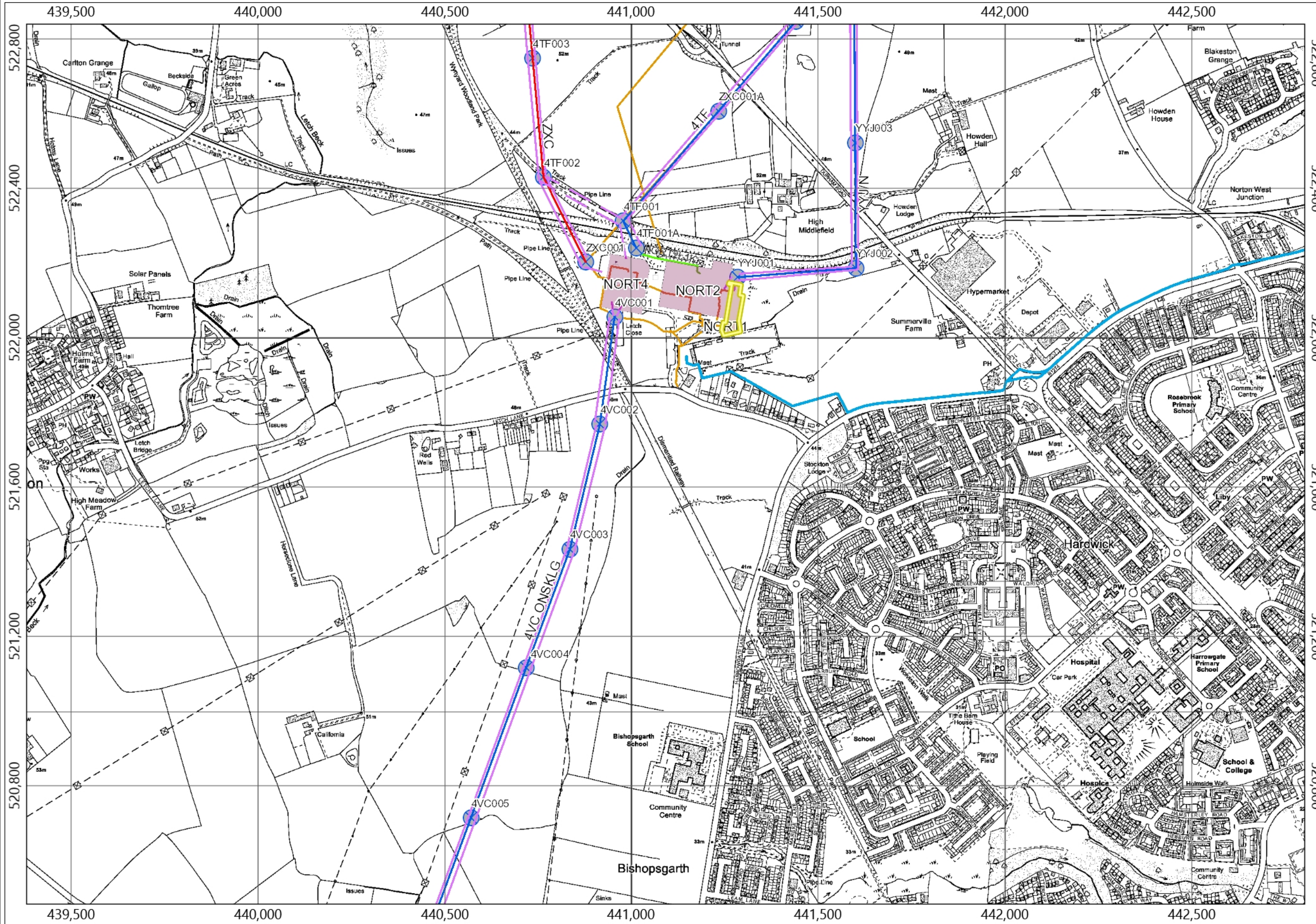
NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: box.landandacquisitions@nationalgrid.com

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully

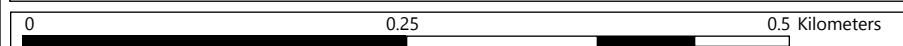

Ellie Laycock
Development Liaison Officer, Complex Land Rights



Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - Decommissioned Group
 - Planned and Spares
 - OHL 400kV Commissioned
 - OHL 275kV Commissioned
 - OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Pillar
- Oil Tank
- Link Box
- Gauge
- Joint Bay
- Cable Joint
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel

Notes:
BYERS GILL SOLAR FARM NGET ASSETS



OS Disclaimer: Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of Her Majesty's Stationery Office. ©Crown Copyright Ordnance Survey National Grid UK Ltd -0100059731

Date: 01/11/2022
Time: 12:40:14
Page size: A3 Landscape
Print by: **Laycock, Ellie**
Scale: 1: 10,000



NG Disclaimer: National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC (Warwick Technology Park, Warwick, CV346DA) and should not be used without prior authority of National Grid.

Note: Any sketches on the map are approximate and not captured to any particular level of precision.

Submitted electronically to:
byersgillsolar@planninginspectorate.gov.uk
enquiries@byersgillsolar.com

Vicky Cashman
Land and Planning Consultant
Gas Transmission & Metering

www.nationalgrid.com/gas-transmission

23 November 2022

Dear Sir / Madam

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

I refer to your email dated 27th November 2022 regarding the above proposed DCO. This is a response on behalf of National Grid Gas PLC (NGG). Having reviewed the scoping consultation documents, NGG wishes to make the following comments regarding gas infrastructure which may be affected by proposals.

NGG has three feeder mains located within the Order limits which may be impacted due to interactions with proposed development:

Feeder Main 7
Feeder Main 13
Feeder Main 6

Please note that NGG has existing easements for this pipeline which provides rights for ongoing access and prevents the erection of permanent / temporary buildings/structures, change to existing ground levels or storage of materials etc within the easement strip.

You should also be aware of NGG's guidance for working in proximity to its assets, further guidance and links are available as follows.

Please be aware of the specific guidance for developing solar farms near to gas transmission pipelines:

<https://www.nationalgrid.com/gas-transmission/document/82936/download>

UKOPA Good Practice Guide - Requirements for the Siting and Installation of Solar Photovoltaic (PV) Installations in the Vicinity of Buried Pipelines - UKOPA/GP/014 Edition 1

Where the Promoter intends to acquire land, extinguish rights, or interfere with any of NGG's apparatus, NGG will require appropriate protection and further discussion on the impact to its apparatus and rights including adequate Protective Provisions. A Deed of Consent will also be required for any works proposed within the easement strip.

