

22 February 2024

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# SUMMARY OF FINDINGS.

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## DCO CONSULTATION DOCUMENT

Byers Gill Solar

EN010139

5.1 Consultation Report

February 2024

Rev C01

### Table of Findings

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 8 of 68. Item 2.4.2	The website has been updated throughout the development of the proposals and design of the Proposed Development and has included updates in relation to the launch of the Proposed Development, Co:design (see section 2.7 and section 2.8 of this Report), and statutory consultation.	Some of the documents are difficult to navigate. For example the updated Environmental Master plan 2.5 issued January 2024 , when you scroll down to the panel areas drawings with the changes, it locks up and freezes so unable to view information.
Page 9 of 68. Item 2.7.1	Co:design is a collaborative and participatory process that involves hosting workshops wherein community representatives and key stakeholders actively participate to contribute to the development of plans. Through the workshops, the primary objectives are to gain insights pertaining to the local area, emphasising existing constraints that the Applicant should take into consideration in their early-stage design and assessments. The Co:design process aims to establish the preferences of stakeholders for the Proposed Development, thereby integrating their perspectives into the design process from the very beginning.	It did not feel like a collaborative process. Although members of the community expressed concerns, raised questions about the design , JBM / RWE team did not take and notes of the points raised or address the concerns at the meeting at held at Great Stainton
Page 13 of 68 Item. 2.8.3	Following the Co:design workshops, the Applicant remained committed to engaging with stakeholders, considering their feedback when developing the proposals and answering queries. This included remaining in open dialogue with local interest groups, residents, and landowners.	There are many examples of questions sent to JBM that were not answered , not responded to in a timely fashion . So believe that it is not wholly accurate to state that they remained “committed” to engaging with stakeholders

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 25 of 68 Item 5.1.1	This Chapter (Chapter 5) outlines the requirements of the Act with regards to statutory consultation and provides a summary of the activities undertaken by the Applicant to ensure compliance with the requirements of the Act, and the commitments made within the published SoCC.	Statements made regarding commitments are incorrect, none met as the timeline shown is not a true representation of events.
Page 25 of 68 Item 5.2.1	Running from 5 May 2024, the aim of the statutory pre-application consultation was to ensure that the community, stakeholders and other persons with an interest in the land, and technical consultees had the opportunity to understand and influence the details of the Proposed Development. The Applicant presented the Proposed Development, including how it was informed by environmental assessments and engagement to date.	Wildly inaccurate summary of events Parish Council not welcomed to attend only Parish Clerk All parties with vested land interest attended and 2 No parish councillors attended uninvited to try to discover what was happening.
Page 25 of 68 Item 5.2.2	The Applicant sought feedback on all aspects of the Proposed Development, including the principle of solar development and renewable energy, the proposed cable routes, and the landscape and environmental design.	All feedback was provided by Landowners only, therefore, comments are inaccurate and merely an attempt to convince Inspector that RWE/JBM have met with requirements listed as Statutory Consultation. Residents and locals who should have been involved were not invited.

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 25 of 68 Table 5-1	<p>Consultation leaflet posted to the local community</p> <p>Press release announcing the consultation issued to local media</p>	<p>Incorrect did not happen was not received. By residents/local population</p> <p>Only beneficial if you read the Northern Echo, majority of population do not. When asked to report on this paper declined to become involved. Suspicious.</p>
Page 27 of 68 Item 5.3.5 Bullet point 3	<ul style="list-style-type: none"> <li>A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled to make a relevant claim: as a result of the implementation of the order; as a result of the order having been implemented; or, as a result of the use of the land once the order has been implemented</li> </ul>	Due diligence with residents/ homeowners not carried out in accordance with the statutory consultation regulations.
Page 27 of 68 Item 5.3.7	All section 42(1)(d) consultees are referred to as Persons with an Interest in the Land (PILs).	Not all interested parties consulted. Those who were consulted are not listed
Page 30 of 68 Item 5.4.16	Under Section 42(1)(d), the Applicant must consult each person who is within one or more categories set out in section 44. This includes any owner, lessee, tenant or occupier, any person interested in the land who has power to sell, convey or release the land and any person entitled to make a relevant claim (as defined by section 44(6)).	S Melaney had to notify Michael Baker regarding covenants on adjacent land of which he was not aware, RWE/JBM Team had not done their job properly

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 31 of 68 Item 5.4.21	<p>The Applicant wrote to statutory consultees on 5 May 2023 by letter and email to notify them of the consultation and invite responses concerning the Proposed Development under section 42(1). Letters were sent by Royal Mail 1st Class post, and set out the background to the Proposed Development, the Applicant's intention to submit a DCO application and details of how to respond to the statutory consultation.</p>	<p>Not all residents received the above, huge gaps in Consultation activity, Village Hall is the only venue available locally and booking records show RWE/JBM only booked it twice, once for Stakeholder meeting and once to attempt to muster support which sadly failed. S Melaney is Booking Clerk for the hall and uses Hallmaster software to administer booking requests. Records available.</p>