Key Considerations:

- NGG has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

- Please be aware that written permission is required before any works commence within the NGG easement strip. Furthermore a Deed of Consent will be required prior to commencement of works within NGG's easement strip subject to approval by NGG's plant protection team.
- The below guidance is not exhaustive and all works in the vicinity of NGG's asset shall be subject to review and approval from NGG's plant protection team in advance of commencement of works on site.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and NGG's Dial Before You Dig Specification for Safe Working in the Vicinity of NGG Assets. There will be additional requirements dictated by NGG's plant protection team.
- NGG will also need to ensure that its pipelines remain accessible during and after completion of the works.
- Our pipelines are normally buried to a depth cover of 1.1 metres, however actual depth and position must be confirmed on site by trial hole investigation under the supervision of a NGG representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of NGG High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a NGG representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Below are some examples of work types that have specific restrictions when being undertaken in the vicinity of gas assets therefore consultation with NGG's Plant Protection team is essential:
 - Demolition
 - Blasting
 - Piling and boring
 - Deep mining
 - Surface mineral extraction
 - Landfilling
 - Trenchless Techniques (e.g. HDD, pipe splitting, tunnelling etc.)
 - Wind turbine installation
 - Solar farm installation
 - Tree planting schemes

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with NGG prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the NGG pipeline without the prior permission of NGG
- NGG will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to NGG.
- An NGG representative shall monitor any works within close proximity to the pipeline to comply with NGG specification T/SP/SSW22

Cable Crossings:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- Where a new cable is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.
- A new service should not be laid parallel within an easement strip
- Clearance must be at least 600mm above or below the pipeline
- An NGG representative shall approve and supervise any cable crossing of a pipeline.
- A Deed of Consent is required for any cable crossing the easement

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGG apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO. NGG requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection.

Adequate access to NGG pipelines must be maintained at all times during construction and post construction to ensure the safe operation of our network.

Yours Faithfully



Vicky Cashman
Land & Planning Consultant

Further Safety Guidance

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

SSW22

<https://www.nationalgrid.com/gas-transmission/document/82951/download>

Tree Planting Guidance

<https://www.nationalgrid.com/gas-transmission/document/82976/download>

Working Near NGG Assets

www.nationalgrid.com/gas-transmission/land-and-assets/working-near-our-assets

Excavating Safely

<https://www.nationalgrid.com/gas-transmission/document/82971/download>

Dial Before You Dig Guidance

<https://www.nationalgrid.com/gas-transmission/document/128751/download>

Byers Gill Solar – JSJV Review

Prepared for:	Chris Bell (National Highways)
Prepared by:	Rory Alexander (JSJV)
Date:	23rd November 2022
Case Reference:	DevTV0138
Document Reference:	TM001
Reviewed/approved by:	Jonathan Parsons / Richard Edwards (JSJV)

Limitation: This document has been prepared on behalf of, and for the exclusive use of National Highways, and is subject to, and issued in accordance with, the provisions of the National Spatial Planning Contract. We accept no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this document by any third party.

Overview

The Jacobs Systra Joint Venture [JSJV] have been tasked by National Highways to review an EIA Scoping Report [the Report] (dated October 2022) prepared by JBM Solar in relation to the Byers Gill Solar development.

The Report has been submitted to the Planning Inspectorate, and National Highways as a statutory consultee have been consulted on scoping for the Byers Gill Solar development at land north of Darlington (reference – EN010139).

The development proposals are in close proximity to the A1(M), A19 and A66 which form part of the Strategic Road Network [SRN], hence the need to review the Report to ensure that the development proposals do not materially impact upon the capacity, operation and safety of the SRN.

This Technical Memorandum [TM] reviews the contents of the Report to ensure that the potential impact at the SRN is considered within subsequent documentation and assessment provided by JBM Solar as part of planning application, which is expected to be submitted in late 2023.

A summary and conclusions are provided at the end of this TM.

EIA Scoping Report Review

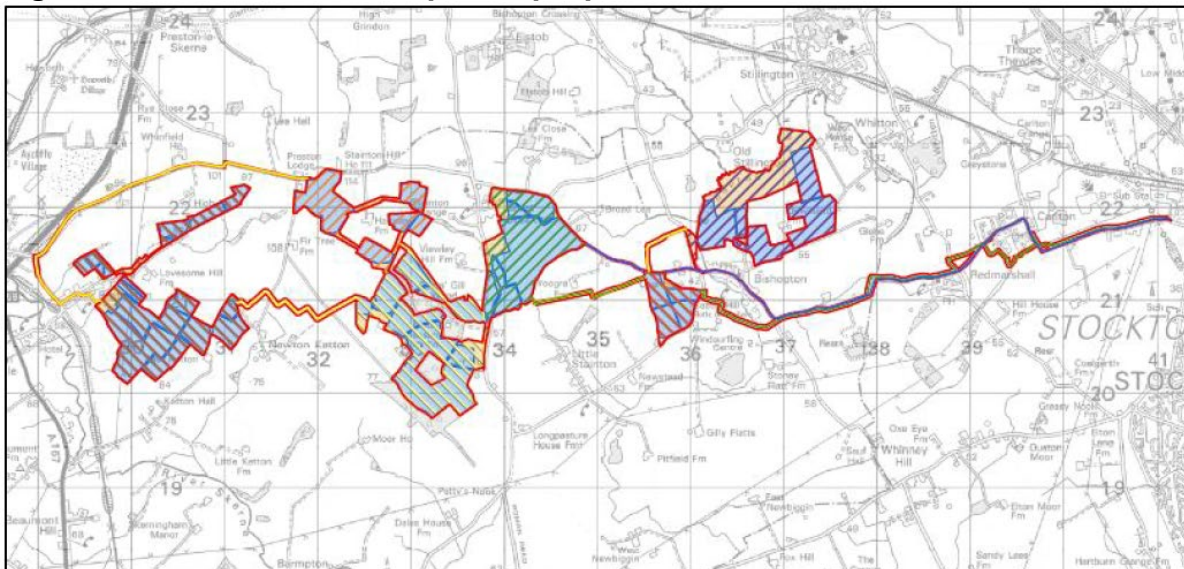
Development Site

The location of the development proposals can be seen at Figure 1.

The Report states that the proposed development is approximately 552 ha, comprising six solar PV module areas within the administrative areas of Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council.

Furthermore, it is stated that the majority of the proposed development is located within the administrative boundaries of Darlington and Stockton-on-Tees Councils, with part of the cable routes crossing into the administrative boundaries of Durham County Council to the northern extent of the development site.

Figure 1: Location of development proposals



(Source: EIA Scoping Report)

The development proposals, including cable routes, together span approximately 12.5km from the A1(M) in the west to the Norton Substation in the east, just northwest of Stockton-on-Tees.

The Report refers to the wider area covered by the development proposals as the 'Site Area'. Given the size of the Site Area, there are several areas where the development proposals may have an impact on the SRN. As such, JSJV note that the development proposals have the potential to impact the following sections of the SRN:

- A1(M): The A1(M) runs north-south immediately to the west of the westernmost extent of the site area, with a stretch of the proposed cable route running parallel to the highway. Junction 59 is the nearest SRN junction to the Site Area; and
- A19: The A19 runs north-south approximately 4km to the east of the easternmost extent of the Site Area; and
- A66: The A66 runs east-west approximately 4km to the south of the development proposals, running parallel to the length of the Site Area. The A66 connects to the A19 in the east and the A1(M) in the west. In addition, the proposed Darlington Relief Road is also in this location, and should be considered by JBM Solar within the Site Area.

Given the proximity of the proposals to the A1(M) immediately to the west of the development boundary, and the likelihood that traffic accessing the development may route through the A1(M), A19 and A66, it is considered by JSJV that the SRN should be included within the Site Area for the development proposals, to enable National Highways to take a view on the impact at the SRN.

It is stated that the constituent solar module areas of the proposed development are situated irregularly along a roughly linear east-west axis, with cable routing connecting these to the Byers Gill Solar Farm substation and to the Norton National Grid substation to the east. The six solar photovoltaic [PV] module areas are outlined below in Table 1.

Table 1: Overview of solar PV module areas

Solar PV module Area	Size
Site A: Brafferton	114.34 ha
Site B: Hauxley	52.51 ha
Site C: Byers Gill Wood	110.72 ha
Site D: Great Stainton	87.90 ha
Site E: West of Bishopton	26.64 ha
Site F: North of Bishopton	104.89 ha
Underground Cables	55.19 ha

(Source: EIA Scoping Report)

Landscape and Sensitive Human Receptors

JBM Solar have provided an overview of the existing landscape and surroundings for each of the development areas listed above. Whilst the development sites cover primarily agricultural land, there are some villages, namely Brafferton, Great Stainton and Bishopton, and a number of local farmholdings in the vicinity of the sites. The characteristics of each site and its surroundings are summarised below:

- Site A: This consists primarily of agricultural fields. There are a number of small villages in the areas, including Brafferton to the northwest, Newton Kelly to the east and several local farmholdings in the immediate vicinity of the site;
- Site B: This consists primarily of agricultural fields. There are several local farmholdings in the immediate vicinity of the site;
- Site C: This consists of agricultural land interspersed with woodland. There are several local farmholdings in the immediate vicinity of the site;
- Site D: This consists primarily of agricultural fields. The village of Great Stainton sits to the northwest of the site, and there are also several local farmholdings in the vicinity of the site;
- Site E: This consists primarily of agricultural fields. In the surroundings, there are residential properties immediately north of the site, and the village of Bishopton sits on along the northwest of the site boundary; and
- Site F: This site consists primarily of agricultural fields. The village of Bishopton sits along the southern boundary of the site, and there are also several local farmholdings in the immediate vicinity.

Some details have been provided by JBM Solar on the potential routes for the underground cables:

- 33kV cables: These cables connect the solar PV module areas to the substation that will be located centrally on the Site Area in a location which is yet to be determined. These cables will use routes across agricultural land, subject to agreements with the relevant landowners. Meanwhile, alternative routes that would not require agreements with landowners have been identified along various local

roads. The cable route options are currently being surveyed and the preferred cable route will be confirmed as part of the Environmental Statement [ES]; and

- 132kV cables: These cables will connect the solar farm substation to the Norton National Grid Substation. There are two proposed route options for these cables, with a Road option dependent on agreements with landowners, and an alternative Off-Road option.

It is considered by JSJV that JBM Solar will have to pay due cognisance to how the cabling proposals will impact on the SRN, in terms of installation and maintenance.

Development Proposals

The Report states that the proposed development would comprise solar PV modules, on-site battery energy storage systems [BESS], substation, associated infrastructure as well as underground cable connections between solar PV modules and to connect to the existing National Grid substation at Norton.

Details on these elements of the proposed development have been set out in the Report, and are as follows:

- Solar PV modules and associated mounting structures;
- On-site supporting equipment including inverters, transformers, batteries and switchgears;
- On-site substation to connect the solar PV modules to the National Grid;
- BESS;
- Underground cables; 33kV underground cabling within the areas of the solar PV modules and connecting solar PV module areas to the solar farm substation, and a 132kV underground cable connecting this substation to the National Grid substation at Norton; and
- Supporting infrastructure including access tracks, security measures, gates, lighting and mitigation and enhancement measures.

This is noted by JSJV.

Development Life-Cycle Phases

The Report includes an overview of the planning policy context and the development proposals. The Report also provides details on the three phases of the lifecycle of the development, including construction, operation and decommissioning. JBM Solar has outlined the activities which are likely to take place during each of these phases. Details of these phases are included below to provide context on which activities associated with each phase may have the potential to impact the SRN.

Construction Phase

For the construction phase, the JBM Solar state that an Outline Environmental Management Plan [EMP] will be produced as part of the Development Consent Order [DCO] application, setting out measures, commitments and actions identified in the ES to manage environmental effects during construction. These will also be covered in the Construction Environmental Management Plan [CEMP]. JBM Solar state that the CEMP would be produced by the appointed construction contractor with the relevant local planning authorities prior to construction.

The Report also states that the EMP produced as part of the DCO application will include supplementary outline management plans which would also later be included

in full in the CEMP. JSJV note that this would include an Outline Construction Traffic Management Plan [CTMP].