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 34 of 68. Item 5.4.45	The feedback questionnaire was available on the project website and in hard copy, and included details of a freepost return address where hard copies could be sent to the project team. The online version of the feedback questionnaire enabled those who responded to the consultation to complete and submit the questionnaire virtually.	<p>Comment is incorrect, only 24 brochures provided and 150 delivered 12 miles away in Norton Library.</p> <p>When Bishopton Villages Action Group became aware of this and made the trip to Norton Library, we could only find 10? Copies left. RWE/ JBM were sent a request for more.</p> <p>The villages requirement was approx. 400 copies based on 1 per household for the brochure. Only 15 questionnaires were provided and the Action group copied them and issued every household with a copy for each person over 18 years of age. Another example of RWE/JBM failure to consult with residents.</p> <p>Hard copies of the feedback questionnaire were not made readily available in sufficient quantities.</p>

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 35 of 68 Item 5.4.48	A printed copy of the PEIR was made available at Norton Library and the in-person consultation events for members of the public to view. It was also made available to view and download on the project website. Those with an interest in the Proposed Development were able to request a hard copy of the PEIR, subject to printing costs.	Print costs were noted at 25p per page by RWE/JBM ,a sum that was effectively out of most villagers cost range making it unaffordable to most. Additionally if RWE/JBM had done a demographic survey of the area being destroyed under their planned development they would clearly see that the age groups in the village also limit the internet access ability.
Page 35 of 68. Item 5.4.52	A number of technical documents were provided on the Proposed Development's website, at the deposit location and during the in-person consultation events.	The maps were not easy to scale or reference landmarks, or direction (north / south) so it was hard to understand the panel areas. Similarly in areas marked as panel areas there would be a legend for battery storage / inverters but no detail as to the specific location or number of shipping containers planned for that area.

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 35 of 68. Item 5.4.53	This included the Landscape Concept Masterplan, providing a visual way of seeing where the panel areas and the biodiversity enhancements would be placed, amongst other elements of the Proposed Development. A number of photomontage documents were also available throughout the consultation, comparing the chosen existing views with year 1 and year 15 of the Proposed Development's lifetime.	Failed to provide sufficient detail to allow a proper response from the residents, none of the above were acceptable as they were computer generated best guess documents that did not provide residents with any comfort. It should be noted that any planting will on average take 15 years to reach a height where it will begin to hide the ugliness of the solar panels. Therefore, the computer views are what they are, inaccurate, intentionally difficult to read and unrealistic description of planned works.
Page 35 of 68. Item 5.4.56	The consultation documents were available to view at the consultation events, and at a deposit location; Norton Library. The opening times are presented in Table 5-2 below.	The consultation documents should have been made available at other locations which are more accessible / frequented by the community such as Stillington Surgery, Carlton Post office, local pubs etc..



<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 36 of 68 Item 5.4.59	A mix of in-person and virtual events were held as part of the statutory consultation, enabling consultees an opportunity to view information about the Proposed Development and speak to a member of the project team.	Only 2 of these in person consultation events took place for Bishopton Stakeholder and residents on ?? June 2023), RWE/JBM resorted to separate meetings with other villages following the filed first meeting for the whole Action group in Bishopton Village Hall. RWE/JBM refused to meet with the full action group following the first meeting and despite continued emails requesting further meetings RWE/JBM refused to do so. Eventually they agreed to separate meetings with Bishopton and Great Stainton councils which took place on the 13 <sup>th</sup> and 14 <sup>th</sup> of December respectively.
Page 36 of 68. Item 5.4.61	These sessions gave residents, landowners, elected officials, and other key stakeholders additional opportunities to find out more about the Applicant's plans and give their views on them, as well as to meet the Project team and ask any questions they may have	We attended the event at Bishopton but the JBM team were not able to or did not want to answer my questions

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 37 of 68 Item 5.4.66	In addition to the in-person events, three virtual events were held during the consultation period, providing an opportunity for those who were unable to attend an in-person event the opportunity to view the consultation documents and speak to a member of the project team. This enabled the Applicant to reach people with limited mobility and those outside of the PCZ. One webinar was held at the start of the consultation and one at the end to provide any initial and final information on the Proposed Development to help inform any consultation responses	Statement is incorrect, Tie planning of virtual events in an area where the residents travel to work, and setting a times between 6 and 7 pm would conflict with people travelling home. The timing of meetings was deliberately set to make attendance very difficult. This attitude has been prevalent throughout RWE/JBM management of meetings and consultations programming.
Page 37 of 68 Item 5.4.67	In addition to allowing the local community and other key stakeholders to learn more about the Project, the webinars sought to gather informal feedback from participants. Accordingly, during these sessions, the project team encouraged them to give their views on and ask questions about the proposals via the platform's 'chat' box, or the feedback questionnaire, which was available on the project website.	Questions asked in webinars were not answered directly and comments were received 14/18 days later and the RWE/JBM answers did not meet the requirements of the questions, in fact, they did not give an answer the questioner required
Page 39 of 68 Item 5.4.79	For disabled people and those with learning disabilities, similar accessibility measures were taken, with information presented in various formats and an option to enlarge text on the project website. Telephone call-backs were provided, and face-to-face events at three PCZ locations were organized with team assistance for feedback completion.	This is an error RWE /JBM did not provide this on the ground.