The Report provides details on the activities which will occur during the construction phase. JBM Solar state that the construction of the development is expected to take place over a 12-month period. The three phases of construction are: preparatory works, construction of the solar farm and commissioning.

JBM Solar state that the preparatory works phase is expected to include:

- Establishment of site access points;
- Installation of any temporary / permanent culverts over water courses / ditches;
- Ground clearance activities;
- Construction of any access tracks and laydown areas;
- Establishment of temporary construction compounds on each Solar PV module area;
- Establishment of mobilisation areas, running tracks and temporary construction compounds for cable installation;
- Erection of security fencing around the site perimeter, as well as access gates;
- Installation of security measures such as CCTV;
- Delivery of plant and machinery to the site; and
- Delivery of materials to enable first phases of construction.

The Report states that the exact location of the temporary construction compounds has not yet been fully established. It is envisaged that each solar PV module area will have its own compound within the Site Area.

In addition, it is stated that the construction of the solar farm is expected to involve the following construction activities:

- Solar PV module installation;
- Installation of solar PV module support structures;
- Mounting of Solar PV modules;
- Installation of supporting infrastructure, such as inverters, transformers, battery stations and switchgear;
- Installation of the BESS;
- Construction of the on-site substation;
- Installation of the storage containers;
- Cable installation;
- Site clearance activities such as stripping of topsoil, trenching, storage and capping of soil;
- Installation of cabling across the Solar PV module areas and connection to the inverters; and
- Installation of cables between inverter platforms, transfer stations and collecting stations and onto the point of connection and the National Grid substation.

The commissioning process would involve a stage of testing prior to being commissioned and connected to the National Grid.

It is considered by JSJV that the level of detail regarding the preparatory and construction works is welcomed at this stage in the process. Furthermore, it is recognised by JSJV that experience of such planning applications shows that the construction and decommissioning phases have the greatest potential to impact upon the SRN, as opposed to the operational phase. Notwithstanding, the operational and decommissioning phases are required to be assessed by JBM Solar by JSJV.

As such, it is considered by JSJV that the EMP, CEMP and CTMP will be the key documents – alongside a Transport Assessment [TA] – to assessing the impact of the development proposals at the SRN, and where required, to provide the appropriate mitigation. Where possible, the aforementioned documentation should be based on a ‘first-principles’ approach, drawing on the experience of JBM Solar and its appointed contractor, to ensure the development proposals are assessed robustly.

Operational Activities

The Report states that during the operational phase of the development, on-site activities would be limited and restricted to maintenance activities, replacements of components where required, monitoring activities and vegetation management.

As mentioned above, the operational phase needs to be considered by JBM Solar, in order for JSJV to ascertain the impact of this phase at the SRN.

Decommissioning

The Scoping Report states that the design life of the development is expected to be 40 years, after which decommissioning would occur. This would include the removal of all solar infrastructure, including solar PV modules, cabling and on-site support equipment from the site. Decommissioning is expected to take place over a period of 6-12 months and could be undertaken in phases.

JBM Solar states that a Framework Decommissioning Environmental Management Plan [DEMP] would be produced as part of the DCO application. A detailed DEMP would be prepared and agreed with relevant authorities at the time of decommissioning.

As mentioned above, the decommissioning phase needs to be considered by JBM Solar, in order for JSJV to ascertain the impact of this phase at the SRN.

EIA Scoping

It is stated that the Report provides in-depth assessments of the potential environmental impacts of the proposed development in key areas. The specific topics covered, which have been ‘scoped in’ for the Environmental Impact Assessment [EIA] are as follows:

- Climate Change;
- Biodiversity;
- Landscape and Visual;
- Cultural Heritage;
- Land Use and Socio-Economics; and
- Cumulative Effects.

The Report includes details on EIA topics that have been scoped out by the applicant.

JSJV note that topics which have been scoped out by JBM Solar include Glint and Glare as well as Traffic and Transport.

Traffic and Transport

As evidenced in the overview of the activities that will take place during each phase of the life cycle of the development, JBM Solar expects that during the construction and decommissioning phases, traffic and transport impacts could arise from vehicles, including HGVs, travelling to and from the development sites to deliver or collect materials, in addition to workforce trips. It is stated that during the operation phase of the solar farm, there will be occasional operational traffic, including light vehicles for maintenance purposes and ad-hoc deliveries by HGVs.

This acceptance is noted and welcomed by JSJV.

The Report also provides details on the potential access routes for each of the constituent solar PV module areas of the development proposals. JSJV note that the potential access routes for each of the six solar PV module area sites all include routes which use the SRN.

In addition, the Report provides details on the potential impacts of the development proposals during the construction phase.

It is stated that an estimate of the amount of construction traffic the development proposals could generate has been calculated based on the construction of other solar farm developments in the UK. Specifically, data has been obtained from two other JBM Solar sites. JSJV consider this 'first principles' approach to be appropriate, and request that any such data from other solar sites is included in full within the TA for verification purposes.

JBM Solar states that the data for the existing solar farms has been extrapolated to estimate the number of trips which are likely to be generated by each solar PV module area during the construction phase. JSJV note however that the sizes of the solar PV module areas vary significantly; and therefore request that the trip generation estimates take into account the varied sizes of these sites within the assessment of the trip generating potential.

The Report also provides a table of possible access route scenarios given the trip generation estimates.

JBM Solar states that cumulatively the construction of the development proposals could add 72 HGV trips per day onto the SRN. The Report states that this would be if the six solar PV module areas are constructed at the same time and the traffic uses the same routes. JBM Solar deem this to be a worst-case scenario.

JSJV note that estimates of a worst-case scenario should be accompanied by an explanation of how the construction of the different solar PV module areas is expected to be phased. This is important because the phasing of construction could mean that the generation of construction traffic fluctuates significantly at different phases of construction, especially where multiple solar PV module areas are being constructed simultaneously.

The Report states that JBM Solar considers that there is no reason to consider the effects of the development proposals on accidents and safety in further depth; and therefore have stated that accidents and safety have therefore been scoped out of the construction assessment.

JSJV do not consider this approach to be appropriate, given that the SRN should be included within the Study Area, and therefore should be considered and assessed in terms of the impact on the base traffic conditions, which includes road safety.

Regarding the operational phase of the development, the Report states that the operational impacts on traffic and transport are expected to be minimal; and this is because trips during the operational phase are likely to comprise a small number of maintenance trips, the majority of which will be cars or vans rather than HGVs. This is noted by JSJV, but will have to be explicitly set out by JBM Solar within the relevant documentation.

Meanwhile, the Report states that traffic and transport impacts during the decommissioning phase are expected to be similar to those projected for the construction phase. As future baseline transport conditions are likely to have changed significantly by the time of decommissioning, JBM Solar state that it is not proposed that any further assessment of traffic and transport will be undertaken for the decommissioning phase. This is not accepted by JSJV on the basis that the proposed impacts are stated as being similar to the construction phase, and as such, should be assessed accordingly.

Regarding the wider traffic and transport impacts of the development, it is stated that a CTMP will inform the development proposals and will be submitted in support of the forthcoming planning application. This is welcomed by JSJV. It is considered by JSJV that the TA and CTMP should be aligned, as there will be significant crossover between the two documents. Further detail is provided below on the scope of the TA and CTMP.

Collision Data

Regarding collision data for the Site Area, the Report states that data has been accessed using Crashmap for the area for the years 2017-2021. JSJV note that collision data for years during which Covid-19 lockdowns occurred should be removed from the data, as these years may have seen fewer collisions as fewer journeys were made. Instead, JSJV note that the collision data should include the five years where COVID-19 restrictions were not in place, to give a more accurate picture of baseline conditions on the surrounding highway network.

JSJV also note that the paragraph on collision data (section 11.11.8) does not include a description of the assessment area. Furthermore, it appears that no SRN roads have been included in this assessment of collision data.

As such, it is considered by JSJV that a clear study area should be defined, and this should take into account the SRN, paying due cognisance to JSJV's previous comments regarding the Study Area, which may be impacted by the development proposals.

Transport Assessment

With regard to the TA, JSJV consider the following parameters need to be given due cognisance within the assessment:

Trip Generation and Distribution

- Traffic Generation and Distribution for all phases of the development;
- Number of Abnormal Indivisible Loads [AILs] (i.e. length, width, height etc.);
- Number of HGV movements;

- Distribution of construction vehicles, AIL routing and staff / operational movements; and
- Timings of vehicle movements.

Construction / Operational / Decommissioning

- AIL route options via the SRN to site;
- Details of measures to mitigate AIL movements; and
- Drawings required for proposed improvements (if required).

Geometric / operational constraints on proposed routes

- Geometry and visibility at access point(s) to / from SRN;
- Accident record at access point(s) to / from SRN;
- The radius and road width at curves, bends, junctions and structures;
- Vehicle Swept Path Analysis;
- The gradient of inclines and declines;
- Width and height under road and railway bridges and viaducts;
- Axle load and gross train weight limits on roads and bridges;
- Clearance under overhead lines and gantries;
- Lay-by areas that can be utilised for temporary parking and lay-bys that can be used to let traffic pass slow moving abnormal loads; and
- Any other obstruction that may restrict the transportation of materials to and from the site.

Furthermore, the TA must capture the physical impacts of the development proposals such as earthworks, drainage, structures, boundary treatment and any construction safeguards that may need to be put in place, in relation to where the development proposals interface with the SRN.

Construction Traffic Management Plan

JSJV consider that the following parameters need to be taken into account in the CTMP, in addition to the comments made previously in this TM:

- Identification of the approved haul routes to site (including AIL routes) and identification of measures to prevent the use of any unauthorised routes;
- Identification of the site access strategy;
- Details of the expected traffic generation associated with the construction period including maximum daily HGV trips;
- Identification of the proposed works programme by construction task;
- Identification of workforce numbers for the site and details of workforce travel arrangements;
- Details of site working hours and details of any exceptions (concrete pours etc);
- Measures to minimise wherever possible the use of public roads at peak periods whenever practicable (Morning and Evening Peak Hours and school start / finish times);

- Details of measures to reduce the number of delivery trips to site such as a combination of consolidated ordering, rationalising suppliers and consolidated deliveries;
- Details of measures to reduce on-site waste such as recycling and re-use of materials to minimise the number of collections from site;
- Provision of wheel washing facilities (or mechanical rumble devices where mains water is not available) on all site exits;
- Vehicles carrying soil and other dusty materials to be fully sheeted when travelling to or leaving site;
- Use of an approved mechanical road sweeper to clean the surrounding road network of any mud or debris deposited by site vehicles. The road sweeper should be available whenever needed;
- Measures to safely manage pedestrians;
- Details for the use of any traffic lights on public roads for safety. If used, traffic queues will require monitoring and sequences to reduce potential congestion;
- Details for any temporary traffic management and warning signs;
- Details for publicising the movement of abnormal loads;
- Details of a site liaison officer who will act as point of contact for the CTMP; and
- Details regarding the monitoring the success of the CTMP and the monitoring of the CTMP.

Glint and Glare

The Report states that whilst Glint and Glare have been scoped out of the EIA, a separate Solar PV Glint and Glare Assessment will accompany the DCO application.

Regarding the construction and decommissioning of the proposed development, JBM Solar state that the CEMP and DEMP will include information on how reflective surfaces are to be treated during these phases with a view toward their final placement across the Site Area. JBM Solar also states that there is an expectation that the avoidance of the effects of glint and glare will be considered as part of the construction and decommissioning planning.

It is also stated that due to the scale of the Site Area, full areas will not be occupied for the duration of these phase activities and the movement of reflective surfaces will be temporarily localised to smaller areas on a rolling basis until works are completed. JBM Solar state that due to the nature of these activities, glint and glare effects during construction and decommissioning are expected to be less significant than during operation, and have been scoped out of the ES. This assumption is used in the Report by JBM Solar to justify the applicant's opinion that no mitigation is required for glint and glare effects during construction and decommissioning. This is noted by JSJV and is addressed later in this TM.

Meanwhile, the Report notes that potential glint and glare impacts of the development during its operational phase will be subject to detailed modelling in the Solar PV Glint and Glare Assessment. JSJV note that this includes potential impacts on 'surrounding roads and dwellings' which may have views of the development proposals.

Whilst JSJV note that the solar PV module areas of the proposed development are not expected to directly border the SRN, it is important that the following information should be provided within the Glint and Glare Assessment:

- Outline of the site context, including location, proximity to SRN, topography and height above sea level; and
- Outline of proposal details, including scale, site boundary, site map, mounting arrangements and orientation.