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 40 of 68. Item 5.4.68	<p>Three webinars were conducted for the public, one at the start and one at the end of the consultation. Participants could register on the project website or via email.</p> <p>Webinars covered initial and final information on the Proposed Development to inform consultation responses.</p>	<p>The webinar that I participated in my question was posted in good time but not answered. I felt that JBM had selected question that they wanted to answer rather than questions that were being put them.</p> <p>The timing of meetings was deliberately set to make attendance very difficult. This attitude has been prevalent throughout RWE/JBM management of meetings and consultations programming.</p>
Page 40 of 68. Item 5.4.87	<p>Hard copies of consultation materials were available at deposit points near the Proposed Development and Norton Library. Weekly checks were conducted to ensure materials remained available. Booklets and questionnaires were also kept at event venues within the PCZ for community groups.</p>	<p>There was not sufficient quantities at the venues.</p>
Pages 46 & 47. Items 6.2.14 to 6.2.16	<p>Multiple items see original document.</p>	<p>One of the biggest issues that we raised was the cumulative impact of Byers Gill with respect to the other solar farms planned in the area Sadberge, Brafferton, Gateley Moor etc...</p> <p>The document also includes error references source not found what is being hidden?</p>

DOCUMENT REFERENCE	Statement Made	FINDING
Page 52 of 68. Item 6.4.17	<p>In response to these concerns and following further engagement with the County Durham and Darlington Fire and Rescue Service, the BESS have now been relocated so that they are positioned further away from residential properties. An additional change is that no more than 2 battery containers will now be side-by-side at any point across</p>	<p>The other concerns raised about battery fires was land / water course contamination from toxic run off when extinguishing fires and impact to health from gases produced in a battery fires. No reference made to the NFCC guidance document detailing the required mitigations for BESS fires</p>
Page 54 of 68. Item 6.4.28	<p>It is acknowledged that some concerns were raised with regards to the fact that a small percentage of the Proposed Development is to be put on Grade 3a or above agricultural land. ES Appendix 9.1 Agricultural Land Classifications (ALC) and Soil Resources (Document Reference 9.1) provides a summary of the ALC for each parcel of land which is to be used by the Proposed Development and confirms that only 6.1% of the total site area includes land which is considered Best and Most Versatile (BMV).</p>	<p>We believe that the level of grade 3 or above is substantially higher than stated. There is insufficient evidence to support the claim of 6.1% BMV land</p>

<b>DOCUMENT REFERENCE</b>	<b>Statement Made</b>	<b>FINDING</b>
Page 62 of 68. Item 8.3.9	Whilst in attendance at Stockton Market, an error in the printed address on the event leaflets was highlighted directing attendees to the Flea Market, rather than Stockton Market, leading to confusion among attendees. Upon discovery of this discrepancy, immediate corrective measures were taken. Market stall owners, who had initially set up at the incorrect location, were promptly informed of the error, and appropriate steps were taken to redirect them to the accurate venue.	The advertised time was also incorrect the JBM team were not there until 16:30 having left at approx 14:00. This was verified by a number of residents who arrived shortly after 14:00
Page 63 of 68. Item 8.3.10 15th Bullet point	Concerns about the cumulative impact of the proposed development with other local proposals.	This does not clarify the fact that we meant all of the multiple other solar farms in close and visual proximity to some of the Byers Gill sites
Page 63 of 68. Item 8.4.3	The survey revealed there were diverse views regarding the proposals in the local community. Overall, 83 residents (58%) across the entire survey area can be classified as supportive or neutral towards the proposed solar farm. 60 residents (42%) were opposed to the plans.	Direct contradiction with their own figures on item 6.2.15 page 46 of 68 states that 84% did not support Byers Gill development. Our own door to door survey confirms this number is much higher in the region of 99% do not support the development.
Page 68 of 68. Item 10.1.3	Additionally, this Report details how the Applicant carried out early and continuous meaningful engagement with stakeholders, and how the feedback received throughout the pre-application process has been taken into account when developing the design of the Proposed Development.	The report may detail how the applicant carried out early, continuous and meaningful engagement the reality was some what different.