In addition, it is considered by JSJV that the following information should be provided where it is considered that glint and glare has the potential to impact upon users of the SRN:

- Overview of sun movements, including time, date, latitude and longitude, as well as the relative reflections;
- Identification of potential receptors of concern. For National Highways the primary concern will be the reflection of the sun from the solar panels towards surrounding road users;
- Identification of representative locations approximately every 100m along the surrounding road network where the solar development may be visible, if only marginally;
- Undertake geometric calculations to determine whether a solar reflection may occur for each of the identified road-based receptors from the proposed development. A height of between 1.05m and 2.0m should be added to the overall ground height at a particular location to reflect the estimated eye level of a road user, in line with the visibility envelopes in CD109;
- Height differences between the solar panels and the SRN in question need to be considered. If the road-based receptors are below the envisaged reflection, then there is no need for a Visual Impact Assessment;
- Where it has been calculated that a reflection may occur for road receptors, consideration should be made of the location of the solar reflection with respect to the location of the sun in the sky, its angle above the horizontal and the time of day at which a reflection could occur;
- Provide a breakdown of the significance of the impacts and determine whether the solar reflection is likely to be a significant nuisance or a hazard to safety;
- Consider the influence of appropriate measures such as screening, revised use of materials and orientation to mitigate the potential impact on road users; and
- Consider the impact on signage and gantries at the SRN which may impair driver decision-making.

In additional, there are a number of further considerations which the applicant will be required to consider:

- Does the panel elevation angle provided by the applicant represent the elevation angle for all of the panels within the development;
- Does the assessment consider not only the reflection from panel faces, but also from the frame or reverse of the panel, as these can often be comprised of materials with reflective capability;

- Does the assessment consider an appropriate number of receptors, rather than a singular location; and
- Is street view imagery and satellite mapping used for the purpose of desk-based studies up to date.

Summary and Conclusions

The Jacobs Systra Joint Venture have been tasked by National Highways to review an EIA Scoping Report (dated October 2022) prepared by JBM Solar in relation to the Byers Gill Solar development.

The Report has been submitted to the Planning Inspectorate and National Highways as a statutory consultee have been consulted on scoping for the Byers Gill Solar development at land north of Darlington (reference – EN010139).

The development proposals are in close proximity to the A1(M), which forms part of the Strategic Road Network, hence the need to review to ensure that the development proposals do not materially impact upon the capacity, operation and safety of the SRN.

This Technical Memorandum has reviewed the contents of the Scoping Report to ensure that the potential impact at the SRN is considered within subsequent documentation and assessment provided by JBM Solar.

On the basis of this review, the recommendation to National Highways in relation to this development proposals is:

Pre-application / Scoping Response – comments are made on the pre-application / scoping in order to assist defining an appropriate assessment of the Strategic Road Network.

This review has highlighted the following:

- 1) The SRN, specifically the A1(M), A19 and A66 should be included within the Study Area for assessments of the impact of the development proposals;
- 2) JBM will have to pay due cognisance to how the cabling proposals will impact on the SRN, in terms of installation and maintenance;
- 3) The EMP, CEMP and CTMP will be the key documents – alongside the TA – to assessing the impact of the development proposals at the SRN, and where required, to provide appropriate mitigation. Where possible, the aforementioned documentation should be based on a ‘first principles’ approach, drawing on the experience of JBM Solar and its appointed contractor, to ensure the development proposals are assessed robustly;
- 4) JSJV request that any data from the construction of other solar farm developments which is used in calculating the projected construction traffic generation should be included in full within the TA for verification purposes;
- 5) JSJV request that the trip generation estimates take into account the varied sizes of the different solar PV module areas within the assessment of the trip generating potential;
- 6) Given that the SRN should be included in the Study Area, it should be considered and assessed in terms of the impact on the base traffic conditions, which included road safety;
- 7) The operational and decommissioning impacts on traffic will have to be set out by JBM Solar within the relevant documentation;

- 8) The proposed impacts during the decommissioning phase are stated to be similar to the construction phase, and as such, should be assessed accordingly;
- 9) The TA and CTMP should be aligned, as there will be significant crossover between the two documents;
- 10) Collision data for the Study Area should include five years where COVID-19 restrictions were not in place. The study area for collision data should take into account the SRN, paying due cognisance to the comments made in this document regarding the Study Area; and
- 11) With regard to the TA, CTMP and Glint and Glare Assessment, due cognisance needs to be given to the parameters set out in this document.

Date: 17 November 2022
Our ref: 410852
Your ref: EN010139



The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

byersgillsolar@planninginspectorate.gov.uk
BY EMAIL ONLY

T [REDACTED]

Dear Emily Park

Environmental Impact Assessment Scoping consultation under Regulations 10 and 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)

Proposal: Byers Gill Solar Farm

Location: Land at Brafferton, Hauxley Farm, Byers Gill Wood, Great Stainton, West of Bishopton, East of Bishopton & Cabling along route

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 27 October 2022, received on 27 October 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Natural England has commenced early-stage discussions with the Applicants regarding the proposals, through a Discretionary Advice Service contract, and has highlighted several topics that we expect to be assessed in detail. Although, we are unable to detailed advice on each topic at this stage, we have provided this where possible on specific topics at Annex A.

For any further advice on this consultation please contact the case officer Nick Lightfoot and copy to consultations@naturalengland.org.uk.

Yours sincerely

Nick Lightfoot
Northumbria Area Team

Annex A – Natural England Advice on EIA Scoping

1. General Principles

1.1 Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- 1.1.1 A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- 1.1.2 Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- 1.1.3 An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- 1.1.4 A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided¹.
- 1.1.5 Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- 1.1.6 A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- 1.1.7 A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- 1.1.8 A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- 1.1.9 An outline of the structure of the proposed ES

1.2 Based on the information provided in the Byers Ghyll Solar EIA Scoping Report (Oct 2022), Natural England is confident that the general principles (stated above) are going to be addressed through the proposed ES.

¹ National Infrastructure Planning (planninginsectorate.gov.uk) Insert 2 – information to be provided with a scoping request, Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements

2. Cumulative and in-combination effects

- 2.1 The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.
- 2.2 An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):
- 2.2.1 existing completed projects;
 - 2.2.2 approved but uncompleted projects;
 - 2.2.3 ongoing activities;
 - 2.2.4 plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
 - 2.2.5 plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

3. Environmental data

- 3.1 Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.
- 3.2 Detailed information on the natural environment is available at www.magic.gov.uk.
- 3.3 Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).
- 3.4 Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

4. Biodiversity and Geodiversity

4.1 General principles

- 4.1.1 The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).
- 4.1.2 The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

- 4.1.3 Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

4.2 International and European sites

- 4.2.1 The development site may impact on the following **European / internationally designated nature conservation site(s)**: Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. In particular, the EIA Scoping Report states that the proposal has the potential to impact on land that is functionally linked to the aforementioned sites (see section 4.3 for further advice regarding Functionally Linked Land).
- 4.2.2 The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites, including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.
- 4.2.3 Natural England has published a detailed [Conservation Advice package for the Teesmouth and Cleveland Coast SPA/Ramsar](#), which includes (but is not restricted to) information on the reasons for designation, the sites qualifying features, and its Conservation Objectives.
- 4.2.4 Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

4.3 Functionally linked land

- 4.3.1 SPAs are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.
- 4.3.2 Natural England considers that the proposed development may have the potential to impact on birds using functionally linked land associated with the Humber Estuary SPA/Ramsar. We advise that the potential for loss of functionally linked land and/ or construction/operational impacts on birds on functionally linked land, should be considered in assessing what, if any, potential impacts the proposal may have on European sites.
- 4.3.3 We recommend completing a data search from the local Ecological

Data Centre and carrying out a desk-based assessment - using aerial photography, mapping, habitat maps and relevant ecological literature – of the suitability for SPA birds of the habitats present on the proposed site and adjacent fields. If the desk study identifies that the site or adjacent areas are used by bird features of the Humber Estuary designated sites, we recommend that passage/wintering bird surveys may be required to assess the use of the site as functionally linked land to the estuary.

5 Nationally designated sites

5.1 Sites of Special Scientific Interest

- 5.1.1 Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov.
- 5.1.2 The development site is within or may impact on the following **Site of Special Scientific Interest (SSSI)**:
 - 5.1.2.1 Briarcroft Pasture SSSI
 - 5.1.2.2 Newton Ketton Meadow SSSI
 - 5.1.2.3 Redcar Field SSSI
 - 5.1.2.4 Whitton Bridge Pasture SSSI
- 5.1.3 The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

6 Protected Species

- 6.1 The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.
- 6.2 The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.
- 6.3 Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.
- 6.4 The EIA Scoping Report has identified the following **Protected Species**, which will need to be considered in the ES:

- 6.4.1 great crested newts (*Triturus cristatus*);
- 6.4.2 a number of red and amber listed birds of conservation concern (Stanbury et al 202191) such as curlew (*Numenius arquata*) and barn owl (*Tyto alba*);
- 6.4.3 badgers (*Meles meles*);
- 6.4.4 bat species; and
- 6.4.5 brown hare (*Lepus europeaus*).

7 District Level Licensing for Great Crested Newts

- 7.1 Natural England are aware that the Applicants will apply to use the District Level Licensing scheme for great crested newts (GCN).
- 7.2 Where strategic approaches such as district level licensing (DLL) for great crested newts (GCN) are used, a letter of no impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider.
- 7.3 The DLL approach is underpinned by a strategic area assessment which includes the identification of risk zones, strategic opportunity area maps and a mechanism to ensure adequate compensation is provided regardless of the level of impact. In addition, Natural England (or an alternative DLL provider) will undertake an impact assessment, the outcome of which will be documented in the IACPC (or equivalent).
- 7.4 If no GCN surveys have been undertaken, Natural England's risk zone modelling may be relied upon. During the impact assessment, Natural England will inform the Applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN.
- 7.5 The IACPC will also provide additional detail including information on the Proposed Development's impact on GCN and the appropriate compensation required.
- 7.6 By demonstrating that the [DLL scheme for GCN](#) will be used, consideration of GCN in the ES can be restricted to cross-referring to the Natural England (or alternative provider) IACPC as a justification as to why significant effects on GCN populations as a result of the Proposed Development would be avoided.

8 Priority Habitats and Species

- 8.1 Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

8.2 Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

8.3 An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

8.3.1 The Environmental Statement should include details of:

8.3.2 Any historical data for the site affected by the proposal (e.g. from previous surveys)

8.3.3 Additional surveys carried out as part of this proposal

8.3.4 The habitats and species present

8.3.5 The status of these habitats and species (e.g. whether priority species or habitat)

8.3.6 The direct and indirect effects of the development upon those habitats and species

8.3.7 Full details of any mitigation or compensation measures

8.3.8 Opportunities for biodiversity net gain or other environmental enhancement

9 Ancient and veteran trees

9.1 The ES should assess the impacts of the proposal on any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

9.2 Ancient and veteran trees are an irreplaceable habitat of great importance for its wildlife, their history, and the contribution they makes to our diverse landscapes. Paragraph 180 of the NPPF sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. This protection is re-iterated at point 5.3.14 of the [Overarching National Policy Statement for Energy \(EN-1\)](#).

9.3 The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

9.4 Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

10 Biodiversity net gain

10.1 Natural England understands that the Applicants aspire to deliver a greater than 10% net gain for biodiversity over the site. We welcome and strongly encourage this approach and look forward to reviewing detailed proposals as they come forward.

10.2 Where there are opportunities for environmental enhancements to be located near nationally or locally designated sites, we recommend that they are designed to provide maximum benefit to those sites. For example, to provide buffers to

better protect, create resilience, or facilitate ecological corridors.

- 10.3 The ES should use an appropriate biodiversity metric, such as [Biodiversity Metric 3.0](#), together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.
- 10.4 The metric should be used to:
 - 10.4.1 assess or audit the biodiversity unit value of land within the application area
 - 10.4.2 calculate the losses and gains in biodiversity unit value resulting from proposed development
 - 10.4.3 demonstrate that the required percentage biodiversity net gain will be achieved
- 10.5 Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies. These are prepared by local planning authorities.

11 Landscape and visual impacts

- 11.1 The ES should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.
- 11.2 The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.
- 11.3 A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management.
- 11.4 The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.
- 11.5 To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#).

- 11.6 The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.
- 11.7 The National Infrastructure Commission has also produced Design Principles [Design Principles for National Infrastructure - NIC](#) endorsed by Government in the National Infrastructure Strategy.
- 11.8 Natural England notes that the National Policy Statement for Renewable Energy Infrastructure (EN-3) is currently undergoing a review. Nevertheless, the [published draft](#) includes a section on the impacts on landscape, visual and residential amenity, which may help inform the assessment.

12 Connecting People with nature

- 12.1 The ES should consider potential impacts on access land, common land and public rights of way in the vicinity of the development, in line with NPPF paragraph 100 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.
- 12.2 Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate
- 12.3 Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

13 Soils and Agricultural Land Quality

- 13.1 Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line paragraphs 5.168, 5.167 and 5.179 of the NPS for National Networks. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).
- 13.2 The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):
- 13.3 The degree to which soils would be disturbed or damaged as part of the development

- 13.4 The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.
- 13.5 Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space). Natural England notes that the EIA Scoping Report states that detailed ALC and soil surveys are being undertaken.
- 13.6 The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- 13.7 The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.
- 13.8 Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and](#) The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).



Northumberland County Council

Emily Park
The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Planning Ref: 22/04030/CNA
Your Ref:
Contact: Mr Richard Laughton



Dear Sir/Madam,

TOWN & COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Proposal Reference: EN010139 Consultation re proposed Byers Gill Solar Farm - deadline for consultation responses is 24 November 2022, and is a statutory requirement that cannot be extended.

Location Byers Gill Solar Farm

Applicant Emily Park The Planning Inspectorate

I would confirm that Development Management have **No Objection** to the above consultation.

Yours Faithfully

Mr Richard Laughton
Planning Officer

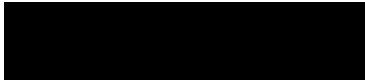


Redcar & Cleveland Borough Council

Corporate Directorate of Growth, Enterprise and Environment
Redcar and Cleveland House
Kirkleatham Street
Redcar
TS10 1RT


www.redcar-cleveland.gov.uk

Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Our Ref: R/2022/0866/DCO
Your Ref: EN010139
Contact: Adrian Miller


Date: 17 11 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

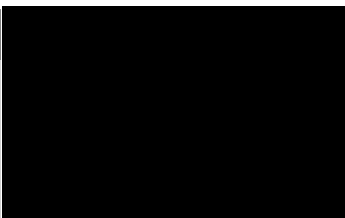
Application by JBM Solar (the Applicant) for an Order granting Development Consent for Byers Gill Solar Farm (the Proposed Development)

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

I refer to your letter dated 27 October 2022 in respect of the above.

I can confirm that this Council has reviewed the relevant submitted documents and have no comments to make at this stage.

Yours sincerely



Adrian Miller BA (Hons) Dip TP MRTPI
Head of Planning and Development

From: [Redmarshall Parish](#)
To: [Byers Gill Solar](#)
Subject: Fwd: Scoping Report Consultation response
Date: 23 November 2022 16:32:59

Hello

I can confirm that Redmarshall Parish Council have no comments to make about the information that should be provided in the Environmental Statement for the Byers Gill Solar proposals.

Kind regards
Gwynn Dunn
Parish Clerk
Redmarshall Parish Council

From: [Stillington Parish](#)
To: [Byers Gill Solar](#)
Subject: Scoping Report Consultation response
Date: 22 November 2022 12:19:59

Hello

I can confirm that Stillington and Whitton Parish Council have no comments to make about the information that should be provided in the Environmental Statement for the Byers Gill Solar proposals.

Kind regards
Gwynn Dunn
Parish Clerk
Stillington and Whitton Parish Council

From: [Elaine Atkinson](#)
To: [Byers Gill Solar](#)
Cc: [Planning Administration](#)
Subject: EN010139 22/2289/NSIP
Date: 23 November 2022 17:47:41
Attachments: [image873966.png](#)
[image786600.png](#)
[image255428.png](#)
[image734785.png](#)

**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)**

I can confirm that SBC has no comments to make on the Scoping request as submitted.

Kind Regards
Elaine Atkinson
Principal Planning Officer
Planning Development Services

Elaine Atkinson
Principal Planning Officer
Stockton-on-Tees Borough Council



Stockton-on-Tees
BOROUGH COUNCIL

Follow us on Social Media



Any opinions or statements expressed in this e mail are those of the individual and not necessarily those of Stockton-on-Tees Borough Council.

This e mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone and notify the sender at the above address.

Stockton-on-Tees Borough Council's computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes.

Although we have endeavoured to ensure that this e mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.



UK Health
Security
Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: EN010139
Our Ref: CIRIS60492

Ms Emily Park
Senior EIA Advisor
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

24th November 2022

Dear Ms Park,

**Nationally Significant Infrastructure Project
JBM Solar Byers Gill Solar Farm
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

Environmental Public Health

In terms of the level of detail to be included in an Environmental Statement (ES), we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document

*Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

We note that the applicant has scoped out major accidents. In the event of a fire a mixture of substances would be released into the environment which could impact on health. Given the proximity of the development to residential properties it would be useful to give some consideration to what products of combustions could be released from the site infrastructure during a major fire and any other potential emissions from the battery storage units and how these accidents could affect people's health.

Recommendation

We recommend that accidents and fires which could cause an uncontrolled release to the environment should be considered in the ES.

Human Health and Wellbeing - OHID

This section of OHID's response, identifies the wider determinants of health and wellbeing we expect the ES to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted scoping report OHID wish to make the following specific comments and recommendations:

Population and Human health assessment

It is noted that population and human health will be considered within existing chapters and not form a separate chapter within the ES. Given the current knowledge of the scheme and potential impacts this appears to be a proportionate approach. This should be kept under review as more information becomes available and a separate population and human health chapter may be justified as the assessments develop.

1

<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>

Traffic and Transport is proposed to be scoped out on the basis that traffic flows will be below the 10% change in accordance with the IEMA GEART rules. The assessed traffic volumes during construction identifies a worst case scenario of 72 HGVs per day, but this does not include construction worker vehicular access. It should be noted that the existing construction vehicle routes via local villages such as Bishopton may include sensitive locations (Bishopton Redmarshall Primary School). The scoping report proposes a Construction Transport Management Plan (CTMP) will provide suitable mitigation.

Recommendations

Traffic volume data, routes and proposed mitigation must include construction worker transport requirements.

The CTMP must include the identification of sensitive location and any specific proposed mitigation, such as avoiding school opening and closing hours.

Yours sincerely,

On behalf of UK Health Security Agency
nsipconsultations@ukhsa.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.